

Senate Bill No. 299

Passed the Senate September 6, 2001

Secretary of the Senate

Passed the Assembly August 31, 2001

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Sections 44002, 44010, 44225.6, 44227, 44230, 44242.5, 44242.7, 44243, 44244, 44244.1, 44245, 44274.2, 44275.3, 44275.4, 44305, 44322, 44341, 44346.1, 44393, 44420, 44421.1, 44421.5, 44423, 44439, 44440, 44452, 44453, 44454, and 44456 of, and to add Sections 44000.5 and 44399 to, and to repeal Sections 44226, 44227.2, 44227.3, 44239.5, 44252.6, 44255.5, and 44285 of, the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

SB 299, Scott. Teacher credentialing.

(1) Existing law requires that each allegation of an act or omission by an applicant for, or holder of, a credential for which he or she may be privately admonished, publicly reprovved, or for which his or her application or credential may be denied, suspended, or revoked be presented to the Committee of Credentials. Existing law defines “credential” to mean a document issued by the State Board of Education or the Commission for Teacher Preparation and Licensing, authorizing a person to engage in the service specified by the credential.

This bill would instead require that each allegation of an act or omission by an applicant for, or holder of, a credential for which he or she may be subject to an adverse action be presented to the Committee of Credentials, and would define “adverse action” to include all of the circumstances in existing law that currently require presentation to the Committee of Credentials. The bill would delete the existing definition of “credential” and would instead define it to include a credential, certificate, life document, life diploma, permit, certificate of clearance, or waiver issued by the commission.

(2) Existing law defines the term “sex offense” as used in provisions relating to school employees, in part, by referring to Penal Code provisions of law and includes in that definition any offense committed or attempted in any other state which if committed or attempted in this state would have been punishable as one of the offenses referred to in the Penal Code provisions.



This bill would include in the definition of “sex offense” any offense against the laws of the United States which if committed or attempted in this state would have been punishable as one of the offenses referred to in the cited Penal Code provisions.

(3) Existing law requires the Commission on Teacher Credentialing to report, by January 10 of each year, to the Legislature and the Governor on the number of classroom teachers who received credentials, internships, and emergency permits in the previous fiscal year.

This bill would require the report to be made by April 15 of each year.

(4) Existing law requires the Commission on Teacher Credentialing to conduct a study of teacher preparation programs to assess the extent to which those programs prepare candidates for teaching credentials to teach critical thinking and problem solving skills and to make a written report, based on the results of the study, on or before November 1, 1995.

This bill would repeal these provisions.

(5) Existing law authorizes the commission to approve for credit any coursework completed for credential purposes or for step increases in programs offered in California by out-of-state institutions of higher education that meet prescribed requirements only if the program of courses is offered by a regionally accredited institution and evidence of satisfactory evaluation by both that accrediting body and the Western Association of Schools and Colleges is submitted by the out-of-state institution.

This bill would delete the requirement that the Western Association of Schools and Colleges submit evidence of satisfactory evaluation.

(6) Existing law requires the commission to complete a program approval process concerning bilingual education training programs offered by private postsecondary educational institutions within a prescribed timeframe and provides for an appeal process when approval is denied. Provisions of law authorizing the program approval process were repealed.

This bill would repeal provisions regarding the time within which the program approval process was to have been completed and the provisions regarding the appeal process.

(7) Existing law requires the Commission on Teacher Credentialing to maintain for public record certain enumerated



information and authorizes the commission to disclose that information.

This bill would, notwithstanding any other provision of law, prohibit the disclosure by the commission of information other than the information maintained for public record absent an order from a court of competent jurisdiction.

(8) Existing law requires the commission to continue to administer all regulations that were in effect on December 31, 1988, until the commission amends or repeals those regulations to implement the provisions of this chapter.

This bill would repeal this provision.

(9) Existing law gives jurisdiction to the Committee on Credentials to commence an investigation under specified circumstances, including, but not limited to, notice from the employer of a credential holder that the credential holder has been suspended for more than 10 days or has otherwise left employment because of the allegation of misconduct.

This bill would instead authorize the committee to commence an initial review, as specified, and would authorize the commission to seek information, excluding personnel records, to determine whether jurisdiction exists to conduct the initial review.

The bill would require that the employer provide notice to the commission not later than 30 days after suspension for more than 10 days, placement on unpaid administrative leave for more than 10 days, or other departure of the employee, as specified, thereby imposing a state-mandated local program. The bill would authorize the committee to conduct an initial review upon the receipt of an affirmative response as to any conviction, adverse action on, denial of, or pending investigation into criminal or noncriminal conduct, by any governmental licensing agency on any application submitted to the commission.

The bill would require the committee to investigate all alleged misconduct and the circumstances in mitigation and aggravation upon commencement of a formal review. The bill would require that the formal review be held no later than 6 months after the commencement of the initial review.

(10) Existing law continuously appropriates and makes available for expenditure without regard to fiscal year, upon the order of the Superintendent of Public Instruction, funds reimbursed to the State Department of Education by the



Commission on Teacher Credentialing for the purposes of paying costs incurred in the process of adopting the assessment instrument and overseeing the implementation of the provisions relating to basic skills proficiency testing.

This bill would repeal this provision.

(11) Existing law authorizes the holder of a multiple subject teaching credential, or a standard elementary credential, who is employed by the San Diego City Unified School District to be assigned to teach any subject in grades 1 to 6, inclusive, in a departmentalized setting until the Commission on Teacher Credentialing completes a study of teacher assignments in kindergarten and grades 1 to 6, inclusive.

This bill would repeal this provision.

(12) Existing law authorizes a specified language development requirement to be satisfied by the completion of a commission-approved program of study or passage of an appropriate examination or assessment that has been adopted for this purpose by the commission.

This bill would repeal this provision.

(13) Existing law requires the commission to issue a 5-year preliminary multiple subject teaching credential authorizing instruction in a self-contained classroom or a 5-year preliminary single subject teaching credential authorizing instruction in departmentalized classes to any experienced out-of-state prepared teacher who meets certain requirements. Existing law also requires the commission to issue a 5-year preliminary education specialist credential authorizing instruction of special education pupils to an applicant who has not been awarded a specified credential and fulfills certain requirements.

This bill would delete the provisions regarding the issuance of a 5-year preliminary education specialist credential authorizing instruction of special education and would instead require the commission to issue that type of credential to any experienced out-of-state prepared teacher who meets specified requirements.

(14) Existing law requires the commission to issue a 5-year preliminary education specialist credential to a teacher prepared in a state other than California or a country other than the United States who meets certain requirements. Existing law requires that the area of concentration of the special education credential program completed in a state other than California or a country



other than the United States correspond with the areas of concentration for the California credential awarded.

This bill would delete the latter provision and would instead require the commission to determine the area of concentration for the California education specialist credential based on the special education program completed out of the state or country.

(15) Existing law authorizes a preintern teaching certificate to be renewed for an additional year if the holder takes the appropriate subject matter examination.

This bill would also authorize that renewal if the holder is enrolled in a subject matter program.

(16) Existing law authorizes the professional preparation requirements for a teaching credential to be met by certification by the Director of the Peace Corps of the United States if the applicant meets certain conditions.

This bill would authorize the Peace Corps Country Director also to make the certification.

(17) Existing law requires the Commission on Teacher Credentialing to deny an application for the issuance of a credential made by an applicant who has been convicted of a violent or serious felony, as defined, or certain other enumerated crimes, or whose employment has been denied or terminated because of a conviction of a violent or serious felony. Existing law prohibits the denial of a credential solely on the basis that the applicant was convicted of a violent or serious felony if the person has a certificate of rehabilitation and pardon.

This bill would authorize, but not require, the commission to grant a credential to an applicant who was convicted of a violent or serious felony if the person has a certificate of rehabilitation and pardon.

(18) Existing law establishes the California School Paraprofessional Teacher Training Program under which a participating school district or county office of education is required to certify that it has received a commitment from each participating paraprofessional it recruited that he or she will complete one school year of classroom instruction in the district or county office of education for each year that he or she receives assistance for books, fees, and tuition while attending an institution of higher education under the program.



This bill would require a participating school district or county office of education to certify that it has received a commitment from each participating paraprofessional it recruited that he or she will also graduate from an institution of higher education with a bachelor's degree and obtain a multiple, single subject, or education specialist teaching credential.

(19) Existing law establishes the National Board for Professional Teaching Standards Certification Incentive Program for the purpose of providing awards to teachers who are employed by school districts or charter schools, are assigned to teach in California public schools, and have attained certification from the National Board for Professional Teaching Standards.

This bill would require the commission to issue a professional clear credential to the holder of a preliminary multiple or single subject teaching credential who attains certification from the National Board for Professional Teaching Standards.

(20) Existing law requires the Commission for Teacher Preparation and Licensing to suspend the credentials of any person employed by a school district in a position requiring certification qualifications if that person refuses, without good cause, to fulfill a valid contract of employment with the district or leaves the service of such district without the consent of the superintendent, as specified.

This bill would authorize the commission to take an adverse action on the credential holder but not suspend the credential for more than a year or revoke the credential.

(21) Existing law requires that all meetings and hearings to consider the suspension or revocation of credentials be executive and closed sessions.

This bill would require all final actions taken to consider an adverse action or reduction in penalty to be made public, except for private admonitions, as specified.

(22) Existing law sets forth the requirements for admission to internship programs governed by the Teacher Education Internship Act of 1967.

This bill would revise those requirements.

(23) Existing law contains obsolete references to the Commission for Teacher Preparation and Licensing.

This bill would update those references by instead referring to the Commission on Teacher Credentialing.



(24) The bill would make other technical changes.

(25) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 44000.5 is added to the Education Code, to read:

44000.5. An “adverse action” means the denial of an application for a credential, a private admonition, or public reproof of a credential holder, or the suspension or revocation of a credential.

SEC. 2. Section 44002 of the Education Code is amended to read:

44002. A “credential” includes a credential, certificate, life document, life diploma, permit, certificate of clearance, or waiver issued by the commission.

SEC. 3. Section 44010 of the Education Code is amended to read:

44010. “Sex offense,” as used in Sections 44020, 44237, 44346, 44425, 44436, 44836, 45123, and 45304, means any one or more of the offenses listed below:

(a) Any offense defined in Section 220, 261, 261.5, 262, 264.1, 266, 266j, 267, 285, 286, 288, 288a, 289, 311.1, 311.2, 311.3, 311.4, 311.10, 311.11, 313.1, 647b, 647.6, or former Section 647a, subdivision (a), (b), or (c) of Section 243.4, or subdivision (a) or (d) of Section 647 of the Penal Code.

(b) Any offense defined in former subdivision (5) of former Section 647 of the Penal Code repealed by Chapter 560 of the Statutes of 1961, or any offense defined in former subdivision (2) of former Section 311 of the Penal Code repealed by Chapter 2147



of the Statutes of 1961, if the offense defined in those sections was committed prior to September 15, 1961, to the same extent that an offense committed prior to that date was a sex offense for the purposes of this section prior to September 15, 1961.

(c) Any offense defined in Section 314 of the Penal Code committed on or after September 15, 1961.

(d) Any offense defined in former subdivision (1) of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 committed on or after September 7, 1955, and prior to September 15, 1961.

(e) Any offense involving lewd and lascivious conduct under Section 272 of the Penal Code committed on or after September 15, 1961.

(f) Any offense involving lewd and lascivious conduct under former Section 702 of the Welfare and Institutions Code repealed by Chapter 1616 of the Statutes of 1961, if that offense was committed prior to September 15, 1961, to the same extent that an offense committed prior to that date was a sex offense for the purposes of this section prior to September 15, 1961.

(g) Any offense defined in Section 286 or 288a of the Penal Code prior to the effective date of the amendment of either section enacted at the 1975–76 Regular Session of the Legislature committed prior to the effective date of the amendment.

(h) Any attempt to commit any of the offenses specified in this section.

(i) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punishable as one or more of the offenses specified in this section.

(j) Any conviction for an offense resulting in the requirement to register as a sex offender pursuant to Section 290 of the Penal Code.

(k) Commitment as a mentally disordered sex offender under former Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of the Welfare and Institutions Code, as repealed by Chapter 928 of the Statutes of 1981.

SEC. 4. Section 44225.6 of the Education Code is amended to read:

44225.6. (a) By April 15 of each year, the commission shall report to the Legislature and the Governor on the number of



classroom teachers who received credentials, internships, and emergency permits in the previous fiscal year. This report shall include the following information:

(1) The number of individuals recommended for credentials by institutions of higher education.

(2) The number of individuals recommended by school districts operating district internship programs.

(3) The number of individuals receiving an initial credential based on a program completed outside of California.

(4) The number of individuals serving in the following capacities by subject matter, county, and school district:

(A) University internship.

(B) District internship.

(C) Preinternship.

(D) Emergency permit.

(E) Credential waiver.

(5) The specific subjects and teaching areas in which there are a sufficient number of new holders of credentials to fill the positions currently held by individuals with emergency permits.

(b) The commission shall make this report available to school districts and county offices of education to assist them in the recruitment of credentialed teachers.

(c) A common measure of whether teacher preparation programs are meeting the challenge of preparing increasing numbers of new teachers is the number of teaching credentials awarded. The number of teaching credentials recommended by these programs and awarded by the commission are indicators of the productivity of teacher preparation programs. The commission shall include in the report prepared for the Legislature and Governor pursuant to subdivision (a) the total number of teaching credentials recommended by all accredited teacher preparation programs authorized by the commission and the number recommended by each of the following:

(1) The University of California system.

(2) The California State University system.

(3) Independent colleges and universities that offer teacher preparation programs approved by the commission.

(4) Other institutions that offer teacher preparation programs approved by the commission.

SEC. 5. Section 44226 of the Education Code is repealed.



SEC. 6. Section 44227 of the Education Code is amended to read:

44227. (a) The commission may approve any institution of higher education whose teacher education program meets the standards prescribed by the commission, to recommend to the commission the issuance of credentials to persons who have successfully completed those programs.

(b) Notwithstanding any provision of law to the contrary, the commission may approve for credit any coursework completed for credential purposes or for step increases in programs offered in California by out-of-state institutions of higher education that meet the requirements prescribed by Chapter 7 (commencing with Section 94700) of Part 59 only if the program of courses is offered by a regionally accredited institution and evidence of satisfactory evaluation by that accrediting body is submitted by the out-of-state institution to the commission for purposes of seeking approval of the program and any courses within that program to enable potential teachers to meet one or more requirements for a teaching credential in California.

SEC. 7. Section 44227.2 of the Education Code is repealed.

SEC. 8. Section 44227.3 of the Education Code is repealed.

SEC. 9. Section 44230 of the Education Code is amended to read:

44230. (a) (1) The commission shall maintain for public record, and may disclose, only the following information relating to the credentials, certificates, permits, or other documents that it issues: the document number, title, term of validity, subjects, authorizations, effective dates, renewal requirements, and restrictions. The commission may also disclose the last known business address of any applicant or credentialholder.

(2) Notwithstanding any other provision of law, except as provided for in Section 44248, no information, other than that set forth in paragraph (1), may be disclosed by the commission absent an order from a court of competent jurisdiction.

(b) In order to expedite the application process for the benefit of applicants for credentials, certificates, permits, or other documents issued by the commission, the commission may receive from, or transmit to, the agency that submitted the application, either electronically or by printed copy, the information set forth in that application. For purposes of this



subdivision, “agency” means a school district, county office of education, or institution of higher education having a commission-approved program of professional preparation.

SEC. 10. Section 44239.5 of the Education Code is repealed.

SEC. 11. Section 44242.5 of the Education Code is amended to read:

44242.5. (a) Each allegation of an act or omission by an applicant for, or holder of, a credential for which he or she may be subject to an adverse action shall be presented to the Committee of Credentials.

(b) The committee has jurisdiction to commence an initial review upon receipt of any of the following:

(1) (A) Official records of the Department of Justice, of any law enforcement agency, of any state or federal court, and of any other agency of this state or another state.

(B) For purposes of paragraph (A), “agency of this state” has the same meaning as that of “state agency” as set forth in Section 11000 of the Government Code.

(2) An affidavit or declaration signed by person or persons with personal knowledge of the acts alleged to constitute misconduct.

(3) (A) A statement from an employer notifying the commission that, as a result of, or while an allegation of misconduct is pending, a credential holder has been dismissed, nonreelected, suspended for more than 10 days, or placed pursuant to a final adverse employment action on unpaid administrative leave for more than 10 days, or has resigned or otherwise left employment.

(B) The employer shall provide the notice described in subparagraph (A) to the commission not later than 30 days after the dismissal, nonreelection, suspension, placement on unpaid administrative leave, resignation, or departure from employment of the employee.

(4) A notice from an employer that a complaint was filed with the school district alleging sexual misconduct by a credential holder. Results of an investigation by the committee based on this paragraph shall not be considered for action by the committee unless there is evidence presented to the committee in the form of a written or oral declaration under penalty of perjury that confirms the personal knowledge of the declarant regarding the acts alleged to constitute misconduct.



(5) A notice from a school district, employer, public agency, or testing administrator of a violation of Section 44420, 44421.1, 44421.5, or 44439.

(6) (A) An affirmative response on any application submitted to the commission as to any conviction, adverse action on, or denial of, any license, or pending investigation into any criminal allegation or pending investigation of any noncriminal allegation of misconduct by a governmental licensing entity.

(B) Failure to disclose any matter set forth in subparagraph (A).

(c) An initial review commences on the date that the written notice is mailed to the applicant or credential holder that his or her fitness to hold a credential is under review. Upon commencement of a formal review pursuant to Section 44244, the committee shall investigate all alleged misconduct and the circumstances in mitigation and aggravation. The investigation shall include, but not be limited to, all of the following:

(1) Investigation of the fitness and competence of the applicant or credential holder to perform the duties authorized by the credential for which he or she has applied or that he or she presently holds.

(2) Preparation of a summary of the applicable law, a summary of the facts, contested and uncontested, and a summary of any circumstances in aggravation or mitigation of the allegation.

(3) Determination of probable cause for an adverse action on the credential. If the allegation is for unprofessional or immoral conduct, the committee shall, in any formal review conducted pursuant to Section 44244 to determine probable cause, permit the employer of the credential holder to be present while testimony is taken. If the allegation of unprofessional or immoral conduct involves sexual abuse, the employer shall be examined in the meeting for any relevant evidence relating to the sexual abuse.

(A) If the committee determines that probable cause for an adverse action does not exist, the committee shall terminate the investigation.

(B) If the committee determines that probable cause for an adverse action on the credential exists, upon receipt of a request from an applicant or a credential holder pursuant to Section 44244.1, the commission shall initiate an adjudicatory hearing, as prescribed by Chapter 5 (commencing with Section 11500) of



Division 3 of Title 2 of the Government Code, by filing an accusation or statement of issues.

(d) The committee has jurisdiction to commence a formal review pursuant to Section 44244 upon receipt of any of the following:

(1) (A) Official records of any state or federal court that reflect a conviction or plea, including a plea of *nolo contendere*, to any criminal offense or official records of any state court that adjudge a juvenile to be a dependent of the court pursuant to Section 300 of the Welfare and Institutions Code due to allegations of sexual misconduct or physical abuse by a credential holder or applicant.

(B) Nothing in paragraph (A) shall be construed to relieve the commission from the confidentiality provisions, notice, and due process requirements set forth in Section 827 of the Welfare and Institutions Code.

(2) An affidavit or declaration signed by a person or persons with personal knowledge of the acts alleged to constitute misconduct.

(3) A statement described in paragraph (3) of subdivision (b).

(4) Official records of any governmental licensing entity that reflect an administrative proceeding or investigation, otherwise authorized by law or regulation, which has become final.

(5) A notice described in paragraph (5) of subdivision (b).

(6) A response or failure to disclose, as described in paragraph (6) of subdivision (b).

(e) (1) Upon completion of its investigation, the committee shall report its actions and recommendations to the commission, including its findings as to probable cause, and if probable cause exists, its recommendations as to the appropriate adverse action.

(2) The findings shall be available, upon its request, to the employing or last known employing school district, or, where adverse action is recommended by the committee and a request is made within one year from the date the committee makes a recommendation, to a school district providing verification that the credential holder has applied for employment in the district. The findings shall, for all purposes, remain confidential and limited to school district personnel in a direct supervisory capacity in relation to the person investigated. Any person who otherwise releases findings received from the committee or the commission,



absent a verified release signed by the person who is the subject of the investigation, shall be guilty of a misdemeanor.

(3) The findings shall not contain any information that reveals the identity of persons other than the person who is the subject of the investigation.

(f) (1) Except as provided in paragraph (2) and, notwithstanding subdivision (b), for purposes of determining whether jurisdiction exists under subdivision (b), the commission may, in accordance with Section 44341, make inquiries and requests for production of information and records only from the Department of Justice, any law enforcement agency, any state or federal court, and any licensing agency of this state or any licensing agency of another state.

(2) For purposes of determining whether jurisdiction exists, paragraph (1) does not apply to release of personnel records.

SEC. 12. Section 44242.7 of the Education Code is amended to read:

44242.7. (a) Any allegation of an act or omission by the holder of a credential, except for an allegation that involves sexual misconduct with a minor or recurring conduct resulting in a pattern of misconduct, shall be presented to the Committee of Credentials for initial review within four years from the date of the alleged act or omission, or within one year from the date the act or omission should reasonably have been discovered.

(b) The commission shall adopt regulations specifying conduct that is considered recurring conduct that results in a pattern of misconduct as set forth in subdivision (a).

SEC. 13. Section 44243 of the Education Code is amended to read:

44243. (a) The commission may assign to the Committee of Credentials administrative duties as it may see fit relating to adverse actions concerning applicants and credential holders.

(b) The commission shall supervise the work of the committee and shall provide statements of policy relative to committee operation and procedures as it deems appropriate to do so.

SEC. 14. Section 44244 of the Education Code is amended to read:

44244. (a) At least 30 days prior to any formal review of the Committee of Credentials at which the application of an applicant or credential of a holder is to be considered, the committee shall



notify the applicant or holder of the specific allegations of misconduct that make the application or credential subject to adverse action. The notification shall be in ordinary and concise language and set forth the acts or omissions charged and the statutes or rules violated. Supplemental allegations of misconduct shall be sent to the holder or applicant at least 30 days prior to the formal review. The portions of the investigation of the original or supplemental allegations that constitute the basis for the allegations shall be open to inspection and copying by the holder or applicant and his or her attorney. The statement of the allegations shall inform the applicant or holder that the allegations, if true, are sufficient to cause his or her application or credential to be subject to adverse action.

(b) (1) The formal review shall be held no later than six months after the commencement of the initial review as set forth in subdivision (c) of Section 44242.5. The formal review shall determine either that no adverse action shall be taken or that the allegations are sufficient to cause his or her application or credential to be subject to adverse action.

(2) All testimony before the committee shall be verified under penalty of perjury by oath or affirmation. The chairperson of the committee may administer the oath or affirmation. The chairperson may designate staff to administer the oath or affirmation for statements taken during the investigation of allegations of misconduct.

(c) Notwithstanding subdivision (b), the chairperson of the commission may grant the committee an extension of time, not exceeding six months, when the committee demonstrates that additional time is necessary to complete its investigation or determination, as described in subdivision (b).

(d) The recommendation of the committee shall be in writing and a copy of the recommendation shall be delivered to the credential holder or applicant personally or sent to him or her by registered mail within 14 days after the formal review, together with specific information relative to any appeal rights to which the credential holder or applicant is entitled.

SEC. 15. Section 44244.1 of the Education Code is amended to read:

44244.1. (a) (1) A recommendation by the Committee of Credentials to take an adverse action may be adopted by the



commission without further proceedings if, after service of notice of the committee recommendation pursuant to Section 44244, the credential holder or applicant fails to give notice of intent to request an administrative hearing or if he or she gives notice of intent not to request an administrative hearing within 30 days.

(2) For good cause shown, the commission may grant an additional 30 days for filing of a request for an administrative hearing.

(b) The commission shall make no disclosures concerning private admonitions except as required by Section 44438.

SEC. 16. Section 44245 of the Education Code is amended to read:

44245. (a) Notwithstanding any other provisions of law, all hearings and deliberations of the commission and Committee of Credentials to consider an adverse action or a reinstatement or reduction in penalty shall be closed sessions with only commission members, committee members, staff members, the credential holder or applicant whose application or credential is in issue, the counsel of the credential holder or applicant, and any material witnesses in attendance.

(b) All final actions taken pursuant to subdivision (a) shall be made public.

(c) Notwithstanding subdivision (b), disclosure of private admonitions shall be in accordance with Section 44438.

SEC. 17. Section 44252.6 of the Education Code is repealed.

SEC. 18. Section 44255.5 of the Education Code is repealed.

SEC. 19. Section 44274.2 of the Education Code is amended to read:

44274.2. (a) Notwithstanding any provision of this chapter, the commission shall issue a five-year preliminary multiple subject teaching credential authorizing instruction in a self-contained classroom, a five-year preliminary single subject teaching credential authorizing instruction in departmentalized classes, or a five-year preliminary education specialist credential authorizing instruction of special education pupils to any experienced out-of-state prepared teacher who meets all of the following requirements:

(1) Possesses a baccalaureate degree from a regionally accredited institution of higher education.



(2) Completed a teacher preparation program at a regionally accredited institution of higher education.

(3) In the case of an applicant for a five-year preliminary single subject teaching credential, completed an academic major in the subject area of the credential sought as determined by the commission.

(4) Earned a valid corresponding elementary, secondary, or special education teaching credential based upon the out-of-state teacher preparation program.

(5) Verified a minimum of three years of full-time teaching experience completed in another state in the subject of the credential sought.

(6) Submitted evidence of rigorous performance evaluations on which the applicant received ratings of satisfactory or better.

(b) A teacher shall pass the state basic skills proficiency test administered by the commission pursuant to Section 44252 within one year of the issuance date of the credential in order to be eligible to continue teaching pursuant to this section.

(c) The commission shall issue a professional clear multiple subject, single subject, or education specialist teaching credential to any applicant who provides verification of five or more years of teaching experience to meet the requirement of subdivision (a), and who documents, in a manner prescribed by the commission, that he or she fulfills each of the following requirements:

(1) The commission has issued to the applicant a preliminary five-year teaching credential pursuant to subdivision (a).

(2) The applicant has completed 150 clock hours of activities that contribute to his or her competence, performance, and effectiveness in the education profession, and that assist the applicant in meeting or exceeding standards for professional preparation established by the commission.

(d) The commission shall issue a professional clear multiple subject, single subject, or education specialist teaching credential to any applicant who provides verification of three or four years of teaching experience to meet the requirement of subdivision (a), and who documents in a manner prescribed by the commission, that he or she fulfills each of the following requirements:

(1) The commission has issued to the applicant a preliminary five-year teaching credential pursuant to subdivision (a).

(2) The applicant has completed either of the following:



(A) A program of beginning teacher support and assessment established pursuant to Article 4.5 (commencing with Section 44279.1) of Chapter 2 of Part 24.

(B) An alternative program of beginning teacher induction that the commission determines, in conjunction with the Superintendent of Public Instruction, meets state standards for teacher induction.

SEC. 20. Section 44275.3 of the Education Code is amended to read:

44275.3. Notwithstanding any other provision of law:

(a) It is the intent of the Legislature that both of the following occur:

(1) That this section provide flexibility to enable school districts to recruit credentialed out-of-state elementary, secondary, and special education teachers to relocate to California.

(2) That any and all teachers hired in California pursuant to this section fully meet the requirements of the State of California, or requirements deemed to be equivalent.

(b) Notwithstanding any other provision of this chapter, the commission shall issue a five-year preliminary multiple subject or single subject teaching credential or a five-year preliminary education specialist credential to any out-of-state prepared teacher who meets all of the following requirements:

(1) Possesses a baccalaureate degree from a regionally accredited institution of higher education.

(2) Completed a teacher preparation program at a regionally accredited institution of higher education.

(3) Successfully completes any criminal background check conducted pursuant to Sections 44339, 44340, and 44341 for credentialing purposes.

(4) Earned or qualified for a corresponding elementary, secondary, or special education teaching credential based upon the out-of-state teacher preparation program. The commission shall determine the area of concentration of the California education specialist credential based on the special education program completed out of state.

(c) An out-of-state prepared teacher who has been issued a California five-year preliminary multiple subject, single subject, or education specialist teaching credential shall pass the state basic skills proficiency test, administered by the commission pursuant



to Section 44252, within one year of the issuance date of the credential in order to be eligible to continue teaching pursuant to this section.

(d) The commission shall issue a professional clear credential to an out-of-state prepared teacher who has met the requirements in subdivision (b) and who meets the following requirements:

(1) Passage of the state basic skills proficiency test administered by the commission pursuant to Section 44252.

(2) Demonstration of subject matter competence by completion of coursework or an examination approved by the commission pursuant to paragraph (5) of subdivision (b) of Section 44259. Completion of subject matter in another state that has been determined by the commission to be comparable or equivalent pursuant to paragraph (1) of subdivision (a) of Section 44274.1 shall meet this requirement.

(3) Completion of a course, or for multiple subject and education specialist credentials, a course or an examination, on the various methods of teaching reading pursuant to paragraph (4) of subdivision (b) of Section 44259. Completion of coursework in another state determined by the commission to be comparable and equivalent pursuant to paragraph (2) of subdivision (a) of Section 44274.1 shall meet this requirement.

(4) Completion of a course or examination on the provisions and principles of the United States Constitution pursuant to paragraph (6) of subdivision (b) of Section 44259. Completion of coursework in another state determined by the commission to be comparable and equivalent shall meet this requirement.

(5) Completion of the study of health education pursuant to subparagraph (A) of paragraph (3) of subdivision (c) of Section 44259. Completion of coursework in another state determined by the commission to be comparable and equivalent shall meet this requirement.

(6) With the exception of the education specialist credential, completion of study and field experience in methods of delivering appropriate educational services to pupils with exceptional needs in regular education programs. Completion of coursework in another state determined by the commission to be comparable and equivalent shall meet this requirement.

(7) Completion of the study of computer-based technology through demonstration by course or examination of basic



competence in the use of computers in the classroom, and study of advanced computer-based technology, including the uses of technology in educational settings pursuant to subparagraph (C) of paragraph (3) of subdivision (c) of Section 44259. Completion of coursework in another state determined by the commission to be comparable and equivalent shall meet this requirement.

(8) Completion of a fifth-year program at a regionally accredited institution of higher education, except that the commission shall eliminate this requirement for any candidate who has completed an induction program for beginning teachers.

(9) A teacher holding a specialist credential pursuant to this section shall complete the requirements for nonspecial education pedagogy and a supervised field experience program in general education pursuant to Section 44265.

(10) A teacher holding a specialist credential pursuant to this section shall complete a program for the Professional Level II credential accredited by the Committee on Accreditation, established pursuant to Section 44373, and the requirements specified in this subdivision.

SEC. 21. Section 44275.4 of the Education Code is amended to read:

44275.4. Notwithstanding any other provision of law:

(a) It is the intent of the Legislature that both of the following occur:

(1) That this section provide flexibility to enable school districts to recruit credentialed elementary, secondary, and special education teachers prepared in countries other than the United States to relocate temporarily or permanently to this state.

(2) That any and all teachers prepared in countries other than the United States who are granted a California teaching credential pursuant to this section fully meet the requirements of this state.

(b) Coursework, programs, or degrees completed at an institution of higher education outside of the United States are acceptable toward certification when the Commission on Teacher Credentialing or an evaluating agency approved by the commission has determined that the institution's coursework, programs, or degrees are equivalent to those offered by a regionally accredited institution in the United States. The commission reserves the right to accept or reject an approved evaluating agency's determination. Notwithstanding any other



provision of this chapter, the commission shall issue a five-year preliminary multiple subject teaching credential, a five-year preliminary single subject teaching credential, or a five-year preliminary education specialist credential to a teacher prepared in a country other than the United States who meets all of the following requirements:

(1) The teacher holds or is eligible for a credential from another country that required a baccalaureate or higher degree determined to be equivalent to those offered by a regionally accredited institution in the United States and completion of a professional preparation program approved by the appropriate agency in the country where the program was completed that requires the teacher to meet requirements equivalent to the multiple or single subject teaching credential requirements in Section 44259 or the special education credential requirements described in Section 44265. The commission shall determine the area of concentration for the California education specialist credential based on the special education program completed out of country.

(2) The teacher successfully completes a criminal background check conducted pursuant to Sections 44339, 44340, and 44341 for credentialing purposes.

(c) A teacher prepared in a country other than the United States who has been issued by the commission a five-year preliminary multiple subject, single subject, or education specialist teaching credential shall pass the state basic skills proficiency test, administered by the commission pursuant to Section 44252, within one year of the issuance date of the credential in order to be eligible to continue teaching pursuant to this section.

(d) The commission shall issue a professional clear credential to a teacher prepared in a country other than the United States who has met the requirements in subdivisions (b) and (c) and who meets the following requirements:

(1) Demonstration of subject matter competence by completion of coursework or an examination approved by the commission pursuant to paragraph (5) of subdivision (b) of Section 44259.

(2) Completion of a course, or for multiple subject and education specialist credentials, a course or an examination, on the various methods of teaching reading pursuant to paragraph (4) of subdivision (b) of Section 44259. Completion of coursework in



another state or country determined by the commission to be comparable and equivalent shall meet this requirement.

(3) Completion of a course or examination on the provisions and principles of the United States Constitution pursuant to paragraph (6) of subdivision (b) of Section 44259. Completion of coursework in another state or country determined by the commission to be comparable and equivalent shall meet this requirement.

(4) Completion of the study of health education pursuant to subparagraph (A) of paragraph (3) of subdivision (c) of Section 44259. Completion of coursework in another state or country determined by the commission to be comparable and equivalent shall meet this requirement.

(5) With the exception of the education specialist credential, completion of study and field experience in methods of delivering appropriate educational services to pupils with exceptional needs in regular education programs. Completion of coursework in another state or country determined by the commission to be comparable and equivalent shall meet this requirement.

(6) Completion of the study of computer-based technology through demonstration by course or examination of basic competence in the use of computers in the classroom, and study of advanced computer-based technology including the uses of technology in educational settings pursuant to paragraph (3) of subdivision (c) of Section 44259. Completion of coursework in another state or country determined by the commission as comparable and equivalent shall meet this requirement.

(7) Completion of a fifth-year program at an institution of higher education determined by the commission to offer equivalent programs and degrees to those offered in the United States, except that the commission shall eliminate this requirement for any candidate who has completed an induction program for beginning teachers.

(8) A teacher holding a specialist credential pursuant to this section shall complete the requirements for nonspecial education pedagogy and a supervised field experience program in general education pursuant to Section 44265.

(9) A teacher holding a specialist credential pursuant to this section shall complete a program for the Professional Level II credential accredited by the Committee on Accreditation,



established pursuant to Section 44373 and the requirements specified in this subdivision and subdivision (e).

SEC. 22. Section 44285 of the Education Code is repealed.

SEC. 23. Section 44305 of the Education Code is amended to read:

44305. (a) As resources are available to school districts to provide services to any preintern pursuant to this article, the commission may issue a preintern teaching certificate instead of an emergency multiple subject permit to an individual employed by a school district approved by the commission who meets the minimum requirements set by the commission. When resources remain after funding preinterns pursuing multiple subject emergency permits, the commission may issue a preintern teaching certificate instead of an emergency single subject permit or an emergency education specialist instruction permit to an individual employed by a school district approved by the commission who meets the minimum requirements set by the commission. In implementing the Pre-Internship Teaching Program, the commission shall consult with representatives of the State Department of Education, classroom teachers, school administrators, other school employees, parents, school board members, and institutions of higher education.

(b) The preintern teaching certificate issued by the commission shall be valid for one year, but may be renewed for one additional year if the holder takes the appropriate subject matter examination required under Section 44282 or is enrolled in a subject matter program approved by the commission on the basis of standards of program quality and effectiveness pursuant to Article 6 (commencing with Section 44310). A preintern teacher who passes the subject matter examination or completes a subject matter program in the first or second year of his or her preintern teaching shall enroll in a district or university teaching internship or other approved university teaching credential program. A preintern teaching certificate may be renewed for a third year if the employing school district, the cooperating college or university, and the preintern support the application for renewal.

(c) The minimum requirements for the preintern teaching certificate established by the commission shall include all of the following:



(1) A baccalaureate or higher degree conferred by a regionally accredited institution of higher education.

(2) Passage of the basic skills proficiency test as provided for in Section 44252.

(3) The number of units, as set by the commission, for the multiple subject or single subject preintern teaching certificate.

(4) The number of units in education or the number of years of experience in special education, as set by the commission, for the education specialist instruction preintern teaching certificate.

(d) The commission shall establish criteria for the approval of preintern teaching programs. The criteria shall include, but is not limited to, all of the following:

(1) Demonstrated need, as indicated by the percentage of teachers in the district that have not completed basic credential requirements pursuant to state law.

(2) The quality of the preparation, support, and assistance to be provided to teaching preinterns.

(3) Cost-effectiveness, including the number of preinterns to be served.

(4) Collaboration between district administrators and experienced teachers with permanent status in the development of the plan.

(5) District and college or university collaboration to ensure availability of courses needed by preintern teachers.

(6) Preintern preparation content, including lesson planning, classroom management and organization, and a schedule for delivering the preparation, with a focus on beginning the preparation before or during the first semester of the preinternship.

(7) The role of personnel, including experienced teachers with permanent status, in the delivery of preintern preparation and support.

(8) That no later than the second year of employment the program for each preintern shall reflect the California Standards for the Teaching Profession jointly developed by the commission and the State Department of Education.

(9) Approval of the district plan by the governing board of the school district.

(e) In establishing criteria for review of preintern teaching programs pursuant to subdivision (d), the commission shall make every effort to recognize effective district programs for the support



and development of emergency permit teachers in operation before July 1, 1998, as meeting the preintern teaching program criteria.

(f) A school district may apply to the commission for funding under this article. Based on the criteria in subdivision (d), developed pursuant to the consultation process required by subdivision (a), the commission shall determine which applicants are approved for funding. If funds are provided for this act from the federal Goals 2000: Educate America Act (P.L. 103-227), the commission shall transmit a list of approved applicants to the State Department of Education which shall award grants in a timely manner exclusively to those school districts that the commission has approved for funding, in the amounts listed, with no school district receiving more than two thousand dollars (\$2,000) per preintern employed by the school district.

SEC. 24. Section 44322 of the Education Code is amended to read:

44322. Notwithstanding any other provision of this code, the professional preparation requirements for a teaching credential may be met by certification by the Director of the Peace Corps of the United States or the Peace Corp Country Director that the applicant has satisfactorily completed not less than 18 months in a Peace Corps assignment in a foreign country, during which time 50 percent or more of his or her duties consisted of classroom teaching of resident children of the foreign country.

An applicant meeting the requirements of this section shall not be required to complete any education or methodology courses or meet any other requirement relating to professional preparation as set forth in paragraph (3) of subdivision (b) of Section 44259.

SEC. 25. Section 44341 of the Education Code is amended to read:

44341. (a) (1) For the purpose of ascertaining the moral character and true identity of the holder of a credential or an applicant for a credential or the renewal of a credential after jurisdiction to commence an initial review pursuant to subdivision (b) of Section 44242.5 has been established, the commission is authorized to require the production of information, records, reports, and other data from any public agency. For the purposes of determining whether jurisdiction exists, the commission is also



authorized to require the limited production of records as set forth in subdivision (f) of Section 44242.5.

(2) This information shall be provided to the commission within 30 days of the request.

(3) The commission shall maintain the confidentiality of this information in accordance with Chapter 1 (commencing with Section 1798) of Title 1.8 of the Civil Code.

(b) Except for the situation prescribed in subdivision (d), every applicant for a credential or for the renewal of a credential shall be deemed to have given his or her consent for the securing of, and disclosure of, information to the commission for the sole purpose of ascertaining the moral character and true identity of the holder of a credential, the applicant for a credential, or a credential holder applying for the renewal of the credential.

(c) The Department of Justice shall furnish, upon application of the commission or its authorized representative, all information pertaining to any applicant of whom there is a record in its office except that information which may compromise or prejudice an ongoing criminal investigative matter may be withheld until the matter is completed.

(d) With the written consent of an applicant for a credential or a credential holder, the commission upon written request of any private school authority, shall release to that private school authority information and other data relative to the identification or fitness of any applicant for a teaching position in the private school so long as not otherwise prohibited by any other provision of law.

(e) Each application for a credential shall contain notice that the information provided by the applicant is subject to investigation for, and verification of, the applicant's moral character and true identity by means of review of information, records, reports, and other data from any agency or department of the state or any political subdivision of the state, whether chartered by the state or not, secured by the commission for these purposes.

SEC. 26. Section 44346.1 of the Education Code is amended to read:

44346.1. (a) The commission shall deny any application for the issuance of a credential made by an applicant who has been convicted of a violent or serious felony or a crime set forth in



subdivision (a) of Section 44424 or whose employment has been denied or terminated pursuant to Section 44830.1.

(b) This section applies to any violent or serious offense which, if committed in this state, would have been punishable as a violent or serious felony.

(c) For purposes of this section, a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code.

(d) Notwithstanding subdivision (a), the commission may, but is not required to, grant a credential to an applicant who has been convicted of a violent or serious felony if the person is eligible for, and has obtained, a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

SEC. 27. Section 44393 of the Education Code is amended to read:

44393. (a) The California School Paraprofessional Teacher Training Program is hereby established for the purpose of recruiting paraprofessionals to participate in a program designed to encourage them to enroll in teacher training programs and to provide instructional service as teachers in the public schools.

(b) Commencing on January 1, 1998, the Commission on Teacher Credentialing, in consultation with the Chancellor of the California Community Colleges, the Chancellor of the California State University, the President of the University of California, the chancellors of private institutions of higher education that offer accredited teacher training programs, and representatives of certificated and classified employee organizations, shall select 24 or more school districts or county offices of education representing rural, urban, and suburban areas that apply to participate in the program. The commission shall ensure that, at a minimum, a total of 600 school paraprofessionals are recruited from among the 24 or more participating school districts or county offices of education. The criteria adopted by the commission for the selection of school districts or county offices of education to participate in the program shall include all of the following:

(1) The extent to which the applicant school district or county office of education demonstrates the capacity and willingness to accommodate the participation of school paraprofessionals of the



school in teacher training programs conducted at institutions of higher education.

(2) The extent to which the applicant's plan for the implementation of its recruitment program involves the active participation of one or more local campuses of the participating institutions of higher education in the development of coursework and teaching programs for participating school paraprofessionals. Each selected school district or county office of education shall be required to enter into a written articulation agreement with the participating campuses of the institutions of higher education.

(3) The extent to which the applicant's plan for recruitment attempts to meet the demand for bilingual-crosscultural teachers.

(4) The extent to which the applicant's plan for recruitment attempts to meet the demand for multiple subject credentialed teachers interested in teaching kindergarten or any of grades 1 to 3, inclusive. For purposes of this paragraph, each paraprofessional selected to participate shall have completed at least two years of undergraduate college or university coursework and shall have demonstrated an interest in obtaining a multiple subject teaching credential for teaching kindergarten or any of grades 1 to 3, inclusive.

(5) The extent to which the applicant's plan for recruitment attempts to meet the demand for special education teachers.

(6) The extent to which the applicant's plan for recruitment includes a developmentally sequenced series of job descriptions that lead from an entry-level school paraprofessional position to an entry-level teaching position in that school district or county office of education.

(7) The extent to which the applicant's plan for recruitment attempts to meet its own specific teacher needs.

(8) The extent to which the applicant's plan for implementation of its recruitment program involves participation in a district internship program pursuant to Sections 44325, 44326, 44327, 44328, and 44830.3 or a university internship program pursuant to Article 3 (commencing with Section 44450) of Chapter 3.

(c) Each selected school district or county office of education shall provide information and assistance to each school paraprofessional it recruits under the program regarding admission to a teacher training program.



(d) (1) The school district or county office of education shall recruit and organize groups, or “cohorts,” of school paraprofessionals, of no more than 30, and no less than 10, in each cohort. Cohorts shall be organized to consist of school paraprofessionals having approximately equal academic experience and qualifications, as determined by the school district or county office of education. To the extent possible, the members of each cohort shall proceed through the same subject matter and credential programs. The members of each cohort shall enroll in the same campus, and shall be provided by the school district or county office of education with appropriate support and information throughout the course of their studies.

(2) Each school district or county office of education shall certify that it has received a commitment from each member of a cohort that he or she will accomplish all of the following:

(A) Graduate from an institution of higher education under the program with a bachelor’s degree.

(B) Complete all of the requirements for and obtain a multiple subject, single subject, or education specialist teaching credential.

(C) Complete one school year of classroom instruction in the district or county office of education for each year that he or she receives assistance for books, fees, and tuition while attending an institution of higher education under the program.

(3) To the extent that any participant does not fulfill his or her obligations, as set forth in paragraph (2), the participant shall be required to repay the assistance.

(e) The commission shall contract with an independent evaluator with a proven record of experience in assessing career-advancement programs or teacher training programs to determine the success of the recruitment programs established pursuant to subdivision (b). The evaluation shall be made on an annual basis and shall include, but not be limited to, all of the following:

(1) The total cost per person participating in the program who successfully obtains a teaching credential, based upon all state, local, federal, and other sources of funding.

(2) The economic status of persons participating in the pilot program.

(3) A description of financial and other resources made available to each recruitment program by participating school



districts or county offices of education, institutions of higher education, and other participating organizations.

(4) The extent to which pupil performance on standardized achievement tests has improved in classes taught by teachers who have successfully completed the program, in comparison to classes taught by other teachers who have equivalent teaching experience.

(5) The extent to which pupil dropout rates and other measures of delinquency have improved in classes taught by teachers who have successfully completed the program.

(6) The extent to which teachers who have successfully completed the program remain in the communities in which they reside and in which they teach.

(7) The attrition rate of teachers who have successfully completed the program.

(f) Each selected school district or county office of education shall report to the commission regarding the progress of each cohort of school paraprofessionals, and other information regarding its recruitment program as the commission may direct.

(g) No later than January 1, 1998, and annually thereafter, the commission shall report to the Legislature regarding the status of the pilot program, including, but not limited to, the number of school paraprofessionals recruited, the academic progress of the school paraprofessionals recruited, the number of school paraprofessionals recruited who are subsequently employed as teachers in the public schools, the degree to which the program meets the demand for bilingual and special education teachers, the degree to which the program or similar programs can meet that demand if properly funded and executed, and other effects upon the operation of the public schools.

(h) It is the intent of the Legislature that, commencing with the 1997–98 fiscal year, and each fiscal year thereafter, funding for the California School Paraprofessional Teacher Training Program be allocated to the Commission on Teacher Credentialing for grants to school districts pursuant to this section. In no case shall grants to any school district exceed the equivalent of three thousand dollars (\$3,000) annually per paraprofessional in the program. Funding for grants to school districts pursuant to this subdivision, shall be contingent upon an appropriation in the annual Budget Act.



SEC. 28. Section 44399 is added to the Education Code, to read:

44399. Notwithstanding any provision of law, except Sections 44332.6, 44340, 44346.1, and 44830.1, the commission shall issue a professional clear credential to the holder of a preliminary multiple subject, single subject, or education specialist teaching credential who attains certification from the National Board for Professional Teaching Standards. The professional clear credential issued pursuant to this section shall authorize the holder to teach in the area that the commission determines is equivalent to the certificate field in which the teacher received certification from the National Board for Professional Teaching Standards.

SEC. 29. Section 44420 of the Education Code is amended to read:

44420. (a) If any person employed by a school district in a position requiring certification qualifications refuses, without good cause, to fulfill a valid contract of employment with the district or leave the service of the district without the consent of the superintendent, if any, or the governing board, of the district except in the manner provided for by law, the commission may, after proof of this fact is made to it, take an adverse action on the credential holder but may not suspend the credential for more than one year or revoke the credential.

(b) If the credentials issued to the person by the commission have been subject to adverse action pursuant to subdivision (a), the commission may, if the credentials again become subject to suspension under this section, suspend the credentials for not more than two years.

(c) The commission shall investigate allegations brought under this section in accordance with Section 44242.5.

SEC. 30. Section 44421.1 of the Education Code is amended to read:

44421.1. (a) Notwithstanding Section 44421, the commission shall take an appropriate adverse action on any credential holder who knowingly and willfully uses school records of pupil data in connection with, or implicitly or explicitly attempts to recruit a pupil to be a customer for, any business owned by the credential holder or in which the credential holder is an employee.



(b) The commission shall investigate allegations brought under this section in accordance with Section 44242.5.

SEC. 31. Section 44421.5 of the Education Code is amended to read:

44421.5. (a) Notwithstanding Section 44421, the commission shall take an appropriate adverse action on any credential holder who knowingly and willfully reports false fiscal expenditure data relative to the conduct of any educational program.

(b) The commission shall investigate allegations brought under this section in accordance with Section 44242.5.

SEC. 32. Section 44423 of the Education Code is amended to read:

44423. (a) Whenever the holder of any credential issued by the commission requests in writing that the credential held by him or her be revoked, the commission shall revoke the credential.

(b) Notwithstanding a revocation pursuant to subdivision (a), the commission shall retain its authority to act under subdivision (b) of Section 44440.

SEC. 33. Section 44439 of the Education Code is amended to read:

44439. The commission may take an adverse action on the ground that an applicant or credential holder has subverted or attempted to subvert any licensing examination or the administration of an examination, including, but not limited to:

(a) Conduct that violates the security of the examination materials; removing from the examination room any examination materials; the unauthorized xerographic, photographic, or other mechanical reproduction of any portion of the actual licensing examination; aiding by any means the unauthorized xerographic, photographic, or other mechanical reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination; obtaining examination questions or other examination material, except by specific authorization either before, during, or after an examination or use or purport to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing applicants for examinations; or selling, distributing, buying, receiving or having unauthorized



possession of any portion of a future, current, or previously administered licensing examination.

(b) Conduct that violates the standard of examination administration; communicating with any other examinee during the administration of a licensing examination; copying answers from another examinee or permitting one's answers to be copied by another examinee; having in one's possession during the administration of the licensing examination any books, equipment, notes, written or printed materials, or data of any kind, other than the examination materials distributed, or otherwise authorized to be in one's possession during the examination; or impersonating any examinee or having an impersonator take the licensing examination on one's behalf.

(c) The commission shall investigate allegations brought under this section in accordance with Section 44242.5.

SEC. 34. Section 44440 of the Education Code is amended to read:

44440. (a) No applicant who is under review by the commission shall be allowed to withdraw his or her application for a credential without the written consent of the commission. The commission shall retain its authority over those applicants to proceed with the denial of the credential upon any ground provided by law, or to enter an order denying the credential upon any ground provided by law.

(b) The suspension or expiration of any credential, its surrender without the written consent of the commission, or a revocation pursuant to Section 44423 does not deprive the commission of its authority to do any of the following:

(1) Institute or continue a disciplinary proceeding against the credential holder upon any ground provided by law.

(2) Enter an order suspending or revoking the credential.

(3) Issue a public reproof or private admonition to the credential holder.

SEC. 35. Section 44452 of the Education Code is amended to read:

44452. Any school district may, in cooperation with an approved college or university, establish a teacher education internship program as provided in Section 44321, and meeting the provisions of the statutes and of the regulations of the Commission on Teacher Credentialing.



SEC. 36. Section 44453 of the Education Code is amended to read:

44453. For admission to all teaching internship programs authorized by this article, an applicant shall have a baccalaureate or higher degree from a regionally accredited institution of postsecondary education and shall pass a subject matter examination as provided in Section 44280 or complete a commission approved subject matter program as provided in Section 44310.

SEC. 37. Section 44454 of the Education Code is amended to read:

44454. An internship credential authorizes the same service at the same levels as the regular credential authorizes.

SEC. 38. Section 44456 of the Education Code is amended to read:

44456. Notwithstanding Section 44455, an internship credential may be renewed by the Commission on Teacher Credentialing if in its judgment an applicant is unable to complete renewal requirements because of illness or other circumstances judged to be extenuating and not within the control of the applicant.

SEC. 39. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.



Approved _____, 2001

Governor

