



C A L I F O R N I A

DEPARTMENT OF JUSTICE

D I V I S I O N O F C I V I L L A W

**LEGAL SERVICES PROVIDED
TO THE COMMISSION ON
TEACHER CREDENTIALING**

Attorney General's Second Biannual Report
for Fiscal Year 2024-25



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BIANNUAL REPORT FOR FISCAL YEAR 2024-25

ATTORNEY GENERAL'S SECOND BIANNUAL REPORT FOR FISCAL YEAR 2024-25 ON LEGAL SERVICES PROVIDED TO THE COMMISSION ON TEACHER CREDENTIALING

The Attorney General submits this second biannual report for Fiscal Year 2024-25 as required by the Budget Act of 2024, Item 6360-001-0407, Provision 5—For Support of Commission on Teacher Credentialing, payable from the Teacher Credentials Fund.

EXECUTIVE SUMMARY

This second biannual report provides information for the second half of Fiscal Year 2024-25. It contains new data for the last two quarters and a summary of the entire fiscal year. Below is a summary of key reported numbers over the past four fiscal years.

By quarter in Fiscal Year 2024-25:

- End-of-quarter counts of Adverse Action cases vary between 205 and 219 (Figure 1a); Judicial Review case counts vary between six and eight (Figure 3a).
- Adverse Action cases adjudicated each quarter vary from 27 to 38 (Figure 5a) and median days to adjudication vary from 268 to 330 (Figure 5b).
- Median days from referral to hearing vary from 384 to 419 (Figure 7a).

For the four-year period from Fiscal Year 2021-22 through Fiscal Year 2024-25:

- End-of-year counts of Adverse Action cases vary between 184 and 211 (Figure 2a); Judicial Review case counts vary between six and 12 (Figure 4a).
- Adverse Action cases adjudicated each year vary from 120 to 171 (Figure 6a) and median days to adjudication vary from 314 to 403 (Figure 6b).
- Median days from referral to hearing vary from 391 to 465 (Figure 7b).

Over the past four years, the number of civil subpoenas issued to the commission and defended by the Attorney General has increased. By year, subpoena referral counts are 35 (2021-22), 28 (2022-23), 94 (2023-24), and 123 (2024-25) (Figure 12c). Consequently, the total hours devoted to cases unrelated to teacher discipline have increased: 1,034 hours in Fiscal Year 2021-22, 1,616 hours in 2022-23, 3,378 hours in 2023-24, and 6,075 hours in Fiscal Year 2024-25. This has dramatically increased costs to the commission (Figure 12b).

Appendices to this report include summaries of all required metrics for the four quarters of Fiscal Year 2024-25, annual summaries for four complete fiscal years, Provision 5 reporting requirements, and a summary of the adjudication process for the commission's cases.

DISCUSSION

Volume of Cases

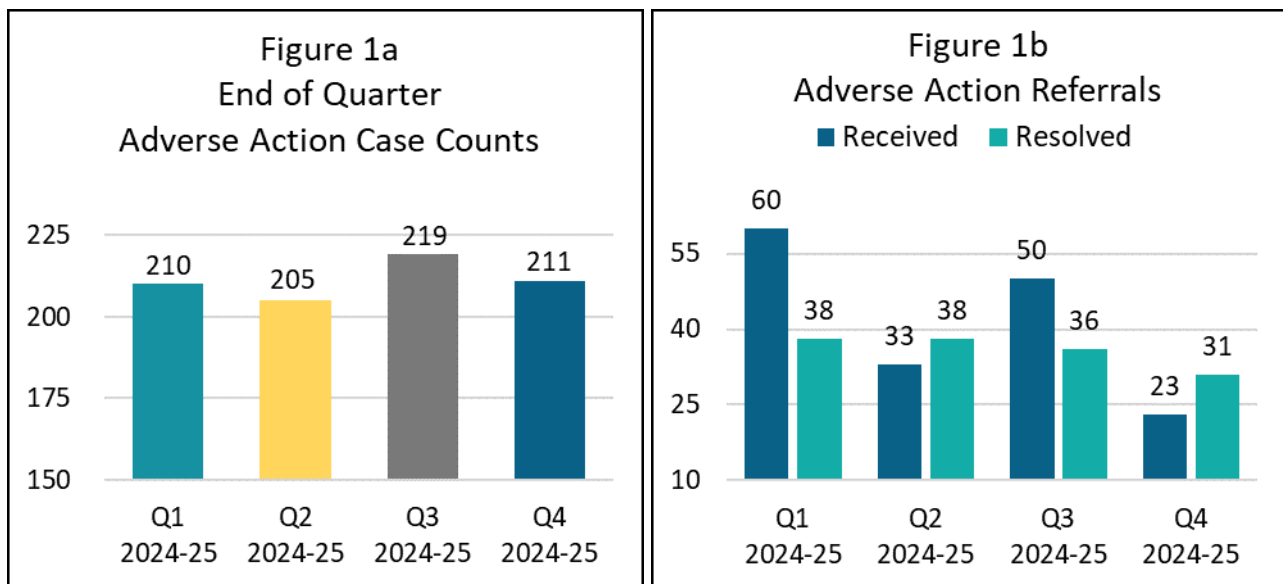
[Provision 5, Subdivisions (b)(1) and (b)(5)]

Protection of the public is the Attorney General’s primary goal in representing the commission. Together, adverse action and judicial review cases comprise the discipline caseload reported herein. *Adverse actions* are the administrative disciplinary proceedings filed to deny, revoke, or suspend a credential. The action begins with the filing of a pleading, litigating it through an administrative hearing or by settlement, and forwarding it to the commission for a final decision. *Judicial review* cases include mandamus proceedings in superior and appellate courts to review the commission’s administrative decisions or other civil actions against the commission related to the decisions it has issued. At the end of the fourth quarter of this fiscal year, 211 adverse action cases and six judicial review cases remained with the Attorney General. All data for the fourth quarter are summarized in Appendix A.

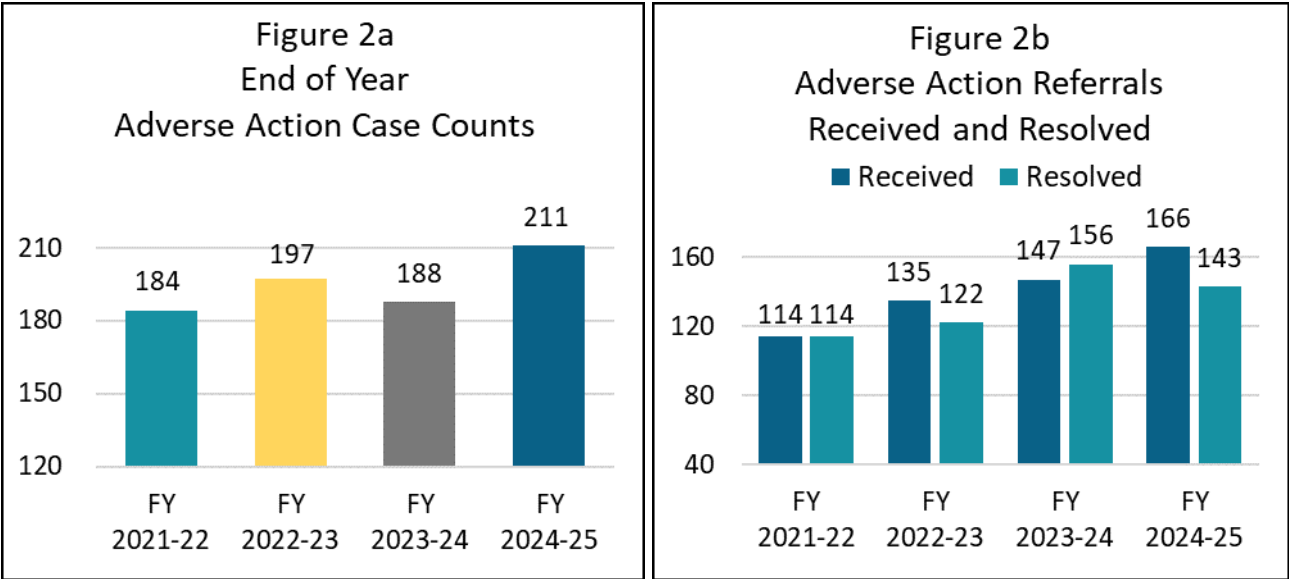
Adverse Action Cases

Adverse action cases include those not yet adjudicated and those that have been adjudicated. *Adjudicated* means the work of the Attorney General is complete and the case goes to the commission for its final decision. An adverse action case is *resolved* when the commission’s final decision becomes effective (Appendix J).

Figure 1a depicts end-of-quarter adverse action case counts for the past four quarters. At the end of the fourth quarter, there remain 211 cases, a net decrease of eight adverse action cases from the previous quarter. Figure 1b depicts the number of adverse action referrals received and resolved for the past four quarters. It shows that during the fourth quarter of this fiscal year, the Attorney General received 23 adverse action referrals and resolved 31.



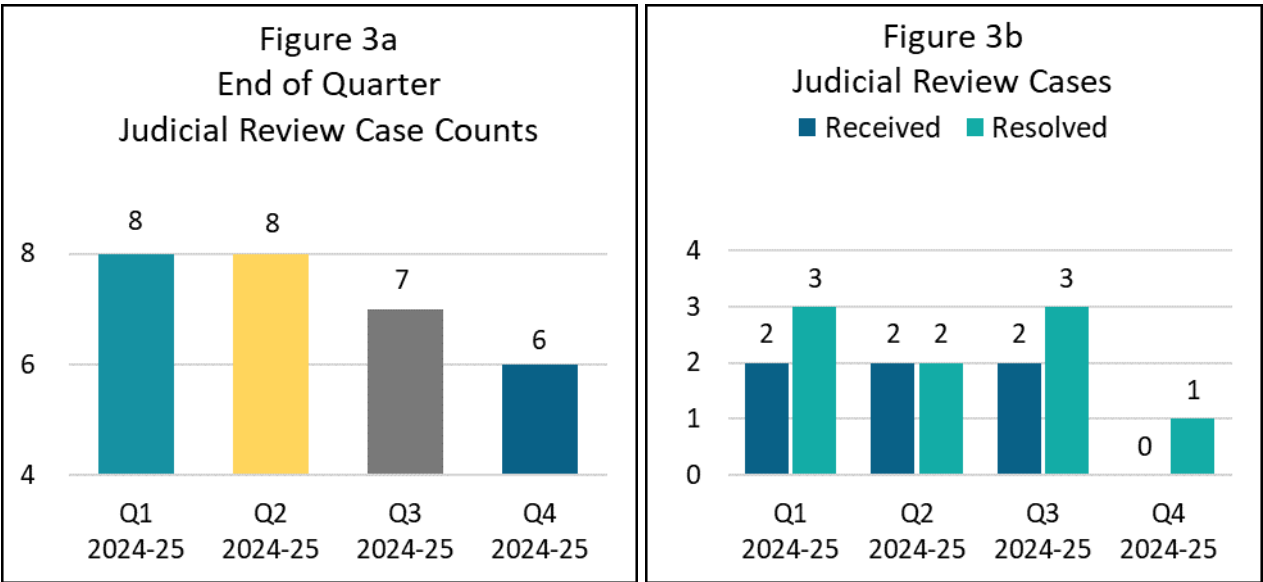
Figures 2a and 2b present these same metrics for the past four reporting years.



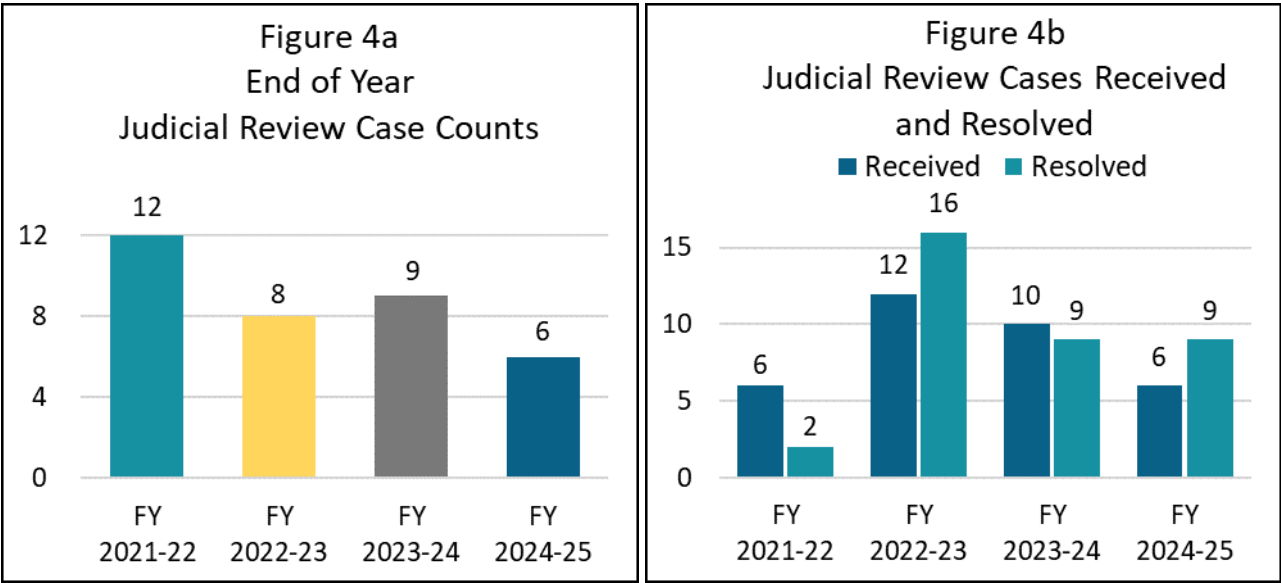
Judicial Review Cases

A new *judicial review* case is opened when a respondent seeks to challenge the commission’s decision and petitions for judicial review in superior or appellate courts. At the end of the fourth quarter of this fiscal year, six judicial review cases were pending with the Attorney General (Figure 3a).

Figure 3b illustrates the number of judicial review cases received and adjudicated during the most recent four quarters. During the fourth quarter of this fiscal year, no judicial review cases were referred to the Attorney General and one was resolved.



Figures 4a and 4b present these same metrics by year.



Further Investigations

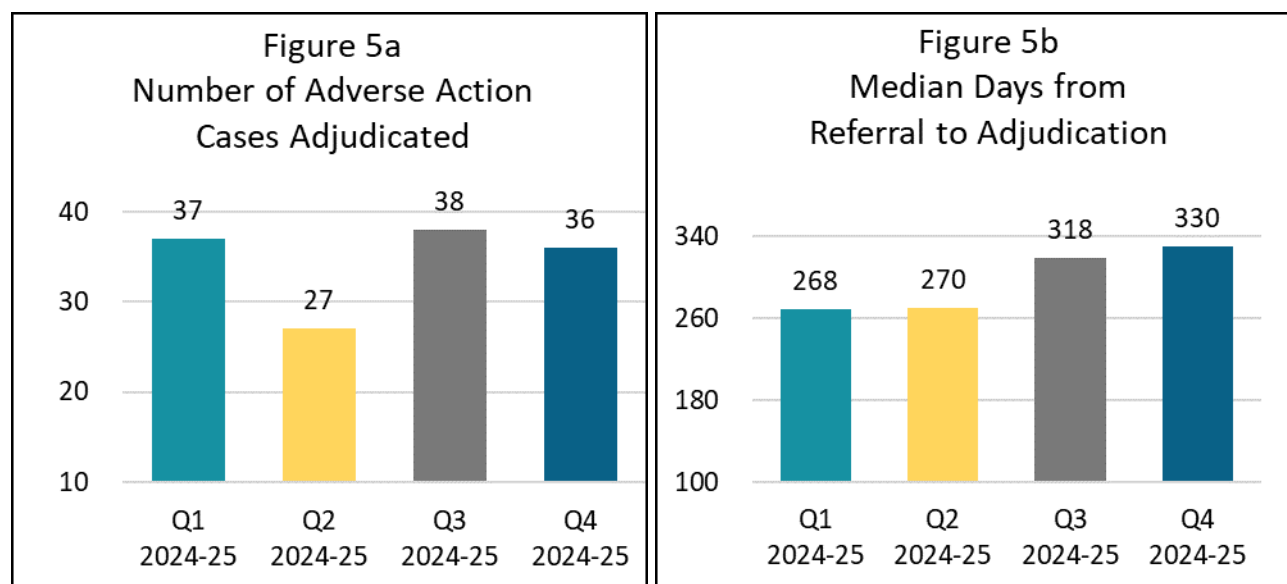
[Provision 5, Subdivisions (b)(2) and (b)(3)]

When evidence in a case is insufficient to sustain the necessary burden of proof to impose discipline, the assigned deputy attorney general may request further investigation. Fifteen requests for further investigation were made during the fourth quarter of this fiscal year and 15 supplemental investigations were received (Appendix A). Cases are referred to the Attorney General following a “probable cause” determination. However, in most cases, the applicable burden of proof is higher, i.e., “clear and convincing evidence,” which may require further investigation before the Attorney General can proceed (see Appendix J).

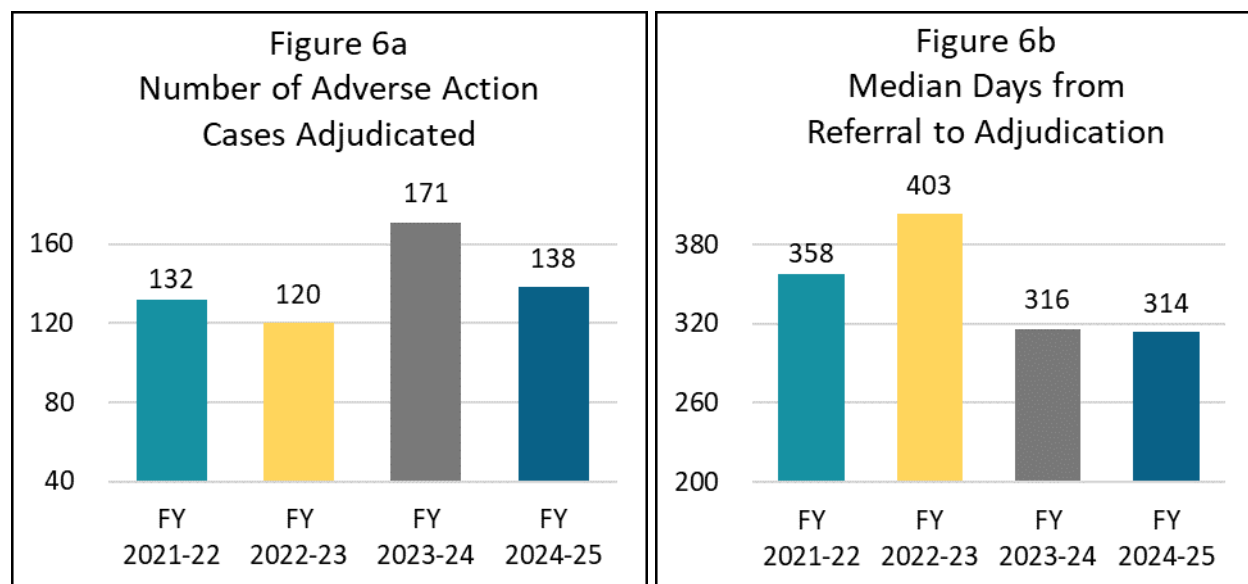
Adjudications

[Provision 5, Subdivision (b)(4)]

In the fourth reporting quarter of this fiscal year, 36 adverse action cases were adjudicated. The median number of days for adjudication was 330; the quickest adjudication this quarter was completed in 21 days and the longest in 766 days (Appendix A). Figures 5a and 5b show that the number of cases adjudicated in the fourth quarter decreased slightly but the median days to adjudicate increased by 12 days. The Figure 5b numbers correlate with the stated goal to adjudicate most cases in one year.



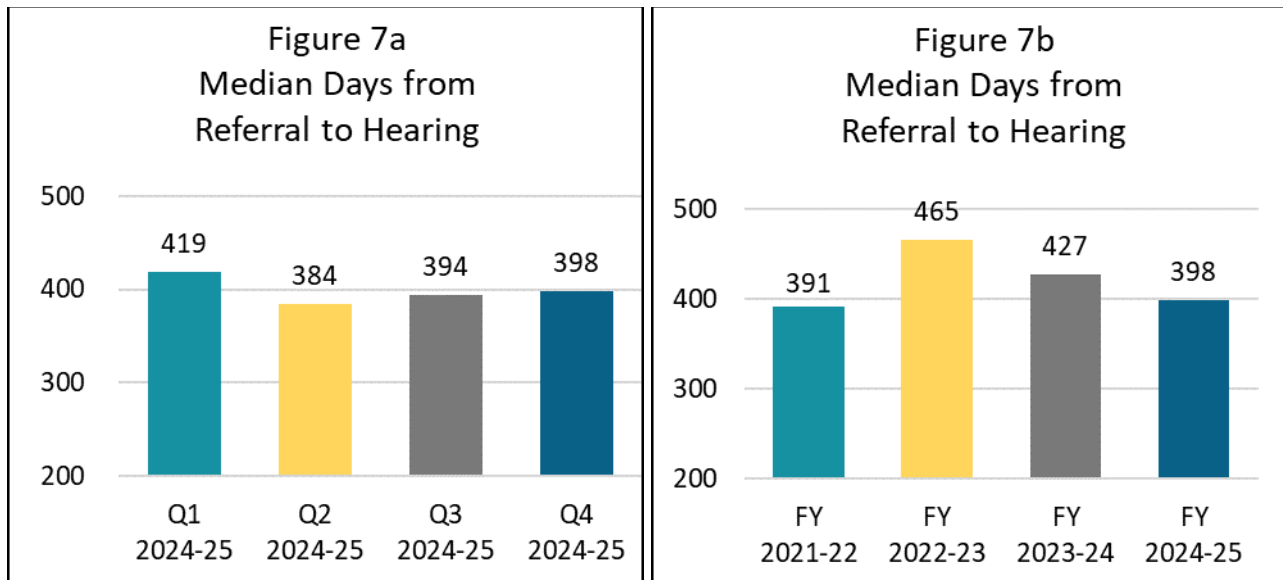
Figures 6a and 6b present these same metrics by fiscal year.



Hearings

[Provision 5, Subdivision (b)(6)]

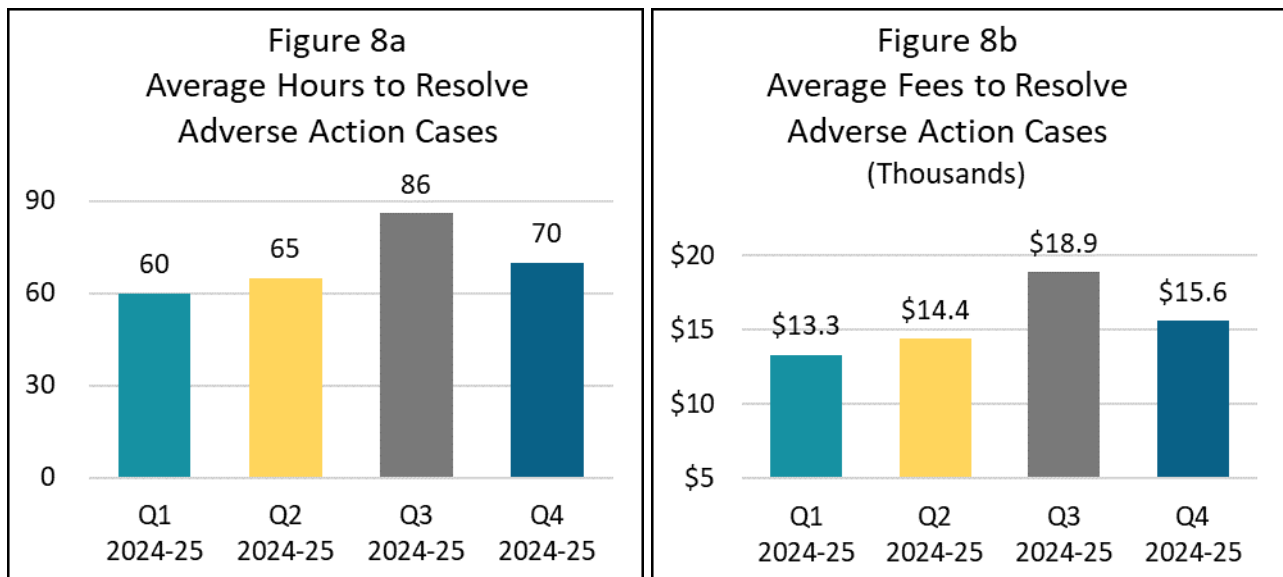
Figures 7a and 7b display median days from receipt of referral to hearing for the most recent four quarters and also by year. Eight hearings commenced in the fourth quarter of this fiscal year, with a median time to commence hearings of 398 days. Twenty-seven hearings commenced in Fiscal Year 2024-25, with a median time to commence hearings of 398 days.



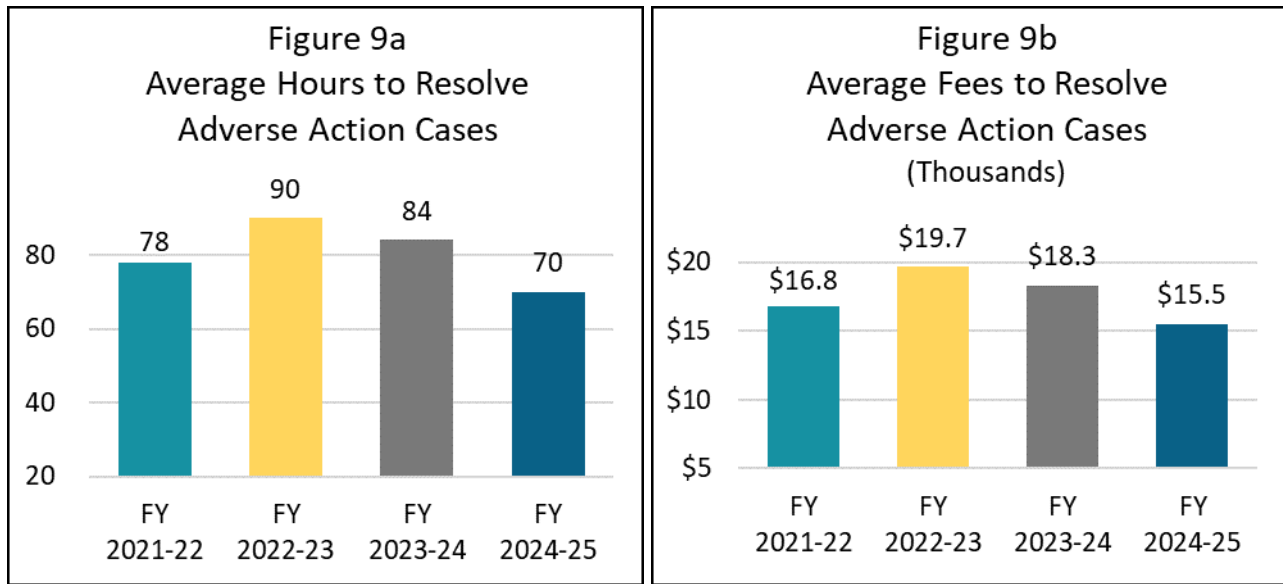
Average Hours and Fees

[Provision 5, Subdivision (c)]

In the fourth quarter of this fiscal year, each adverse action case took an average of 70 hours to adjudicate and the average fee to adjudicate these matters was \$15,638.



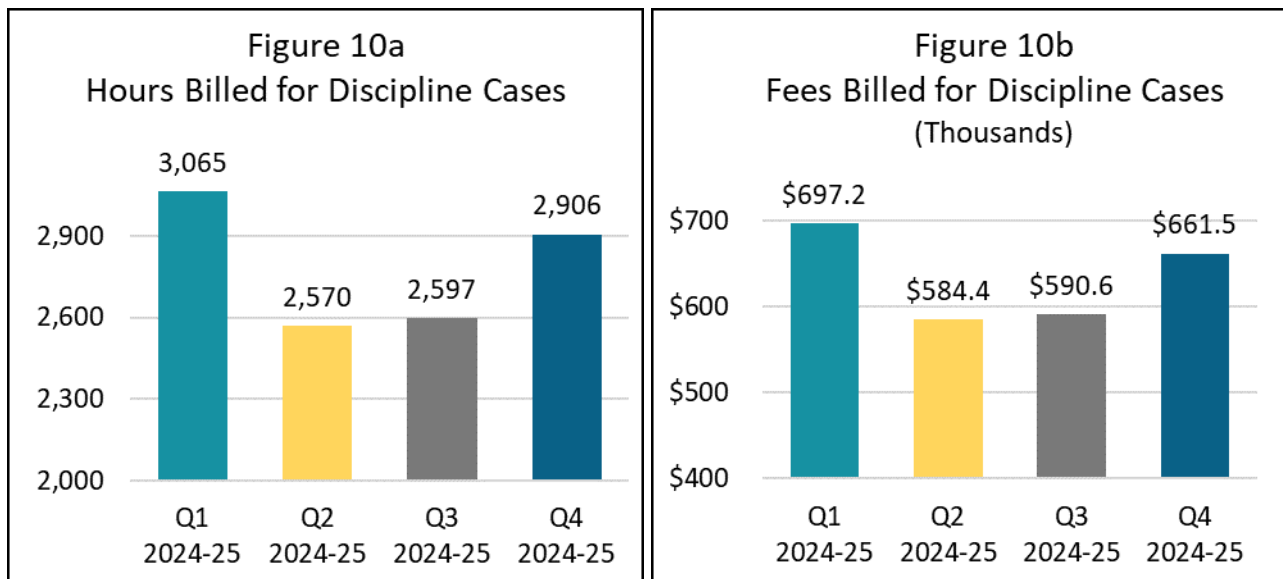
Figures 9a and 9b present these same metrics by fiscal year.



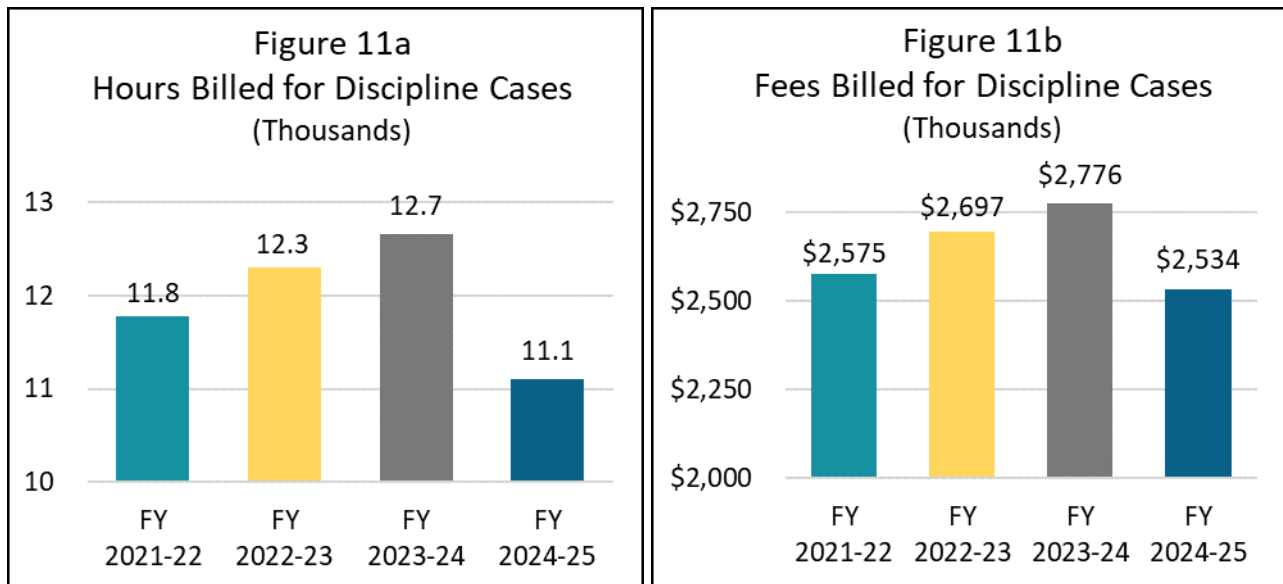
Quarterly Hours and Fees

[Provision 5, Subdivision (d)]

In the second half of this fiscal year, the Attorney General's staff provided 5,503 hours of legal work related to teacher discipline, including both adverse action and judicial review cases. During this same period, the Attorney General billed a total of \$1,252,069 to the commission related to the teacher discipline caseload. Figures 10a and 10b below summarize hours and fees for the most recent four quarters.

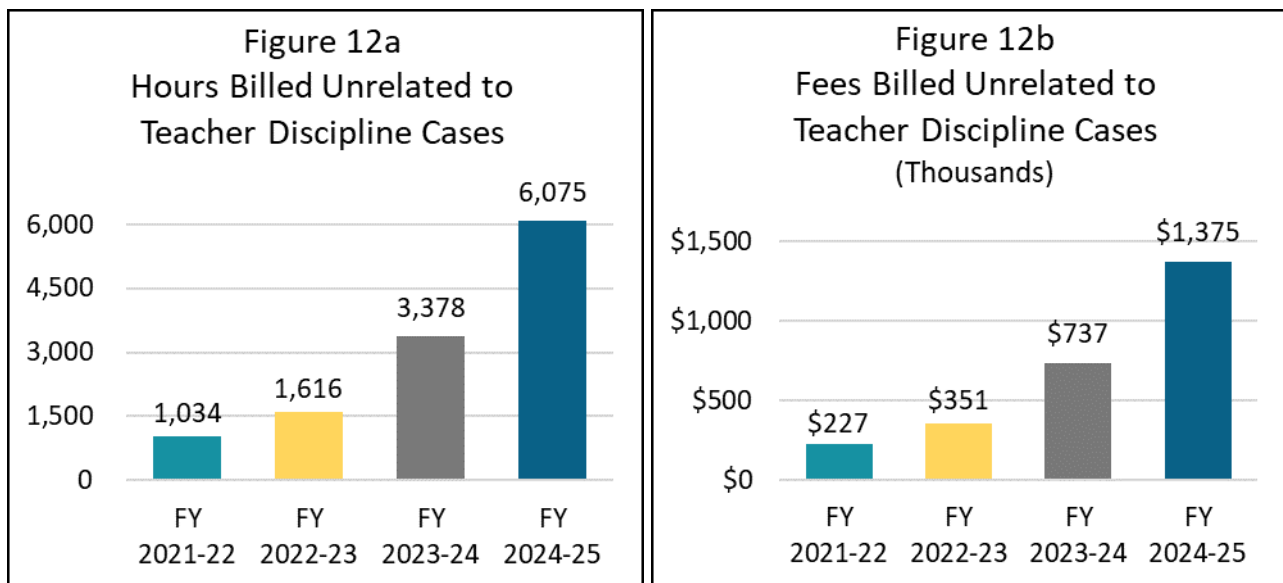


Figures 11a and 11b present these same metrics by fiscal year.

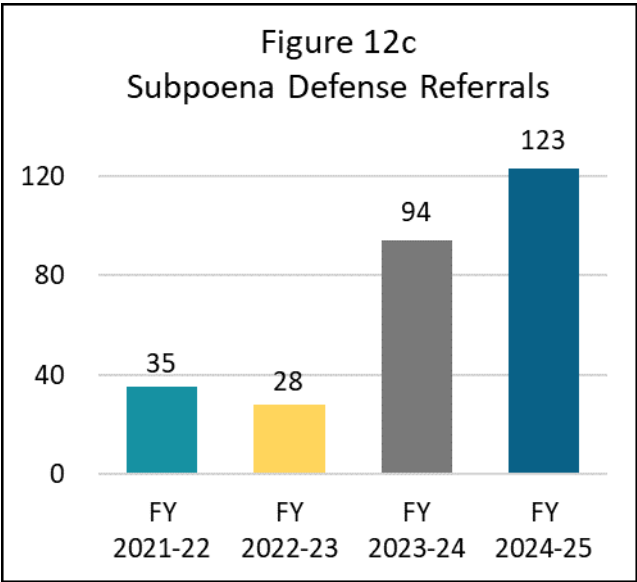


Subpoena Defense Cases

Over the past few years, the number of subpoena defense cases processed by the Attorney General to represent the commission for each period has increased dramatically. This increase is captured in increased hours and fees recorded for subdivisions (d)(3) and (d)(4), hours worked for representation of the commission unrelated to teacher discipline matters. These hours and fees are displayed below and in the annual summaries (Appendices E-H).



Counts of subpoena defense case referrals by fiscal year are in Figure 12c.



CONCLUSION

This second biannual report provides information regarding the volume, time to adjudication, and cost of the legal work performed by the Attorney General for the Commission on Teacher Credentialing. The California Department of Justice will continue to provide representation for the commission that conforms to the highest standards of the Attorney General.

This report is also available on the Attorney General’s website at: <https://oag.ca.gov/publications>
If you have questions regarding this report or would like additional information, please contact Senior Assistant Attorney General Carl Sonne at carl.sonne@doj.ca.gov or (619) 738-9423.

APPENDIX A: FY 2024-25 Quarter 4

Discipline Cases with the Attorney General Provision 5, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of quarter, subdivision (b)(1)	219	7	226
Referrals received during the quarter	23	0	23
Referrals resolved during the quarter	31	1	32
Referrals end of the quarter, subdivision (b)(5)	211	6	217

Further Investigation Requested and Received Provision 5, subdivisions (b)(2) and (b)(3)	
Further investigation requests, subdivision (b)(2)	15
Supplemental investigations received, subdivision (b)(3)	15

Number of Days for Adverse Action Adjudications Provision 5, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Met	Median	Count
21	766	339	365	YES	330	36

Number of Days from Receipt of Referral to Hearing Commenced Provision 5, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
271	483	386	398	8

Hours, Fees and Costs for Accusation and Statement of Issues Cases Provision 5, subdivisions (c)(1), (c)(2), and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	70	39
Fees per case, subdivision (c)(2)	\$ 15,638	\$ 8,923
Costs per case, subdivision (c)(3)	\$ 39	\$ 0

Total Hours and Fees – Discipline and General Litigation Cases Provision 5, subdivisions (d)(1), (d)(2), (d)(3), and (d)(4)		
Type of Case	Total Hours	Total Fees
Discipline cases, subdivisions (d)(1) and (d)(2)	2,906	\$ 661,503
Other cases, subdivisions (d)(3) and (d)(4)	1,361	\$ 308,858
All cases combined	4,267	\$ 970,361

APPENDIX B: FY 2024-25 Quarter 3

Discipline Cases with the Attorney General Provision 5, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of quarter, subdivision (b)(1)	205	8	213
Referrals received during the quarter	50	2	52
Referrals resolved during the quarter	36	3	39
Referrals end of the quarter, subdivision (b)(5)	219	7	226

Further Investigation Requested and Received Provision 5, subdivisions (b)(2) and (b)(3)	
Further investigation requests, subdivision (b)(2)	11
Supplemental investigations received, subdivision (b)(3)	5

Number of Days for Adverse Action Adjudications Provision 5, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Met	Median	Count
9	880	335	365	YES	318	38

Number of Days from Receipt of Referral to Hearing Commenced Provision 5, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
282	692	434	394	11

Hours, Fees and Costs for Accusation and Statement of Issues Cases Provision 5, subdivisions (c)(1), (c)(2), and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	86	58
Fees per case, subdivision (c)(2)	\$ 18,946	\$ 12,902
Costs per case, subdivision (c)(3)	\$ 577	\$ 0

Total Hours and Fees – Discipline and General Litigation Cases Provision 5, subdivisions (d)(1), (d)(2), (d)(3), and (d)(4)		
Type of Case	Total Hours	Total Fees
Discipline cases, subdivisions (d)(1) and (d)(2)	2,597	\$ 590,566
Other cases, subdivisions (d)(3) and (d)(4)	1,461	\$ 329,544
All cases combined	4,058	\$ 920,110

APPENDIX C: FY 2024-25 Quarter 2

Discipline Cases with the Attorney General Provision 5, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of quarter, subdivision (b)(1)	210	8	218
Referrals received during the quarter	33	2	35
Referrals resolved during the quarter	38	2	40
Referrals end of the quarter, subdivision (b)(5)	205	8	213

Further Investigation Requested and Received Provision 5, subdivisions (b)(2) and (b)(3)	
Further investigation requests, subdivision (b)(2)	9
Supplemental investigations received, subdivision (b)(3)	8

Number of Days for Adverse Action Adjudications Provision 5, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Met	Median	Count
35	1,115	318	365	YES	270	27

Number of Days from Receipt of Referral to Hearing Commenced Provision 5, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
236	520	380	384	3

Hours, Fees and Costs for Adverse Action and Statement of Issues Cases Provision 5, subdivisions (c)(1), (c)(2,) and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	65	66
Fees per case, subdivision (c)(2)	\$14,426	\$14,664
Costs per case, subdivision (c)(3)	\$ 46	\$ 0

Total Hours and Fees – Discipline and General Litigation Cases Provision 5, subdivisions (d)(1), (d)(2), (d)(3), and (d)(4)		
Type of Case	Total Hours	Total Fees
Discipline cases, subdivisions (d)(1) and (d)(2)	2,570	\$ 584,405
Other cases, subdivisions (d)(3) and (d)(4)	1,551	\$ 351,786
All cases combined	4,121	\$ 936,191

APPENDIX D: FY 2024-25 Quarter 1

Discipline Cases with the Attorney General Provision 5, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of quarter, subdivision (b)(1)	188	9	197
Referrals received during the quarter	60	2	62
Referrals resolved during the quarter	38	3	41
Referrals end of the quarter, subdivision (b)(5)	210	8	218

Further Investigation Requested and Received Provision 5, subdivisions (b)(2) and (b)(3)	
Further investigation requests, subdivision (b)(2)	8
Supplemental investigations received, subdivision (b)(3)	7

Number of Days for Adverse Action Adjudications Provision 5, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Met	Median	Count
46	718	299	365	YES	268	37

Number of Days from Receipt of Referral to Hearing Commenced Provision 5, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
209	490	371	419	5

Hours, Fees and Costs for Accusation and Statement of Issues Cases Provision 5, subdivisions (c)(1), (c)(2), and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	60	36
Fees per case, subdivision (c)(2)	\$ 13,254	\$ 7,914
Costs per case, subdivision (c)(3)	\$137	\$ 0

Total Hours and Fees – Discipline and General Litigation Cases Provision 5, subdivisions (d)(1), (d)(2), (d)(3), and (d)(4)		
Type of Case	Total Hours	Total Fees
Discipline cases, subdivisions (d)(1) and (d)(2)	3,065	\$ 697,193
Other cases, subdivisions (d)(3) and (d)(4)	1,702	\$ 384,629
All cases combined	4,767	\$ 1,081,822

APPENDIX E: FISCAL YEAR 2024-25

Discipline Cases with the Attorney General Provision 5, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of the year, subdivision (b)(1)	188	9	197
Referrals received during the year	166	6	172
Referrals resolved during the year	143	9	152
Referrals end of the year, subdivision (b)(5)	211	6	217

Further Investigation Requested and Received Provision 5, subdivisions (b)(2) and (b)(3)	
Further investigation requests, subdivision (b)(2)	43
Supplemental investigations received, subdivision (b)(3)	35

Number of Days for Adverse Action Adjudications Provision 5, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Met	Median	Count
9	1,115	330	365	YES	314	138

Number of Days from Receipt of Referral to Hearing Commenced Provision 5, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
209	692	403	398	27

Hours, Fees and Costs for Accusation and Statement of Issues Cases Provision 5, subdivisions (c)(1), (c)(2), and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	70	47
Fees per case, subdivision (c)(2)	\$ 15,534	\$ 10,251
Costs per case, subdivision (c)(3)	\$205	\$0

Total Hours and Fees – Discipline and General Litigation Cases Provision 5, subdivisions (d)(1), (d)(2), (d)(3), and (d)(4)		
Type of Case	Total Hours	Total Fees
Discipline cases, subdivisions (d)(1) and (d)(2)	11,138	\$ 2,533,667
Other cases, subdivisions (d)(3) and (d)(4)	6,075	\$ 1,374,817
All cases combined	17,213	\$ 3,908,484

APPENDIX F: FISCAL YEAR 2023-24

Discipline Cases with the Attorney General Provision 6, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of the year, subdivision (b)(1)	197	8	205
Referrals received during the year	147	10	157
Referrals resolved during the year	156	9	165
Referrals end of the year, subdivision (b)(5)	188	9	197

Further Investigation Requested and Received Provision 6, subdivisions (b)(2) and (b)(3)	
Further investigation requests, subdivision (b)(2)	46
Supplemental investigations received, subdivision (b)(3)	44

Number of Days for Adverse Action Adjudications Provision 6, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Met	Median	Count
19	1,933	366	365	NO	316	171

Number of Days from Receipt of Referral to Hearing Commenced Provision 6, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
164	1,063	469	427	43

Hours, Fees and Costs for Accusation and Statement of Issues Cases Provision 6, subdivisions (c)(1), (c)(2), and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	84	62
Fees per case, subdivision (c)(2)	\$ 18,317	\$ 13,673
Costs per case, subdivision (c)(3)	\$ 90	\$ 0

Total Hours and Fees – Discipline and General Litigation Cases Provision 6, subdivisions (d)(1), (d)(2), (d)(3), and (d)(4)		
Type of Case	Total Hours	Total Fees
Discipline cases, subdivisions (d)(1) and (d)(2)	12,656	\$ 2,775,599
Other cases, subdivisions (d)(3) and (d)(4)	3,378	\$ 736,694
All cases combined	16,034	\$ 3,512,293

APPENDIX G: FISCAL YEAR 2022-23

Discipline Cases with the Attorney General Provision 6, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of the year, subdivision (b)(1)	184	12	196
Referrals received during the year	135	12	147
Referrals resolved during the year	122	16	138
Referrals end of the year, subdivision (b)(5)	197	8	205

Further Investigation Requested and Received Provision 6, subdivisions (b)(2) and (b)(3)	
Further investigation requests, subdivision (b)(2)	46
Supplemental investigations received, subdivision (b)(3)	37

Number of Days for Adverse Action Adjudications Provision 6, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Met	Median	Count
6	1,162	429	365	NO	403	120

Number of Days from Receipt of Referral to Hearing Commenced Provision 6, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
170	1,028	483	465	36

Hours, Fees and Costs for Accusation and Statement of Issues Cases Provision 6, subdivisions (c)(1), (c)(2), and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	90	59
Fees per case, subdivision (c)(2)	\$ 19,679	\$ 12,952
Costs per case, subdivision (c)(3)	\$ 187	\$ 0

Total Hours and Fees – Discipline and General Litigation Cases Provision 6, subdivisions (d)(1), (d)(2), (d)(3), and (d)(4)		
Type of Case	Total Hours	Total Fees
Discipline cases, subdivisions (d)(1) and (d)(2)	12,307	\$ 2,697,036
Other cases, subdivisions (d)(3) and (d)(4)	1,616	\$ 351,378
All cases combined	13,923	\$ 3,048,414

APPENDIX H: FISCAL YEAR 2021-22

Discipline Cases with the Attorney General Provision 6, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of the year, subdivision (b)(1)	184	8	192
Referrals received during the year	114	6	120
Referrals resolved during the year	114	2	116
Referrals end of the year, subdivision (b)(5)	184	12	196

Further Investigation Requested and Received Provision 6, subdivisions (b)(2) and (b)(3)	
Further investigation requests, subdivision (b)(2)	38
Supplemental investigations received, subdivision (b)(3)	26

Number of Days for Adverse Action Adjudications Provision 6, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Met	Median	Count
9	1,592	395	365	NO	358	132

Number of Days from Receipt of Referral to Hearing Commenced Provision 6, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
245	1,054	488	391	31

Hours, Fees and Costs for Accusation and Statement of Issues Cases Provision 6, subdivisions (c)(1), (c)(2), and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	78	56
Fees per case, subdivision (c)(2)	\$ 16,799	\$ 12,128
Costs per case, subdivision (c)(3)	\$ 79	\$ 0

Total Hours and Fees – Discipline and General Litigation Cases Provision 6, subdivisions (d)(1), (d)(2), (d)(3), and (d)(4)		
Type of Case	Total Hours	Total Fees
Discipline cases, subdivisions (d)(1) and (d)(2)	11,775	\$ 2,575,420
Other cases, subdivisions (d)(3) and (d)(4)	1,034	\$ 226,564
All cases combined	12,809	\$ 2,801,984

APPENDIX I: Provision 5 Measures Reported

The Budget Act of 2024, Item 6360-001-0407, Provision 5 states:

- (a) The Attorney General shall submit a biannual report to the chairpersons and vice chairpersons of the budget committees of each house of the Legislature, the Legislative Analyst's Office, and the Department of Finance concerning the status of the teacher misconduct discipline caseload and other cases being handled by the Attorney General for the Commission on Teacher Credentialing. The biannual report shall be submitted by August 30 and February 28 of each year for the previous corresponding fiscal quarters.
- (b) Each report shall include, at a minimum, all of the following for teacher discipline matters:
 - (1) The number of matters with the Attorney General at the beginning of the reporting period.
 - (2) The number of matters for which further investigation was requested by the Attorney General.
 - (3) The number of matters for which further investigation was received by the Attorney General.
 - (4) The number of matters adjudicated by the Attorney General.
 - (5) The number of matters with the Attorney General at the end of the reporting period.
 - (6) The minimum, maximum, and median number of days from the date the Attorney General receives an accusation or statement of issues referral from the commission to the commencement of a hearing at the Office of Administrative Hearings for cases adjudicated during this period.
- (c) To determine the average cost of the Attorney General to adjudicate a case representing the commission, each report shall provide the following information for cases adjudicated in the reporting period specified in subdivision (a):
 - (1) The average and median number of hours worked by the staff of the Attorney General to adjudicate accusation and statement of issues matters.
 - (2) The average and median fees charged by the Attorney General to the commission to adjudicate accusation and statement of issues matters.
 - (3) The average and median litigation costs to adjudicate accusation and statement of issues matters.

- (d) To determine the total activities conducted by the Attorney General to represent the commission for each period, the Attorney General shall report the following:
- (1) The total hours worked during the period by staff of the Attorney General for representation of the commission in teacher discipline matters.
 - (2) The total fees charged during the period by the Attorney General to the commission for representation in teacher discipline matters.
 - (3) The total hours worked during the period by staff of the Attorney General for representation of the commission unrelated to teacher discipline matters.
 - (4) The total fees charged during the period by the Attorney General to the commission for representation unrelated to teacher discipline matters.
- (e) This information shall be provided with the intent that recipients shall be able to determine the caseload input and output of the Attorney General in relation to representation of the commission in teacher discipline cases, especially as it relates to determining the average case processing time for accusation and statement of issues representation and adjudication, and proper funding level for handling the teacher discipline caseload and other legal work for the commission. Staff from the Attorney General shall provide timely followup information to staff from the offices identified in subdivision (a) upon request if further explanation or information is required.

APPENDIX J: Summary of the Adjudication Process

The Commission on Teacher Credentialing Committee of Credentials reviews acts or omissions of a credential holder or applicant to determine whether probable cause exists for discipline. If the committee finds probable cause and recommends discipline, the credential holder or applicant has the right to appeal the recommendation, which initiates an adjudicatory hearing under the Administrative Procedure Act, i.e., Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code. The appeal is referred to the Attorney General to be prepared for hearing.

The deputy attorney general assigned to the case reviews the evidence supplied by the Commission on Teacher Credentialing to determine its sufficiency to meet the requisite burden of proof. If the evidence is insufficient and circumstances suggest additional avenues for evidentiary development, the deputy may request further investigation from the commission's investigators and the file remains open pending its receipt. When evidence is insufficient and further investigation is not recommended, or when legal issues prevent prosecution, the Attorney General declines prosecution and the case is closed.

When sufficient evidentiary support is identified, an accusation is prepared to initiate the adjudicatory hearing against a credential holder, or a statement of issues to set forth the grounds for denial of an application. The pleading is sent to the Commission on Teacher Credentialing for signature by the executive director, who is the complainant. The pleading is "filed" when the executive director signs it, and it is then returned to the Attorney General for service on the credential holder or applicant. Once served with an accusation, the credential holder must file a notice of defense within fifteen days, or they will be in default. Once the notice of defense has been received in an accusation case, or the statement of issues has been served in an application denial case, a hearing is scheduled with the Office of Administrative Hearings. Many cases are resolved through settlement before hearing.

The deputy attorney general prosecutes the disciplinary case before the Office of Administrative Hearings. Upon conclusion of the hearing, the case is submitted to the administrative law judge who presides over the hearing, issues a proposed decision, and sends it to the Commission on Teacher Credentialing for its final decision.

Subdivision (b)(4) of Provision 6 requests the number of cases adjudicated by the Office of the Attorney General. *Adjudicated* means the work of the Office of the Attorney General is complete to bring the case back before the commission for its final decision. Adjudication can occur in five ways:

- (1) Prosecution declined. Occasionally, the deputy attorney general determines that the evidence is insufficient and does not recommend further investigation, whereby prosecution is declined, and the case is closed.
- (2) Withdrawal of request for hearing by respondent. Before a pleading is filed, the credential holder or applicant may withdraw the request for a hearing, thereby accepting the recommendation of the Committee of Credentials. The Commission on Teacher Credentialing then receives the recommendation of the Committee of Credentials for its ultimate decision.
- (3) Default. If a credential holder does not submit a timely notice of defense, the deputy

attorney general prepares a default decision, which is sent to the commission for its final decision.

- (4) Settlement. The executive director may authorize a consent determination based on terms sufficient to provide for protection of the public, schoolchildren, and the profession, which will be presented to the Committee of Credentials for its recommendation and then to the commission for its final decision.
- (5) Hearing submitted. Upon completion of the adjudicatory hearing, the case is submitted to the administrative law judge, who prepares a proposed decision and sends it to the Commission on Teacher Credentialing for its final decision.

Even after the commission's decision is issued, it may not be final. The respondent may exercise the right to petition for reconsideration, and if granted by the commission, the decision is reconsidered. This can also happen if the commission decides a case based on the default of the respondent who fails to file a notice of defense or appear at a duly noticed hearing. The commission can vacate the default decision and additional proceedings are then conducted to ultimately decide the case. Each of these *post-submission* events will lengthen case processing time and require further adjudication of the case.

Cases that have been adjudicated remain open with the Attorney General until the final decision is issued by the commission and the decision becomes effective. This concludes the case, except for any judicial review in superior court and ensuing appeal seeking to overturn the commission's discipline decision. The commission generally meets six times per year, during which discipline cases are considered and final decisions made. It can therefore take two to three months after adjudication before final resolution of a discipline case. The following diagram outlines the adjudication process.

Flowchart – Adjudication Process

