



Oath or Affirmation Requirement (Education Code §44334)

“Except as provided in this code, no certification document shall be granted to any person unless and until he has subscribed to the following oath or affirmation: ‘I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California.’ The oath or affirmation shall be subscribed and certified or declared, pursuant to [Section 2015.5 of the Code of Civil Procedure](#), and shall be filed with the commission. Any certificated person who is a citizen or subject of any country other than the United States, and who is employed in any capacity in any of the public schools of the state shall, before entering upon the discharge of his duties, subscribe to an oath to support the institutions and policies of the United States during the period of his sojourn within the state. Upon the violation of any of the terms of the oath or affirmation, the commission shall suspend or revoke the credential which has been issued.”

Present Mailing Address Notification Requirement (California Code of Regulations §80412)

- “(a) Every person applying for, holding, or to whom is issued, a credential, shall file with the Commission his or her present mailing address and shall notify the Commission in writing of any change therein.
- (b) Such filing of address and notice of change therein shall be made in writing and delivered, or forwarded by mail, postage prepaid, to the office of the Commission on Teacher Credentialing.”

Child Abuse and Neglect Reporting Requirement (Penal Code §11165.7, §11165.9, and §11166)

Mandated reporters include teachers, aides, administrators, employees of child care institutions, and many other classifications as described in §11165.7. A mandated reporter is required to make a report to an agency specified in §11165.9 (i.e. police department, sheriff’s department) whenever the reporter, in his or her professional capacity or within the scope of employment, has reasonable suspicion of child abuse or neglect. The reporter must make the initial report immediately by telephone and must send a written follow-up report within 36 hours of receiving the information concerning the incident.

Prohibition on Certificated Persons Engaging in Certain Activities (California Code of Regulations §§80332-80338)

Professional Candor and Honesty in Letters or Memoranda of Employment Recommendation
(§80332)

- “(a) A certificated person shall not write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true relating to the professional qualifications or personal fitness

to perform certificated services of any person whom the writer knows will use the letter or memorandum to obtain professional employment nor shall he/she agree to provide a positive letter of recommendation which misrepresents facts as a condition of resignation or for withdrawing action against the employing agency.

- (b) This rule has no application to statements identified in the letter or memorandum as personal opinions of the writer but does apply to unqualified statements as fact that which the writer does not know to be true or to statements as fact that which the writer knows to be untrue.”

Withdrawal from Professional Employment (§80333)

“(a) A certificated person shall not abandon professional employment without good cause.

- (b) "Good cause" includes but is not necessarily limited to circumstances not caused by or under the voluntary control of the certificated person.”

Unauthorized Private Gain or Advantage (§80334)

“A certificated person shall not:

- (a) Use for his/her own private gain or advantage or to prejudice the rights or benefits of another person any confidential information relating to students or fellow professionals;
- (b) Use for his/her own private gain or advantage the time, facilities, equipment, or supplies which is the property of his/her employer without the express or clearly implied permission of his/her employer;
- (c) Accept any compensation or benefit or thing of value other than his/her regular compensation for the performance of any service which he/she is required to render in the course and scope of his/her certificated employment. This rule shall not restrict performance of any overtime or supplemental services at the request of the school employer; nor shall it apply to or restrict the acceptance of gifts or tokens of minimal value offered and accepted openly from students, parents or other persons in recognition or appreciation of service.”

Performance of Unauthorized Professional Services (§80335)

“A certificated person shall not, after July 1, 1989:

- (a) Knowingly, accept an assignment to perform professional services if he or she does not possess a credential authorizing the service to be performed; unless he or she has first exhausted any existing local remedies to correct the situation, has then notified the county superintendent of schools in writing of the incorrect assignment, and the county superintendent of schools has made a determination, within 45 days of receipt of the notification, that the assignment was caused by extraordinary circumstances which make correction impossible, pursuant to the procedures referred to in [Education Code Section 44258.9\(g\)\(2\)](#) and (3).
- (b) Knowingly and willfully assign or require a subordinate certificated person to perform any professional service which the subordinate is not authorized to perform by his or her credential or which is not approved by appropriate governing board authorization, unless he or she has made reasonable attempts to correct the situation but has been unsuccessful, and has notified the county superintendent of schools of those attempts, and the county superintendent of schools has determined, within 45 days of being notified of the assignment, that the assignment was caused by extraordinary circumstances which make correction impossible.
- (c) Neither (a) nor (b) shall be applicable in a situation where extraordinary circumstances make the correction of the misassignment impossible.

- (d) There shall be no adverse action taken against a certificated person under this rule for actions attributable to circumstances beyond his or her control.
- (e) Effective October 20, 1993, no adverse action described in Title 5, California Code of Regulations, section 80331(a) shall be imposed for violation of this provision prior to review and attempted disposition pursuant to Title 5, California Code of Regulations, sections 80339 through 80339.6.”

Performance with Impaired Faculties (§80336)

“(a) A certificated person shall not:

- (1) Perform or attempt to perform any duties or services authorized by his or her credential during any period in which he or she knows or is in possession of facts showing that his or her mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.
- 2) Assign or require or permit a subordinate certificated person to perform any duties authorized by his or her credential during any period in which the superior certificated person knows of his or her own knowledge or is in possession of facts showing that the subordinate certificated person's mental or intellectual faculties are substantially impaired for any reason, including but not limited to use of alcohol or any controlled substance.

(b) For the purpose of this rule, substantial impairment means a visible inability to perform the usual and customary duties of the position in a manner that does not represent a danger to pupils, employees, or school property. It does not include or mean inability attributable to lack of, or inadequate, professional preparation or education.”

Harassment and Retaliation Prohibited (§80337)

“No certificated person shall directly or indirectly use or threaten to use any official authority or influence in any manner whatsoever which tends to discourage, restrain, interfere with, coerce, or discriminate against any subordinate or any certificated person who in good faith reports, discloses, divulges, or otherwise brings to the attention of the governing board of a school district, the Commission on Teacher Credentialing or any other public agency authorized to take remedial action, any facts or information relative to actual or suspected violation of any law regulating the duties of persons serving in the public school system, including but not limited to these rules of professional conduct.”

Discrimination Prohibited (§80338)

“A certificated person shall not, without good cause, in the course and scope of his or her certificated employment and solely because of race, color, creed, gender, national origin, handicapping condition or sexual orientation, refuse or fail to perform certificated services for any person.”