



**Attorney General's Quarterly Report  
Legal Services Provided to the Commission on  
Teacher Credentialing**

**November 30, 2018**

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## **Attorney General's Quarterly Report on Legal Services Provided to the Commission on Teacher Credentialing**

The Office of the Attorney General submits this first quarterly report for Fiscal Year 2018-19 as required by the 2018 Budget Act, Item 6360-001-0407, Provision 7—For Support of the Commission on Teacher Credentialing, payable from the Teacher Credentials Fund.

### **EXECUTIVE SUMMARY**

This quarterly report provides the information required under Provision 7 for the period July 1 through September 30, 2018, concerning the teacher discipline caseload for the Commission on Teacher Credentialing. In addition to the information required under Provision 7, we have also provided the number of *active* adverse action cases – those which have not yet been adjudicated – as well as the total number of adverse action and judicial review cases at the Office of the Attorney General.<sup>1</sup>

As a starting point for Fiscal Year 2018-19, in this report we have included a summary of annual information for Fiscal Year 2017-18 based on our four previous quarterly reports. This summary shows that the Office of the Attorney General adjudicated 212 adverse action cases last fiscal year, received 119 new adverse action referrals from the commission, and reduced the caseload from a starting point of 287 active adverse action cases at the beginning of last fiscal year, to 184 active adverse action cases at the end of the fiscal year. At the end of the fifth quarter (July 1 through September 30, 2018), there were only 147 active adverse action cases remaining.

In this report, we have also provided detail about the age of adverse action cases adjudicated in the fifth quarter: two were received in the quarter, 25 were received in Fiscal Year 2017-18, 16 were received in Fiscal Year 2016-17, and 24 cases were received before July 1, 2016.

The appendix includes one-page summaries of the data for this and each of the previous four quarters. Provision 7 reporting requirements and an overview of the adjudication process for the commission's cases are also contained in the appendix.

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<sup>1</sup> The Office of the Attorney General represents the commission in three categories of litigation: (1) adverse action administrative cases, (2) judicial review of adverse action cases, and (3) general litigation unrelated to adverse actions. For more detail, see the summary of the adjudication process in the appendix.

## DISCUSSION

### Volume of Discipline Cases [Provision 7, subdivision (b)(1) and (b)(5)]

#### FY 2017-18 Summary

We begin with a summary of aggregate results for the first reporting year, Fiscal Year 2017-18. Figure 1 below displays annualized information for adverse action cases last fiscal year, including the number of adverse action referrals received, cases adjudicated and resolved, and those still awaiting decision by the commission. The Licensing Section of the Office of the Attorney General assumed responsibility for 282 Commission on Teacher Credentialing cases on July 1, 2016. We have made a concerted effort to adjudicate more cases than are referred each year, thereby clearing much of the inherited backlog<sup>2</sup> while simultaneously handling new referrals. By the end of last fiscal year, 93 more cases had been adjudicated than referred ( $212 - 119 = 93$ ). The commission also issued more decisions in adverse action cases prosecuted by the Office of the Attorney General than in any previous year. At the end of the fiscal year, 37 adverse action cases were awaiting final decisions at the commission. There is always some lag time between adjudication and decision because the commission deliberates to decide adverse action cases at its six meetings scheduled throughout the year, which are generally eight to ten weeks apart.

Once the commission renders its decision and the decision becomes effective, a case is considered *resolved* and may be closed. However, the commission's decision can be challenged in judicial review filed in superior court, which is considered a separate case.<sup>3</sup> We started the last fiscal year with nine judicial review cases pending. The commission referred an additional 10 judicial review cases to the Office of the Attorney General during the fiscal year. A total of seven judicial review cases were resolved last year, leaving 12 judicial review cases at the end of the fiscal year.

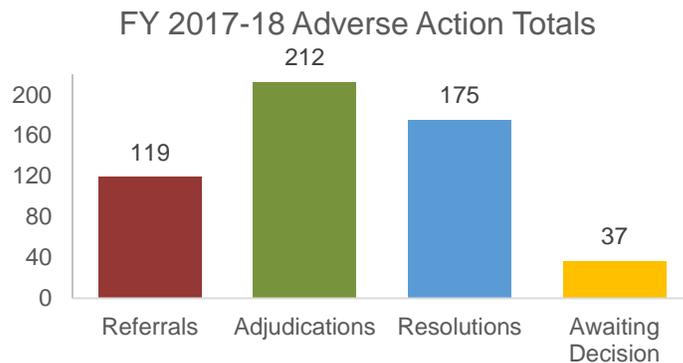


Figure 1

<sup>2</sup> Unlike previous reports, here *backlog* refers to all adverse action cases the Licensing Section assumed responsibility for on July 1, 2016. Previous reports defined *backlog* as the number of active cases pending exceeding the number of cases referred.

<sup>3</sup> A summary of the adjudication process in the appendix provides greater detail.

## FY 2018-19, First Quarter

After five quarters of reporting, the active adverse action caseload has been reduced by 140 (287 – 147 = 140) to end the quarter with 147 active adverse action cases. In the first quarter of Fiscal Year 2018-19, the Office of the Attorney General adjudicated 67 adverse action cases, and ended the quarter with a total of 231 adverse action cases, of which 147 were active<sup>4</sup>, and 84 were inactive, awaiting the commission’s decision. Figure 2 below summarizes the referrals received versus cases adjudicated and the active and inactive adverse action cases pending at the end of each of the past five quarters.

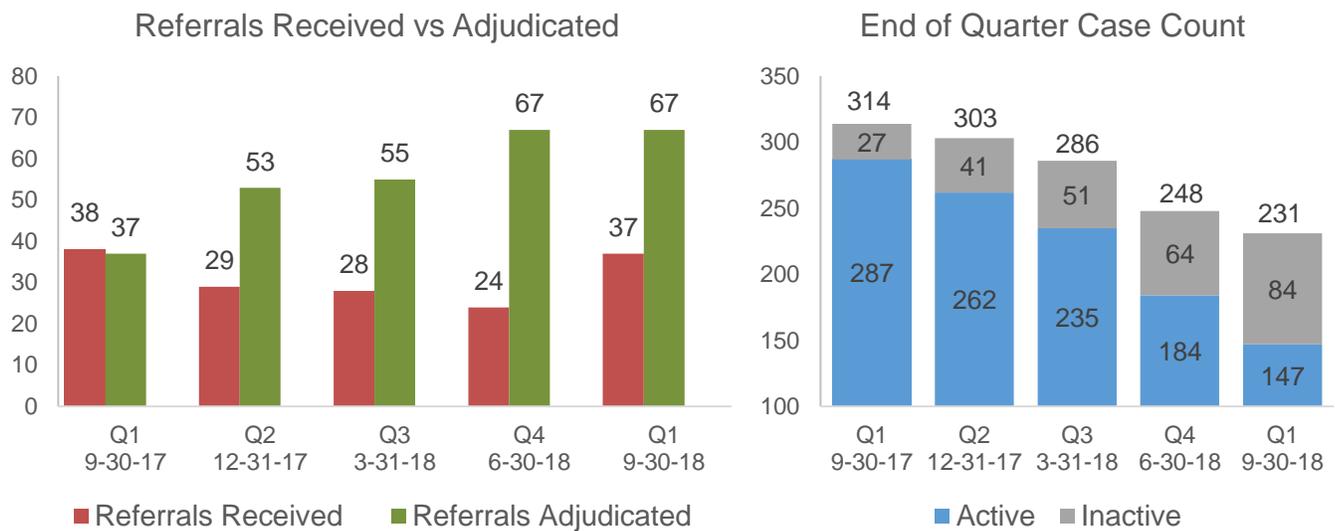


Figure 2

When the Licensing Section of the Office of the Attorney General began providing legal services for the Commission on Teacher Credentialing on July 1, 2016, there were 282 pending cases. Over the past 27 months, we have worked to adjudicate more cases than were referred, clearing 251 cases from this backlog and leaving only 31 inherited active cases (see Figure 3).

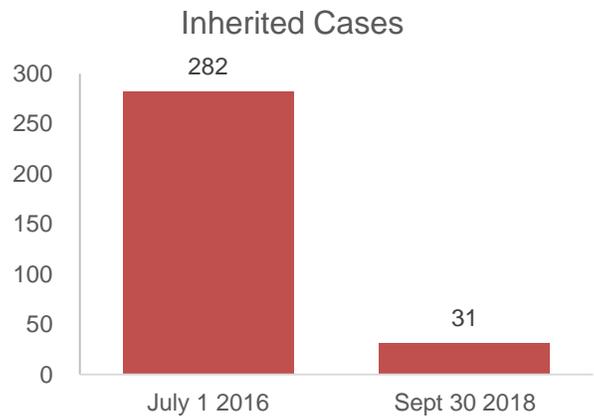


Figure 3

<sup>4</sup> Counting *active* cases more closely approximates the way the commission counts cases pending at the Attorney General’s Office, as regularly published in its reports.

## Investigations [Provision 7, Subdivisions (b)(2) and (b)(3)]

When a case is referred to the Office of the Attorney General and the evidence is insufficient to sustain our burden of proof to impose discipline, the assigned deputy attorney general requests that the commission's investigators conduct further investigation. Currently, based on longstanding protocol, the Licensing Section uses the case management system in the Office of the Attorney General to identify only cases that require further investigation *before* a pleading is prepared. However, deputy attorneys general are also assisted by the commission's investigators with additional investigation *after* pleadings are filed. These quarterly reports do not include data about investigations conducted after a pleading is filed. According to the commission's Division of Professional Practices Annual Workload Report for Fiscal Year 2017-18 provided to the commission for its September 2018 meeting, last fiscal year 118 investigations were requested by the Office of the Attorney General and 134 were completed.

Figure 4 below displays the number of investigations requested and received in the fifth quarter for cases where pleadings had not yet been filed. Only four requests for further investigation were made, compared with a quarterly average of 13 requests during the previous year. Also this quarter, the Office of the Attorney General received about the same number of investigations from the commission as in the previous quarter. There were six investigations completed this quarter, compared with four last quarter.

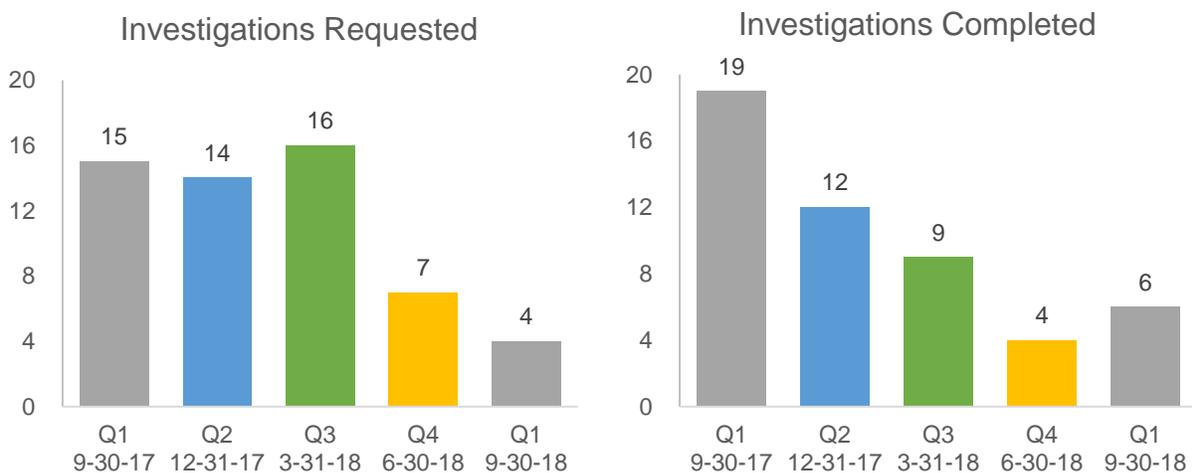


Figure 4

## Number of Adjudications and Days to Adjudicate [Provision 7, Subdivision (b)(4)]

In the first quarter of Fiscal Year 2018-19, 67 adverse action cases were adjudicated in an average of 619 days. To provide greater context to interpret data, in the summary for the quarter on page 13, in addition to the mean, we have included the minimum, maximum and median number of days for adjudication of adverse action cases this quarter. The median for the same quarter was 493 days; 126 fewer days than the mean of 619. Compared to the median, the mean is more sensitive to extreme values, including *outliers*. This quarter, the cases adjudicated included extreme values at both ends of the data spectrum. The quickest adjudication was done in 14 days and the maximum was 1,443 days. The median of 493 days this quarter was 27 days lower than last quarter when the median was 520 days. Extreme values influence the mean, underscoring the importance of considering all results provided when interpreting the data. Quarterly results are summarized below in Figure 5<sup>5</sup>.

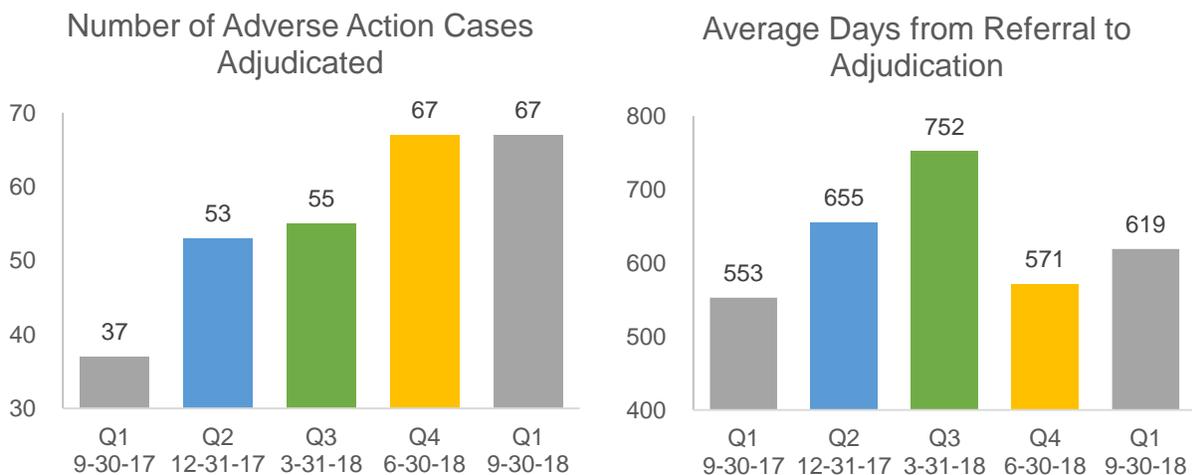


Figure 5

This quarter, we are also providing additional detail about the adverse action cases adjudicated during the quarter based on the fiscal year in which the referrals of those cases were received. Figure 6 below shows that of the 67 adverse action cases adjudicated during the fifth quarter, 24 were received before July 1, 2016, 16 were received in FY 2016-17, 25 were received in FY 2017-18, and two were received during the fifth reporting quarter.

We aim to eliminate the oldest active cases remaining in the caseload, while also working on new referrals. We expect average case processing time to decline over time.

<sup>5</sup> A post-publication error was found in the fourth quarterly report for the period ending on June 30, 2018. Page six of that report showed 62 cases adjudicated, rather than 67, which was the correct number.

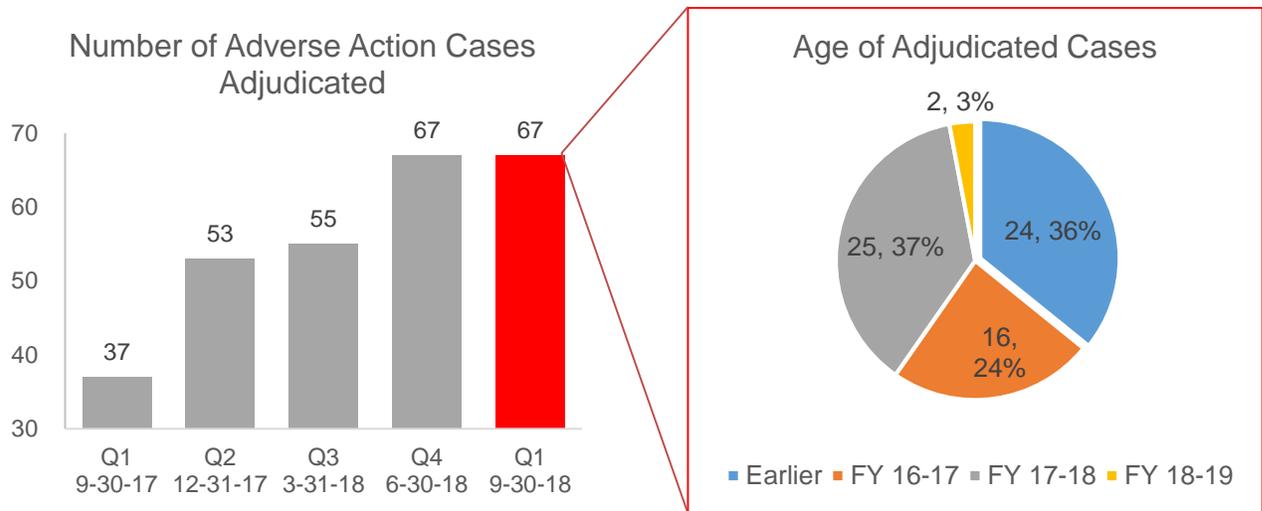


Figure 6

### Hearings [Provision 7, Subdivision (b)(6)]

In this first quarter of Fiscal Year 2018-19, 14 hearings commenced, the same number as last quarter. It took an average of 744 days from receipt of the adverse action referral until hearing commencement this quarter, compared with an average of 696 days in the previous quarter. The number of hearings each quarter has been quite consistent at 14 – 15 each quarter.

The average number of days from referral to commencement of hearing is more variable, and depends on the age of the batch of cases that went to hearing in the quarter. The shortest time from receipt of the adverse action referral from the commission until the hearing commenced this quarter was 196 days and the maximum was 1,390 days. The median of 600 days this quarter was 114 days lower than last quarter when the median was 714 days. Figure 7 below shows a summary of this variability by quarter.

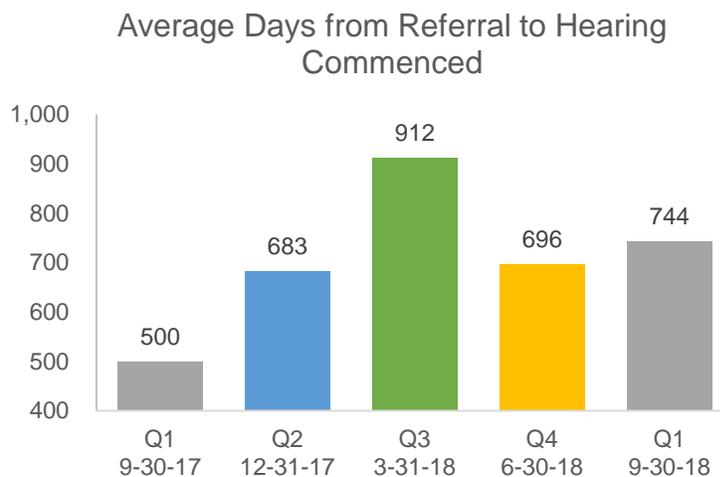


Figure 7

## Average Hours and Fees [Provision 7, Subdivision (c)]

As shown in Figure 8 below, in the fifth reporting quarter, 54 adverse action matters were resolved,<sup>6</sup> which is above the average pace at which the commission made decisions to bring cases to resolution during the previous year, which was an average of 44 cases per quarter.

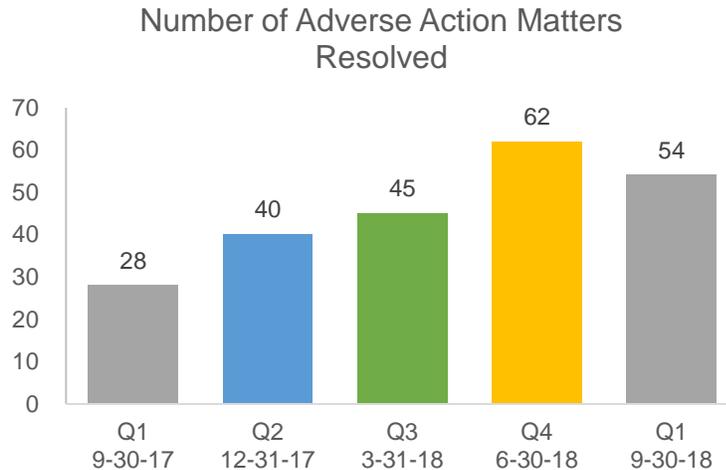


Figure 8

In this fifth reporting quarter, it took an average of 96 hours to resolve adverse action matters, compared with 79 hours last quarter. Comparing the same information in terms of fees, average fees to adjudicate matters in the fifth quarter were \$15,396 per resolved matter, an increase of \$2,812 compared with the fourth quarter. Figure 9 below shows comparisons by quarter.

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<sup>6</sup> *Resolution* is when the effective date of the commission's final decision has arrived; the case can then be closed. Resolved cases are no longer considered to be *at* the Office of the Attorney General.

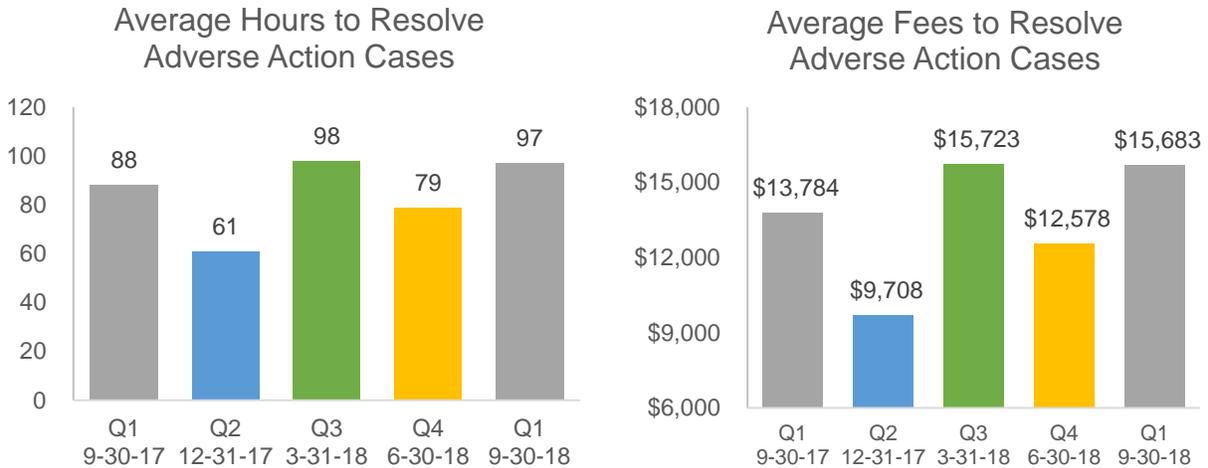


Figure 9

### Quarterly Hours and Fees [Provision 7, Subdivision (d)]

The Attorney General's staff performed 4,333 hours of legal work related to teacher discipline in the fifth quarter. Comparing the same information in terms of fees, in the fifth quarter the Office of the Attorney General billed a total of \$728,446 to the commission related to the teacher discipline caseload.

Figure 10 below summarizes hours and fees for the fifth quarter and all four quarters of Fiscal Year 2017-18. Total hours and fees for the Fiscal Year 2017-18 were 18,602 and \$3,089,148, respectively.

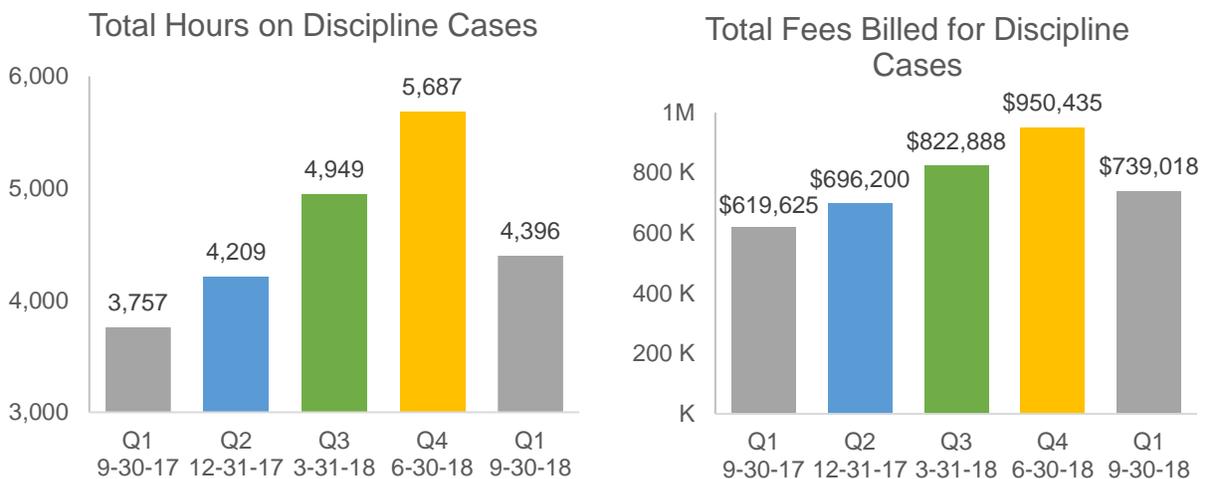


Figure 10

In the summary for quarter five in the appendix, we also reported that hours and fees for general litigation cases *not* related to teacher misconduct were only 148 hours and \$25,160.

The summary for this first quarter of Fiscal Year 2018-19 in the appendix provides a snapshot of the matters addressed in this discussion. We also included summaries of previous quarterly reports for ease of comparison.

## **CONCLUSION**

This quarterly report provides information regarding the volume, time for adjudication, and funding for the legal work performed by the Office of the Attorney General for the Commission on Teacher Credentialing. We continue to strive to provide representation for the commission that conforms to the highest standards of the Office of the Attorney General.

This Attorney General's Quarterly Report on Legal Services Provided to the Commission on Teacher Credentialing is also available on the Attorney General's website at <http://oag.ca.gov/publications>.

If you have any questions regarding this report, or if you would like additional information, please contact Sirat Attapit, Director of Legislative Affairs, at [sirat.attapit@doj.ca.gov](mailto:sirat.attapit@doj.ca.gov) or 916-210-6192.

## APPENDIX

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**FY 2018-19 Quarter One Summary – Published November 30, 2018**

<b>Discipline Cases at the Office of the Attorney General Provision 7, subdivisions (b)(1) and (b)(5)</b>			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of quarter, subdivision (b)(1)	248	12	260
Referrals received during the quarter	37	6	43
Referrals resolved during the quarter	54	2	56
Referrals end of the quarter, subdivision (b)(5)	231	16	247

<b>Further Investigation Requested and Received in Adverse Action Cases Provision 7, subdivisions (b)(2) and (b)(3)</b>	
Further investigation requests, subdivision (b)(2)	4
Supplemental investigations received, subdivision (b)(3)	6

<b>Adverse Action Adjudication – Provision 7, subdivision (b)(4)</b>						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
14	1,443	619	365	254	493	67

<b>Number of Days from Receipt of Referral to Hearing Commenced Provision 7, subdivision (b)(6)</b>				
Minimum	Maximum	Mean	Median	Count
196	1,390	744	600	14

<b>Hours, Fees and Costs for Adverse Action Cases Provision 7, subdivisions (c)(1), (c)(2) and (c)(3)</b>		
For 54 adverse action cases resolved:	Mean	Median
Hours per case, subdivision (c)(1)	97	62
Fees per case, subdivision (c)(2)	\$15,683	\$10,390
Costs per case, subdivision (c)(3)	\$81	\$0

<b>Total Hours and Fees – Discipline and General Litigation Cases Provision 7, subdivisions (d)(1), (d)(2), (d)(3) and (d)(4)</b>		
Type of Case	Total Hours	Total Fees
Discipline cases, subdivisions (d)(1) and (d)(2)	4,396	\$739,018
Other cases, subdivisions (d)(3) and (d)(4)	148	\$25,160
All cases combined	4,544	\$764,178

**FY 2017-18 Quarter Four Summary – Published August 30, 2018**

<b>Discipline Cases at the Office of the Attorney General Provision 7, subdivisions (b)(1) and (b)(5)</b>			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of quarter, subdivision (b)(1)	286	13	299
Referrals received during the quarter	24	0	24
Referrals resolved during the quarter	62	1	63
Referrals end of the quarter, subdivision (b)(5)	248	12	260

<b>Further Investigation Requested and Received in Adverse Action Cases Provision 7, subdivisions (b)(2) and (b)(3)</b>	
Further investigation requests, subdivision (b)(2)	7
Supplemental investigations received, subdivision (b)(3)	4

<b>Adverse Action Adjudication – Provision 7, subdivision (b)(4)</b>						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
10	1,520	571	365	206	520	67

<b>Number of Days from Receipt of Referral to Hearing Commenced Provision 7, subdivision (b)(6)</b>				
Minimum	Maximum	Mean	Median	Count
139	1,491	696	714	14

<b>Hours, Fees and Costs for Adverse Action Cases Provision 7, subdivisions (c)(1), (c)(2) and (c)(3)</b>		
For 62 adverse action cases resolved:	Mean	Median
Hours per case, subdivision (c)(1)	79	49
Fees per case, subdivision (c)(2)	\$12,578	\$7,538
Costs per case, subdivision (c)(3)	\$159	\$0

<b>Total Hours and Fees – Discipline and General Litigation Cases Provision 7, subdivisions (d)(1), (d)(2), (d)(3) and (d)(4)</b>		
Type of Case	Total Hours	Total Fees
Discipline cases, subdivisions (d)(1) and (d)(2)	5,687	\$950,435
Other cases, subdivisions (d)(3) and (d)(4)	23	\$3,983
All cases combined	5,710	\$954,418

**FY 2017-18 Quarter Three Summary – Published May 31, 2018**

<b>Discipline Cases at the Office of the Attorney General Provision 7, subdivisions (b)(1) and (b)(5)</b>			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of quarter, subdivision (b)(1)	303	9	312
Referrals received during the quarter	28	5	33
Referrals resolved during the quarter	45	1	46
Referrals end of the quarter, subdivision (b)(5)	286	13	299

<b>Further Investigation Requested and Received in Adverse Action Cases Provision 7, subdivisions (b)(2) and (b)(3)</b>	
Further investigation requests, subdivision (b)(2)	16
Supplemental investigations received, subdivision (b)(3)	9

<b>Adverse Action Adjudication – Provision 7, subdivision (b)(4)</b>						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
25	1,903	752	365	387	665	55

<b>Number of Days from Receipt of Referral to Hearing Commenced Provision 7, subdivision (b)(6)</b>				
Minimum	Maximum	Mean	Median	Count
252	1,838	912	974	15

<b>Hours, Fees and Costs for Adverse Action Cases Provision 7, subdivisions (c)(1), (c)(2) and (c)(3)</b>		
For 45 adverse action cases resolved:	Mean	Median
Hours per case, subdivision (c)(1)	98	54
Fees per case, subdivision (c)(2)	\$15,723	\$8,935
Costs per case, subdivision (c)(3)	\$571	\$0

<b>Total Hours and Fees for All Referrals Provision 7, subdivisions (d)(1), (d)(2), (d)(3) and (d)(4)</b>		
Type of Case	Total Hours	Total Fees
Discipline cases, subdivisions (d)(1) and (d)(2)	4,949	\$822,888
Other cases, subdivisions (d)(3) and (d)(4)	252	\$41,670
All cases combined	5,201	\$864,558

**FY 2017-18 Quarter Two Summary – Published February 28, 2018**

<b>Discipline Cases at the Office of the Attorney General Provision 7, subdivisions (b)(1) and (b)(5)</b>			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of quarter, subdivision (b)(1)	314	7	321
Referrals received during the quarter	29	3	32
Referrals resolved during the quarter	40	1	41
Referrals end of the quarter, subdivision (b)(5)	303	9	312

<b>Further Investigation Requested and Received in Adverse Action Cases Provision 7, subdivisions (b)(2) and (b)(3)</b>	
Further investigation requests, subdivision (b)(2)	14
Supplemental investigations received, subdivision (b)(3)	12

<b>Adverse Action Adjudication – Provision 7, subdivision (b)(4)</b>						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
22	1,507	655	365	290	631	53

<b>Number of Days from Receipt of Referral to Hearing Commenced Provision 7, subdivision (b)(6)</b>				
Minimum	Maximum	Mean	Median	Count
174	1,102	683	709	14

<b>Hours, Fees and Costs for Adverse Action Cases Provision 7, subdivisions (c)(1), (c)(2) and (c)(3)</b>		
For 40 adverse action cases resolved:	Mean	Median
Hours per case, subdivision (c)(1)	61	52
Fees per case, subdivision (c)(2)	\$9,708	\$8,561
Costs per case, subdivision (c)(3)	\$49	\$0

<b>Total Hours and Fees – Discipline and General Litigation Cases Provision 7, subdivisions (d)(1), (d)(2), (d)(3) and (d)(4)</b>		
Type of Case	Total Hours	Total Fees
Discipline cases, subdivisions (d)(1) and (d)(2)	4,209	\$696,200
Other cases, subdivisions (d)(3) and (d)(4)	118	\$19,878
All cases combined	4,327	\$716,078

**FY 2017-18 Quarter One Summary – Published November 30, 2017**

<b>Discipline Cases at the Office of the Attorney General Provision 7, subdivisions (b)(1) and (b)(5)</b>			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of quarter, subdivision (b)(1)	304	9	313
Referrals received during the quarter	38	2	40
Referrals resolved during the quarter	28	4	32
Referrals end of the quarter, subdivision (b)(5)	314	7	321

<b>Further Investigation Requested and Received in Adverse Action Cases Provision 7, subdivisions (b)(2) and (b)(3)</b>	
Further investigation requests, subdivision (b)(2)	15
Supplemental investigations received, subdivision (b)(3)	19

<b>Adverse Action Adjudication – Provision 7, subdivision (b)(4)</b>						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
16	1,966	553	365	188	491	37

<b>Number of Days from Receipt of Referral to Hearing Commenced Provision 7, subdivision (b)(6)</b>				
Minimum	Maximum	Mean	Median	Count
174	845	500	484	6

<b>Hours, Fees and Costs for Adverse Action Cases Provision 7, subdivisions (c)(1), (c)(2) and (c)(3)</b>		
For 28 adverse action cases resolved:	Mean	Median
Hours per case, subdivision (c)(1)	88	57
Fees per case, subdivision (c)(2)	\$13,784	\$9,528
Costs per case, subdivision (c)(3)	\$312	\$0

<b>Total Hours and Fees – Discipline and General Litigation Cases Provision 7, subdivisions (d)(1), (d)(2), (d)(3) and (d)(4)</b>		
Type of Case	Total Hours	Total Fees
Discipline cases, subdivisions (d)(1) and (d)(2)	3,757	\$619,625
Other cases, subdivisions (d)(3) and (d)(4)	16	\$2,203
All cases combined	3,773	\$621,828

## Provision 7 Measures Reported

The 2018 Budget Act, item 6360-001-0407, Provision 7 states:

- (a) The Attorney General shall submit a quarterly 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 quarterly report shall be submitted by August 30, November 30, February 28, and May 31, of each year for the previous corresponding fiscal quarter.
- (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 paragraph (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 paragraph (a) upon request if further explanation or information is required.

## Summary of the Adjudication Process

To provide context for the report, we have included a short primer on the adjudicatory hearing 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 Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code (Administrative Procedure Act). The appeal is referred to the Office of 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 legal issues prevent prosecution, the Office of the Attorney General declines prosecution and the case is closed.

Based on sufficient evidentiary support, an accusation is prepared to initiate the adjudicatory hearing against a credential holder, or 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 Office of 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 is 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. Of course, many cases are resolved through settlement before hearing.

The deputy attorney general prosecutes the discipline 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 ultimate decision.

Subdivision (b)(4) of Provision 7 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.<sup>7</sup> Adjudication can occur in five ways:

1. Withdrawal of the 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.
2. 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 ultimate decision.
3. Settlement. The executive director may authorize a consent determination upon terms that are sufficient to provide for the 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 ultimate decision.
4. 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 ultimate decision.
5. 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.

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 will be 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 types of "post-submission" events will lengthen case processing and require further adjudication of the case.

Cases that have been adjudicated remain open at the Office of the Attorney General until the final decision is issued by the commission and the decision becomes effective, which 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. Therefore, it usually takes two or three months after adjudication before final resolution of an discipline case. The diagram below shows this process after an discipline case is referred to the Office of the Attorney General.

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<sup>7</sup> When prosecution is declined, the case is not submitted to the commission for decision, and is closed.

## Flowchart – Adjudication Process

