

# REPORTING REQUIREMENTS FOR CERTIFICATED EMPLOYMENT ISSUES

*Presentation by Tenielle E. Cooper  
August 2, 2013*

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The California Commission on Teacher Credentialing (“CCTC”) is the entity in charge of state standards for teacher preparation, licensing and credentialing, the enforcement of professional practices, and the discipline of credential holders. CCTC is able to recommend the suspension and/or revocation of a teaching credential. In order to determine whether or not it should conduct an investigation that may lead to disciplinary action against a teacher’s credential (or to deny issuing a credential), the CCTC must first be made aware of educator misconduct. The public can file complaints against a teacher directly with CCTC by using the CCTC public Complaint Form and Affidavit. CCTC will also investigate if it receives information about a credential holder from the Department of Justice or other law enforcement. However, CCTC’s main source of information about the misconduct of credential holders is from districts making reports as required by law.

Employing school districts are required to report allegations of misconduct pursuant to California Code of Regulation section 80303 and Education Code sections 44420 and 44940. Specifically, section 80303 requires the superintendent of a district to report, within 30 days, a change in a certificated employee’s employment status when allegations of misconduct are pending. Failure to report may result in a CCTC investigation into the superintendent. Moreover, CCTC is currently attempting to revise section 80303 in order to provide districts with more guidance as to what does, and what does not, constitute reportable misconduct, and to obtain more disciplinary measures against superintendents who fail to report and/or fail to timely report educator misconduct.

Generally, if a certificated employee is non-reelected, resigns, retires, suspended without pay for more than 10 days, or terminated as a result of allegations of misconduct, the change in employment status should be timely reported to CCTC. CCTC has a specific 80303 report form that is to be used. The reporting form for districts also specifies what accompanying documentation should be sent. CCTC may subsequently request additional information from the district as part of its investigation.

If an employee commits a mandatory leave of absence offense as defined by Education Code section 44940, a district is required to report the offense on the Mandatory Leave of Absence reporting form. And, should the employee resign, retire, be terminated, or in any other way have a change in their employment status as a result of the offense, districts are required to subsequently and additionally report that change as well, pursuant to section 80303.

An employee who fails to fulfill their employment contract, without the superintendent's permission, is to be reported to CCTC by the employing district, pursuant to Education Code section 44420, using the section 44420-specific form.

Finally, superintendents are required to notify employees when a report to CCTC is to be made and to provide the employee with a copy of section 80303.

More information about reports to CCTC and the forms discussed above can be located at:

*<http://www.ctc.ca.gov/educator-discipline/school-districts.html>*



# Commission on Teacher Credentialing

Division of Professional Practices Voicemail: (916) 445-0243 Fax (916) 323-6735 [www.ctc.ca.gov](http://www.ctc.ca.gov)  
1900 Capitol Avenue, Sacramento, CA 95811-4213

## SCHOOL DISTRICT NOTICE OF CREDENTIAL HOLDER'S CONTRACT ABANDONMENT (Education Code section 44420)

Name of Credential Holder: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Last Four of SSN: \_\_\_\_\_ Incident Date(s) \_\_\_\_\_

Employment Start Date: \_\_\_\_\_ Employment End Date: \_\_\_\_\_

Number of days it took to find a suitable replacement: \_\_\_\_\_

Resignation/Retirement Date: \_\_\_\_\_

Current Address: \_\_\_\_\_

Position and Title: \_\_\_\_\_

Employing School District: \_\_\_\_\_ COE: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Extension.: \_\_\_\_\_

<b>Please attach the following documents: (if applicable)</b>	
Notification Form	Correspondence with Employee
Cover Letter (Case Summary)	Copy of Signed Contract
Letter of Resignation or Retirement	All other Relevant Documents

**Mail To:** Commission on Teacher Credentialing  
Division of Professional Practices  
ATTN: Rachel Grizzaffi  
1900 Capitol Avenue  
Sacramento, CA 95811-4213

**Fax To:** (916) 323-6735

**E-Mail To:** [DPPquestions@ctc.ca.gov](mailto:DPPquestions@ctc.ca.gov)

If you have any questions, Rachel Grizzaffi can be reached at the above email address or by calling (916) 323-4996.

**EDUCATION CODE section 44420**

**FAILURE TO FULFILL CONTRACT AS GROUND  
FOR SUSPENSION OF DIPLOMAS AND CERTIFICATES**

(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.



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## MANDATORY LEAVE OF ABSENCE REPORT NOTIFICATION FORM (EDUCATION CODE SECTION 44940)

Name of Credential Holder: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Last Four of SSN: \_\_\_\_\_ Incident Date(s): \_\_\_\_\_

Employment Start Date: \_\_\_\_\_ Employment End Date: \_\_\_\_\_

Type of Leave: \_\_\_\_\_ Beginning Leave Date: \_\_\_\_\_

Current Address: \_\_\_\_\_

Position and Title: \_\_\_\_\_

Arrest Date: \_\_\_\_\_ Arresting Agency & Case #: \_\_\_\_\_

Court Charges Filed In & Case #: \_\_\_\_\_

Offense(s) Charged: \_\_\_\_\_

Did the offense occur on School Property? Yes No If yes, explain when and where:

\_\_\_\_\_  
\_\_\_\_\_

Employing School District: \_\_\_\_\_ COE: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Contact Number: \_\_\_\_\_

Please attach the following documents: (if available)	Relevant Evidence:
Notification Form	Written Statement(s) of:
Cover Letter (Case Summary)	Victim(s)
Law Enforcement Report	Witness(es)
Copy of Complaint File in Court	Parent/Guardian(s)
Correspondence with Employee	Contact Information*
All Other Relevant Documents	Name, Address, Phone Number of:
	Victim(s)
	Witness(es)
	Parent/Guardian(s)
*NOTE: Parent permission is obtained prior to interviewing students.	

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**Please Note:** Notifying the Commission of misconduct pursuant to Education Code Section 44940 **does not satisfy** the district's responsibility to notify the Commission of the same misconduct should the district take disciplinary action against the individual pursuant to CCR Title 5, Section 80303. Please submit the appropriate documents & information using the Section 80303 Notification Form.

**EDUCATION CODE section 44940**  
**LEAVE OF ABSENCE; CERTIFICATED EMPLOYEE CHARGED WITH**  
**MANDATORY OR OPTIONAL LEAVE OF ABSENCE OFFENSE;**  
**SUSPENSION OF CREDENTIALS; DEFINITIONS**

(a) For purposes of this section, "charged with a mandatory leave of absence offense" is defined to mean charged by complaint, information, or indictment filed in a court of competent jurisdiction with the commission of any sex offense as defined in Section 44010, or with the commission of any offense involving aiding or abetting the unlawful sale, use, or exchange to minors of controlled substances listed in Schedule I, II, or III, as contained in Section 11054, 11055, and 11056 of the Health and Safety Code, with the exception of marijuana, mescaline, peyote, or tetrahydrocannabinols.

(b) For purposes of this section, "charged with an optional leave of absence offense" is defined to mean a charge by complaint, information, or indictment filed in a court of competent jurisdiction with the commission of any controlled substance offense as defined in Section 44011 or 87011, or a violation or attempted violation of Section 187 of the Penal Code, or Sections 11357 to 11361, inclusive, 11363, 11364, or 11370.1 of the Health and Safety Code, insofar as these sections relate to any controlled substances except marijuana, mescaline, peyote, or tetrahydrocannabinols.

(c) For purposes of this section and Section 44940.5, the term "school district" includes county offices of education.

(d)(1) Whenever any certificated employee of a school district is charged with a mandatory leave of absence offense, as defined in subdivision (a), upon being informed that a charge has been filed, the governing board of the school district shall immediately place the employee on compulsory leave of absence. The duration of the leave of absence shall be until a time not more than 10 days after the date of entry of the judgment in the proceedings. No later than 10 days after receipt of the complaint, information, or indictment described by subdivision (a), the school district shall forward a copy to the Commission on Teacher Credentialing.

(2) Upon receiving a copy of a complaint, information, or indictment described in subdivision (a) and forwarded by a school district, the Commission on Teacher Credentialing shall automatically suspend the employee's teaching or service credential. The duration of the suspension shall be until a time not more than 10 days after the date of entry of the judgment in the proceedings.

(e)(1) Whenever any certificated employee of a school district is charged with an optional leave of absence offense as defined in subdivision (b), the governing board of the school district may immediately place the employee upon compulsory leave in accordance with the procedure in this section and Section 44940.5. If any certificated employee is charged with an offense deemed to fall into both the mandatory and the optional leave of absence categories, as defined in subdivisions (a) and (b), that offense shall be treated as a mandatory leave of absence offense for purposes of this section. No later than 10 days after receipt of the complaint, information, or indictment described by subdivision (a), the school district shall forward a copy to the Commission on Teacher Credentialing.

(2) Upon receiving a copy of a complaint, information, or indictment described in subdivision (a) and forwarded by a school district, the Commission on Teacher Credentialing shall automatically suspend the employee's teaching or service credential. The duration of the suspension shall be until a time not more than 10 days after the date of entry of the judgment in the proceedings.



# Commission on Teacher Credentialing

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## SCHOOL DISTRICT NOTIFICATION OF CREDENTIAL HOLDER'S CHANGE IN EMPLOYMENT STATUS DUE TO ALLEGATIONS OF MISCONDUCT (CALIFORNIA CODE OF REGULATIONS, TITLE 5 SECTION 80303)

Name of Credential Holder: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ Last Four of SSN: \_\_\_\_\_ Incident Date(s): \_\_\_\_\_  
Employment Start Date: \_\_\_\_\_ Employment End Date: \_\_\_\_\_  
Final Disciplinary Action: \_\_\_\_\_ Date of Final Action: \_\_\_\_\_  
Current Address: \_\_\_\_\_  
Position and Title: \_\_\_\_\_  
Employing School District: \_\_\_\_\_ COE: \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Contact Number: \_\_\_\_\_

<p><b>Please attach the following documents: (if applicable)</b></p> <ul style="list-style-type: none"> <li>Notification Form</li> <li>Cover Letter (Case Summary)</li> <li>Notice of Intent to Dismiss/Suspend</li> <li>Statement of Charges/Accusation</li> <li>Request for a CPC Hearing and Hearing Dates</li> <li>Final Decision (District/CPC)</li> <li>Letter of Resignation or Retirement</li> <li>Board's Acceptance</li> <li>Settlement/General Release Statement</li> <li>Copy of Signed Contract</li> </ul>	<p><b>Relevant Evidence:</b></p> <ul style="list-style-type: none"> <li>District Investigation Report(s)</li> <li>Law Enforcement Report(s)</li> <li>Police/Court</li> <li>Written Statement(s) of: <ul style="list-style-type: none"> <li>Victim(s)</li> <li>Witness(es)</li> <li>Parent/Guardian(s)</li> </ul> </li> <li>Contact Information* <ul style="list-style-type: none"> <li>Name, Address, Phone Number of: <ul style="list-style-type: none"> <li>Victim(s)</li> <li>Witness(es)</li> <li>Parent/Guardian(s)</li> </ul> </li> </ul> </li> </ul> <p><b>Investigation Materials:</b></p> <ul style="list-style-type: none"> <li>Copies of Emails/Text Messages</li> <li>Computer Printouts (Hard Copy)</li> <li>Correspondence with Employee</li> <li>All Other Relevant Documents</li> </ul> <p><b>*NOTE:</b> Parent permission is obtained prior to interviewing students.</p>
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**CALIFORNIA CODE OF REGULATIONS, TITLE 5 80303**  
**CHANGE IN EMPLOYMENT STATUS**

(a) Whenever a credential holder, working in a position requiring a credential:

(1) is dismissed or nonreelected;

(2) resigns;

(3) is suspended or placed on unpaid administrative leave as a final adverse employment action for more than 10 days;

(4) retires; or

(5) is otherwise terminated by a decision not to employ or re-employ; as a result of an allegation of misconduct or while an allegation of misconduct is pending, the superintendent of the employing school district shall report the change in employment status to the Commission not later than 30 days after the employment action.

(b) The report shall contain all known information about each alleged act of misconduct.

(c) The report shall be made to the Commission regardless of any proposed or actual agreement, settlement, or stipulation not to make such a report. The report shall also be made if allegations served on the holder are withdrawn in consideration of the holder's resignation, retirement, or other failure to contest the truth of the allegations.

(d) Failure to make a report required under this section constitutes unprofessional conduct. The Committee may investigate any superintendent who holds a credential who fails to file reports required by this section.

(e) The superintendent of an employing school district shall, in writing, inform a credential holder of the content of this regulation whenever that credential holder, working in a position requiring a credential, is dismissed, nonreelected, resigns, is suspended or placed on unpaid administrative leave as a final adverse employment action for more than ten days, retires or is otherwise terminated by a decision not to employ or re-employ as a result of an allegation of misconduct or while an allegation of misconduct is pending. Failure to comply with this subdivision by a superintendent of schools constitutes unprofessional conduct which shall be investigated by the Committee of Credentials.