
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No:	SB 1383	Hearing Date:	April 18, 2018
Author:	Fuller		
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Urgency:	No	Fiscal:	Yes
Consultant:	Ian Johnson		

Subject: Teacher credentialing: Committee of Credentials: membership.

SUMMARY

This bill expands the Committee of Credentials (Committee) from seven to nine members and allows the Commission on Teacher Credentialing (CTC) to establish lists of alternate members to accommodate vacancies or absences.

BACKGROUND

Existing law establishes the Committee, which consists of seven members appointed by the CTC. The Committee's membership consists of the following:

- 1) One certified public elementary school teacher with at least five years of classroom experience.
- 2) One certified public secondary school teacher with at least five years of classroom experience.
- 3) One certified public school administrator.
- 4) One school board member who has not served in a certificated position in a public school in the preceding five years.
- 5) Three public representatives, none of whom can be an individual who has served in a certificated position in the preceding five years.

The Committee is responsible for initiating all investigations into allegations of misconduct by credential holders and applicants, reviewing evidence, and recommending disciplinary actions to the CTC.

ANALYSIS

This bill expands the Committee from seven to nine members and allows the CTC to establish lists of alternate members to accommodate vacancies or absences. Specifically, this bill:

- 1) Increases the number of members on the Committee from seven to nine.
- 2) Requires one of the new members to be a certified classroom teacher in any public school.

- 3) Changes the requirements for the school board member by: (1) allowing the member to serve the remainder of the term if his or her tenure on the school board ends while serving on the Committee, and (2) reducing the prohibition from being employed in a certificated position within the preceding five years to a prohibition from currently being employed in a certificated position.
- 4) Increases the number of public representative members from three to four, and changes the prohibition from being employed in a certificated position or being a school board member within the preceding five years to a prohibition from currently being employed in a certificated position or currently being a school board member.
- 5) Allows the Commission on Teacher Credentialing (CTC) to establish an alternate list of individuals qualified to serve on the Committee of Credentials for the purpose of filling unanticipated vacancies.
- 6) Allows the CTC to deem a member position vacant if the member misses four regularly scheduled meetings in a calendar year.
- 7) Allows the CTC to establish a substitute list of individuals qualified to serve on the Committee of Credentials who have at least 12 months of prior experience on the committee.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “In response to a 2011 State Auditor’s report, the Commission has worked to eliminate any unnecessary delays in the investigation and resolutions of disciplinary cases. As part of this effort, the workload of the Committee of Credentials has increased dramatically. In fiscal year 2010-11, 650 total cases went to initial review before the Committee, and 533 resulted in formal review. By 2016-17, those numbers increased to 1,086 and 782, respectively.”

“As the workload has increased, each Committee member has been assigned more cases for presentation. This workload has become increasingly difficult to manage in the time allotted to members, and any absences or vacancies only increase the workload, since the same number of cases must be divided among fewer members.”

“SB 1383 seeks to help the Commission on Teacher Credentialing’s Committee of Credentials to effectively manage its increasing workload and eliminate unnecessary delays in the investigation and resolution of disciplinary cases.”
- 2) ***State Auditor’s report.*** The California State Auditor, in the summary of its 2011 report, “Commission on Teacher Credentialing: Despite Delays in Discipline of Teacher Misconduct, the Division of Professional Practices Has Not Developed an Adequate Strategy or Implemented Processes That Will Safeguard Against Future Backlogs” included the following:

“...as of the summer of 2009, the division had accumulated a backlog of about 12,600 unprocessed reports of arrest and prosecution (RAPs, commonly known as RAP sheets), which it receives from the Department of Justice.”

“According to the manager, the backlog of unprocessed RAP sheets grew as a result of several factors, including vacancies due to employee turnover, the time needed to train replacement workers, furlough days for workers due to the State’s budget deficits, ineffective and inefficient processes, and the lack of an information system capable of effectively tracking the division’s workload.”

“To adequately address the weaknesses in its processing of reports of misconduct, the division should revisit its management reports and its processes for overseeing the investigations of misconduct to ensure that the reports and practices provide adequate information to facilitate the following:

- Reduction of the time elapsed to perform critical steps in the review process.
- Adequate tracking of the reviews of reports of misconduct that may require mandatory action by the commission to ensure the timely revocation of the credentials for all individuals whose misconduct renders them unfit for the duties authorized by their credential.
- Prompt requests for information surrounding reports of misconduct from law enforcement agencies, the courts, schools, and knowledgeable individuals.
- An understanding of the reasons for delays in investigating individual reports of misconduct without having to review the paper files for the cases.”

“The commission agrees with most of our recommendations and emphasizes that it takes its role of enforcing professional discipline very seriously while balancing the safety of California school children and the due process rights of educators.”

- 3) ***Educator Discipline Process.*** Existing law establishes a multi-step discipline process to address allegations of teacher misconduct with the goals of student safety, safeguarding the teaching profession, and protecting due process for credential holders. Local educational agencies are the employers of teachers, and serve as the first line of defense for student safety by administering disciplinary actions including, but not limited to, placing teachers on administrative leave. At the state level, the Commission on Teacher Credentialing (CTC) is the licensing agency that awards, and takes action against, teacher credentials. Within the CTC, the Committee of Credentials is statutorily charged with evaluating the moral character and fitness of all certificated personnel. The Committee on Credentials reviews allegations of misconduct against credential holders and applicants and recommends an

appropriate adverse action, when necessary, to the Commission on Teacher Credentialing (CTC).

The CTC is informed of possible educator misconduct in the following ways: (1) reports from law enforcement or other licensing agencies, (2) an affidavit signed by someone with knowledge of the alleged misconduct, (3) notification from a local educational agency, or (4) when an applicant responds negatively to a professional fitness question or fails to disclose information. Of these possible notification avenues, reports from law enforcement or other licensing agencies account for over 90 percent of misconduct reports.

- 4) ***What disciplinary authority does the Commission have?*** The CTC's discipline process includes initial and formal jurisdiction. Upon being informed of possible educator misconduct, the CTC is given initial jurisdiction to investigate allegations against a credential applicant or holder. The Committee on Credentials (Committee) must be given formal jurisdiction to conduct a formal review and recommend possible discipline. For formal jurisdiction, the Committee generally must have evidence of a conviction—not just evidence that an arrest has been made.

Statute also prescribes instances of mandatory credential denial, revocation, and suspension. The CTC is prohibited from issuing any credential to, and is required to revoke a credential from, a person who is convicted of a sex or narcotics offense, other specified crimes, found to be insane by a federal or state court, or determined to be a mentally disordered sex offender. Mandatory credential suspensions are administered when a credential holder is charged with a sex crime or a narcotics crime involving a minor, or pleads "no contest" to certain misdemeanors.

The Committee reviews possible misconduct cases not requiring mandatory revocation or denial of a credential. In its review, the Committee considers the nature and severity of the offense, the act as it relates to children and teaching, how recently the act occurred, and any evidence of rehabilitation. For credential holders, the Committee can recommend to close the case, private admonition, public reproof, suspension, or revocation. Cases for credential applicants are either granted or denied. Upon the Committee making a recommendation, the credential holder or applicant can accept the recommendation, request reconsideration, or request an appeal hearing.

- 5) ***Arguments in support.*** The CTC states that the Committee's workload has increased dramatically, requiring each member to prepare a greater number of cases in the same amount of time, and that maintaining a quorum with seven members can be challenging. Further, even though the Commission can appoint alternate members, the alternates can only advance to a seat if there is a vacancy—the alternates cannot act as short-term substitutes. Lastly, volunteers to fill the school board and public representative positions are difficult to find and retain given the five-year prohibition on the individuals serving in certified teacher or school board positions.

- 6) ***Oppose unless amended.*** The California Teachers Association (CTA) has taken an oppose unless amended position on this bill, arguing that merely expanding the number of Committee members does not address the root cause significantly increasing the Committee's workload, including teacher dismissals based upon allegations which, upon investigation, do not warrant review at the state level and district over reporting. Further, CTA believes that the Committee should be composed of a majority of credential holders who are currently working in a public school classroom setting.

It should be noted that district reporting of teacher misconduct represents less than five percent of the reports made to the Commission on Teacher Credentialing each year. Also, this bill would increase the proportion of current teachers on the Committee from 2/7 to 3/9. Further, the bill would no longer require the public representatives to be removed from a certificated position for five years—meaning this bill would make it possible for the Committee to be comprised of up of three current teachers and four public representatives that were teachers as recently as the previous year.

SUPPORT

Commission on Teacher Credentialing (sponsor)

OPPOSITION

None received

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