



# FACT SHEET

Date: April 7, 2011

Report: 2010-119

The California State Auditor released the following report today:

## Commission on Teacher Credentialing

*Despite Delays in Discipline of Teacher Misconduct, the Division of Professional Practices Has Not Developed an Adequate Strategy or Implemented Processes That Will Safeguard Against Future Backlogs*

### BACKGROUND

Receiving over 250,000 applications for teaching credentials each year, the 19-member Commission on Teacher Credentialing (commission) establishes high standards for the preparation and licensing of public school educators. The Division of Professional Practices (division) conducts investigations of misconduct on behalf of the Committee of Credentials (committee)—a commission appointed seven-member body. The committee meets monthly to review allegations of misconduct and, when appropriate, recommends that the commission discipline credential holders or applicants, including revoking or denying credentials when the committee determines holders or applicants are unfit for the duties authorized by the credential.

### KEY FINDINGS

During our audit of the commission's educator discipline process, we noted the following:

- As of the summer of 2009, the division had accumulated a backlog of about 12,600 unprocessed reports of arrest and prosecution—nearly three times the number of educator misconduct reports the division typically processes each year. The backlog was a result of an insufficient number of trained staff, ineffective and inefficient processes, and a lack of an automated system for tracking the division's workload.
- These conditions appear to have significantly delayed processing of alleged misconduct and potentially allowed educators of questionable character to retain a credential.
  - In 11 of the 29 cases we reviewed, the division took more than 80 days to open a case after it received a report of misconduct, with one taking nearly two years to open and another taking nearly three years.
  - The division does not always effectively track cases that potentially result in mandatory revocation of a credential—for two of the 23 such cases we reviewed the division took one and a half months and six months, respectively, to revoke the credentials after being notified by the court the holder was convicted of the crime charged.
  - Because it relies on the prosecution of criminal charges rather than contemporaneously pursuing all available sources of information regarding its cases, when an individual is not convicted the division may not be able to get the information necessary to effectively investigate because some witnesses—students, teachers, and administrators—may no longer be accessible.
- The division has not effectively processed all the reports of arrest and prosecution that it receives—we could not locate in the commission's database more than half of the 30 reports we randomly selected. Further, it processes reports it no longer needs because it does not always notify the appropriate entity that the reports are unneeded.
- To streamline the committee's review of reports of misconduct, the commission allows division staff to use their discretion to decide which reports to forward to the committee for its review and which require no disciplinary action—a practice we believe constitutes an unlawful delegation of discretionary authority.
- The division lacks comprehensive written procedures for reviewing reported misconduct and the database it uses for tracking cases of reported misconduct does not always contain complete and accurate information.
- Familial relationships among commission employees may have a negative impact on employees' perceptions and without a complete set of approved and consistently applied hiring procedures, the commission is vulnerable to allegations of unfair hiring and employment practices.

### KEY RECOMMENDATIONS

We make numerous recommendations to the commission including that it develop and formalize comprehensive procedures for reviews of reported misconduct and for hiring and employment practices to ensure consistency. We also recommend that it provide training and oversight to ensure that case information in its database is complete, accurate, and consistent. Moreover, we provide specific recommendations for the commission to revisit its processes for overseeing investigations to adequately address the weaknesses in its processing of reports of misconduct and reduce the time elapsed to perform critical steps in the review process.

