

ATTACHMENT 1**TBL TO REPEAL SECTION 44242.3 AND AMEND TO INCLUDE FIRST TIME CREDENTIAL APPLICANTS A TWO-TIERED REVIEW AND A RIGHT TO APPEAR BEFORE THE COMMITTEE ON CREDENTIALS AND REINSTATE CERTIFIED MAILING REQUIREMENTS.****AB 950. An act to repeal Section 44242.3 of the Education Code and to amend Section 44244 of the Education Code.**

LEGISLATIVE COUNSEL'S DIGEST

- (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 subject to an adverse action be presented to the Committee of Credentials for an investigation, as specified. Existing law provides that an applicant, as defined, who is subject to investigation by the committee is required to receive notice of the investigation and an opportunity to respond to the allegations in writing. The committee then grants or recommends denial of the application based on the information discovered during the investigation and the applicant's response. It further provides that the applicant may appeal the committee's recommendation of a denial of the application.

Existing law provides that a holder who is subject to investigation by the committee is required to receive notice of the investigation and an opportunity to respond in writing. However, the holder may in addition to responding in writing to the allegations, make a personal appearance to testify before the committee. This bill would provide that the same procedure applies to applicants for and holders of credentials who are subject to an adverse action.

- (2) Existing law authorizes the Committee of Credentials to conduct an initial review, as provided, regarding an allegation of misconduct of an applicant for, or holder of, a credential. Existing law requires a formal review to be held no later than 6 months after the commencement of the initial review and requires the committee to make its recommendation in writing and to deliver a copy of the recommendation to the credential holder or applicant personally or send it to him or her by registered mail within 14 days after the formal review. This bill would add the requirement that the mail be certified.

Section 44242.3 of the Education Code is repealed.

SEC 9. 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 (5), 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 describe 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 *certified* 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.