

AMENDED IN SENATE JULY 11, 2011

AMENDED IN SENATE JULY 1, 2011

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN ASSEMBLY APRIL 14, 2011

AMENDED IN ASSEMBLY APRIL 13, 2011

AMENDED IN ASSEMBLY MARCH 30, 2011

AMENDED IN ASSEMBLY MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 229

Introduced by Assembly Member Lara
(Coauthor: Senator Steinberg)

February 2, 2011

An act to add and repeal Section ~~8546.10~~ 8546.85 of the Government Code, relating to the State Auditor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 229, as amended, Lara. State Auditor: Commission on Teacher Credentialing: enforcement program monitor.

Existing law establishes the Bureau of State Audits, which is headed by the State Auditor and has specified statutory duties, including the performance of statutorily mandated audits.

Existing law establishes the Commission on Teacher Credentialing to, among other things, establish professional standards, assessments, and examinations for entry and advancement in the education profession.

This bill would require the State Auditor to appoint an enforcement program monitor to the Commission on Teacher Credentialing, for the purpose of monitoring and evaluating the Division of Professional Practices within the commission. The purpose of the monitoring would be to improve the quality and consistency of reviewing reported misconduct by holders of, or applicants for, teaching credentials, reducing timeframes and backlogs related to reviewing cases of misconduct, ensuring the establishment and usage of comprehensive written procedures for reviewing reported misconduct, effectively tracking cases, and fostering an overall professional workplace environment at the division and the commission. The bill would require the enforcement program monitor to submit an initial written report of his or her findings and conclusions to the State Auditor, the Legislature, and the Joint Legislative Audit Committee by July 1, 2012, and every 6 months thereafter, and to submit a final report by January 1, 2014.

The bill would repeal these provisions on January 1, 2014.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. ~~Section 8546.10 is added to the Government~~
2 ~~Code, 8546.85 is added to the Government Code, immediately~~
3 ~~following Section 8546.8 to read:~~

4 ~~8546.10:~~

5 8546.85. (a) The State Auditor shall appoint an enforcement
6 program monitor to the Commission on Teacher Credentialing.
7 The enforcement program monitor shall monitor and evaluate the
8 Division of Professional Practices within the commission, making
9 as his or her highest priority the reform and overall efficiency of
10 the division.

11 (1) The State Auditor shall appoint the enforcement program
12 monitor no later than January 1, 2012.

13 (2) The monitoring duty shall be performed on a continuing
14 basis for a period not exceeding two years from the date of the
15 enforcement program monitor's appointment and shall include,
16 but not be limited to, improving the quality and consistency of
17 reviewing reported misconduct by holders of, or applicants for,

1 teaching credentials, reducing timeframes and backlogs related to
2 reviewing cases of misconduct, ensuring the establishment and
3 usage of comprehensive written procedures for reviewing reported
4 misconduct, ensuring the effective tracking of cases, and fostering
5 an overall professional workplace environment at the division and
6 the commission.

7 (3) The enforcement program monitor shall not exercise any
8 authority over the discipline, operations, or staff of the commission
9 or division. However, the commission and division shall cooperate
10 with the enforcement program monitor, and the commission and
11 division shall provide data, information, and case files as requested
12 by the enforcement program monitor to enable the enforcement
13 program monitor to perform all of his or her duties.

14 (4) The executive director and general counsel of the
15 commission shall assist the enforcement program monitor in the
16 performance of his or her duties.

17 (5) (A) The enforcement program monitor shall submit an initial
18 written report of his or her findings and conclusions to the State
19 Auditor and the Legislature no later than July 1, 2012, and every
20 six months thereafter, and be available to make oral reports to the
21 State Auditor, the Legislature, and the Joint Legislative Audit
22 Committee, if requested to do so.

23 (B) The enforcement program monitor may also provide
24 additional information to the State Auditor, the Legislature, and
25 the Joint Legislative Audit Committee at his or her discretion or
26 at the request of the State Auditor, the Legislature, or the Joint
27 Legislative Audit Committee. Upon request, the enforcement
28 program monitor shall make his or her reports available to the
29 public or the media. The enforcement program monitor shall make
30 every effort to provide the commission and the division with an
31 opportunity to reply to any facts, findings, issues, or conclusions
32 in his or her reports with which the commission or division may
33 disagree.

34 (6) The commission shall reimburse the State Auditor for all of
35 the costs associated with the employment of an enforcement
36 program monitor.

37 (7) The enforcement program monitor shall issue a final report
38 to the State Auditor, the Legislature, and the Joint Legislative
39 Audit Committee by January 1, 2014. The final report shall include

1 final findings and conclusions on the topics addressed in the reports
2 submitted pursuant to subparagraph (A) of paragraph (5).

3 (8) The reports submitted pursuant to paragraphs (5) and (7)
4 shall be submitted in compliance with Section 9795.

5 (b) This section shall remain in effect only until January 1, 2014,
6 and as of that date is repealed, unless a later enacted statute, that
7 is enacted before January 1, 2014, deletes or extends that date.

8 SEC. 2. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety within
10 the meaning of Article IV of the Constitution and shall go into
11 immediate effect. The facts constituting the necessity are:

12 Given a recent audit report and findings from the State Auditor,
13 immediate action is required to ensure that the Commission on
14 Teacher Credentialing is operating effectively and in the best
15 interest of California's children and teachers, and thus, it is
16 necessary that this act take effect immediately.