



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 2023-24

August 30, 2024



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BIANNUAL REPORT FOR FISCAL YEAR 2023-24

ATTORNEY GENERAL'S SECOND BIANNUAL REPORT FOR FISCAL YEAR 2023-24 ON LEGAL SERVICES PROVIDED TO THE COMMISSION ON TEACHER CREDENTIALING

The Office of the Attorney General submits this second biannual report for Fiscal Year 2023-24 as required by the Budget Act of 2023, Item 6360-001-0407, Provision 6—For Support of Commission on Teacher Credentialing, payable from the Teacher Credentials Fund.

EXECUTIVE SUMMARY

This second biannual report provides information required under Provision 6 of the Budget Act of 2023 for the second half of Fiscal Year 2023-24 concerning the caseload for the Commission on Teacher Credentialing. The Office of the Attorney General began quarterly reporting in Fiscal Year 2017-18 and biannual reporting in Fiscal Year 2021-22.

The initial goals of the Office of the Attorney General were to eliminate a backlog of teacher discipline cases and to adjudicate most cases within one year going forward. The backlog has been eliminated and, having recovered from the impact of the COVID-19 pandemic, this fiscal year saw most cases adjudicated within one year (i.e., 316 days; see Appendix E). This report contains new data for the last two quarters of Fiscal Year 2023-24 and a summary of the entire fiscal year.

Previously, annual data (set out in Appendices E through I) revealed two factors impacting the Office of the Attorney General's goal to adjudicate most cases within one year:

First, last year's report pointed out that an increasing percentage of cases required further investigation, which can significantly delay adjudication. That trend has been reversed. In Fiscal Year 2022-23, 34% of new adverse action cases referred to the Office of Attorney General required further investigation. In Fiscal Year 2023-24, that dropped to 29% (see Table 1).

Second, last year's report also noted that more cases were not settling but instead were proceeding to hearing, delaying adjudication. That trend has also been reversed. Of cases adjudicated in Fiscal Year 2023-24, 25% went to hearing without settlement, down from 30% last year. For cases that proceeded to hearing, the median time to adjudicate was 427 days, down from 465 days last year (see Table 2).

Additionally, total hours and fees unrelated to teacher discipline matters have increased (Appendices E and F). In Fiscal Year 2023-24, the Office of the Attorney General was requested to defend many subpoenas issued to the Commission on Teacher Credentialing seeking the records of teachers protected by law. Previously, in Fiscal Year 2020-21, only ten of these subpoena defense matters had been referred to the Office of Attorney General. In the most recent fiscal year, a total of 91 cases were opened to defend and respond to subpoenas, increasing total hours and fees.

The appendices to this report include: summaries of all required metrics for the four quarters of Fiscal Year 2023-24, annual summaries for five complete fiscal years, Provision 6 reporting requirements, and a summary of the adjudication process for the commission's cases.

DISCUSSION

Volume of Cases

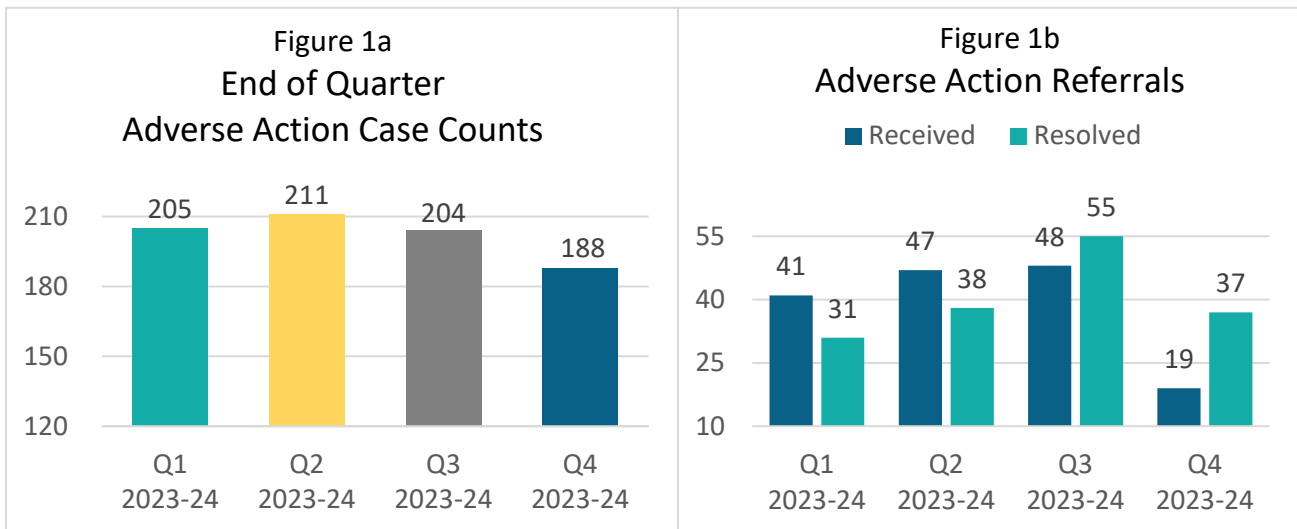
[Provision 6, Subdivisions (b)(1) and (b)(5)]

Protection of the public is the Office of 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 includes 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, 188 adverse action cases and 9 judicial review cases remained at the Office of the Attorney General. All data for the fourth quarter are summarized in Appendix A.

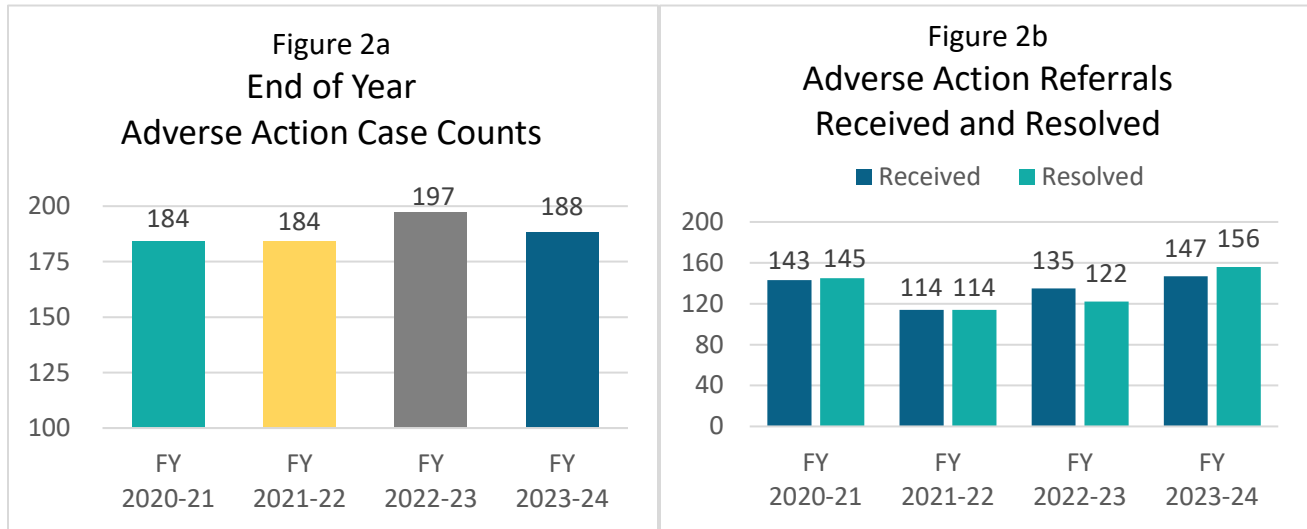
Adverse Action Cases

Adverse action cases include those not yet adjudicated (active), and those that have been adjudicated (inactive). Adjudicated means the work of the Office of the Attorney General is complete and the case goes back to the commission, for what is usually a final decision. An adverse action case is resolved when the commission’s final decision becomes effective. For a summary of the adjudication process, see Appendix K.

Figure 1a depicts end-of-quarter adverse action case counts for the past four quarters. At the end of the fourth quarter, there remain 188 cases, a net decrease of 16 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 Office of the Attorney General received 19 adverse action referrals and resolved 37.



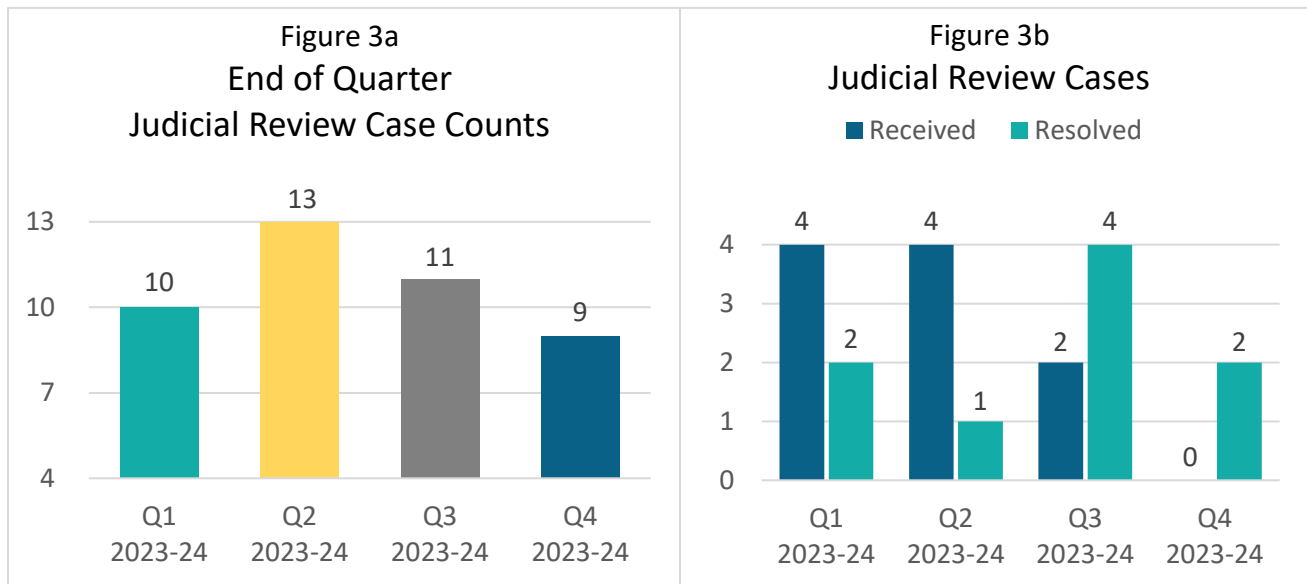
Figures 2a and 2b present these same metrics for the past four reporting years.



Judicial Review Cases

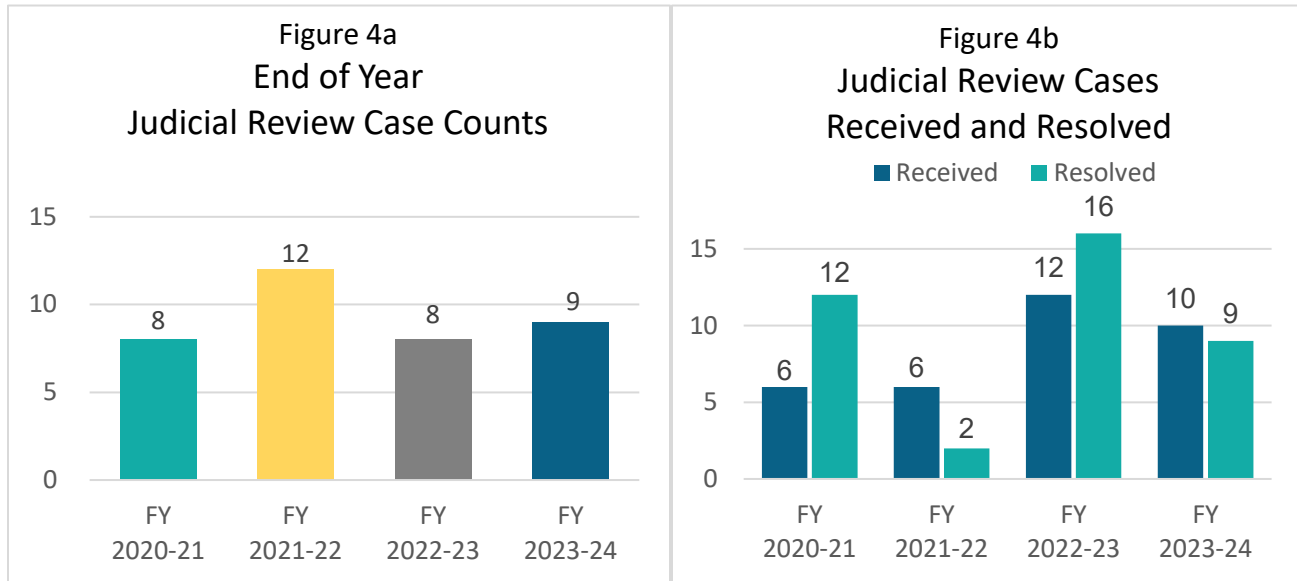
A new judicial review case is opened when a respondent seeks to challenge the commission’s decision and petitions for judicial review in superior court.¹ At the end of the fourth quarter of this fiscal year, nine judicial review cases were pending at the Office of the Attorney General (Figure 3a).

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 new judicial review cases were referred to the Office of the Attorney General and two were resolved.



¹ Occasionally, a civil lawsuit is filed against the commission instead of a mandamus proceeding.

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



Further Investigations

[Provision 6, 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. Twelve 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 Office of 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 Office of Attorney General can proceed (see Appendix K).

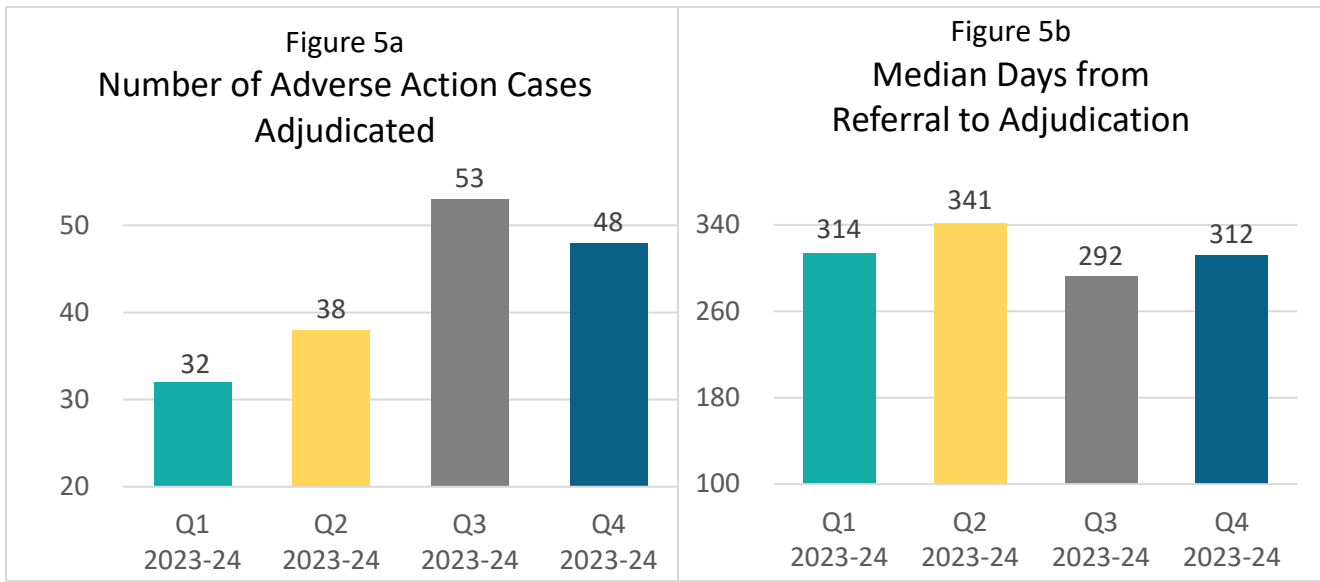
Over the past five years, the number of further investigations as a function of total referrals has increased, until this year:

	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24
New Referrals Received	147	143	114	135	157
Further Investigations Requested	33	32	38	46	46
Ratio	22%	22%	33%	34%	29%

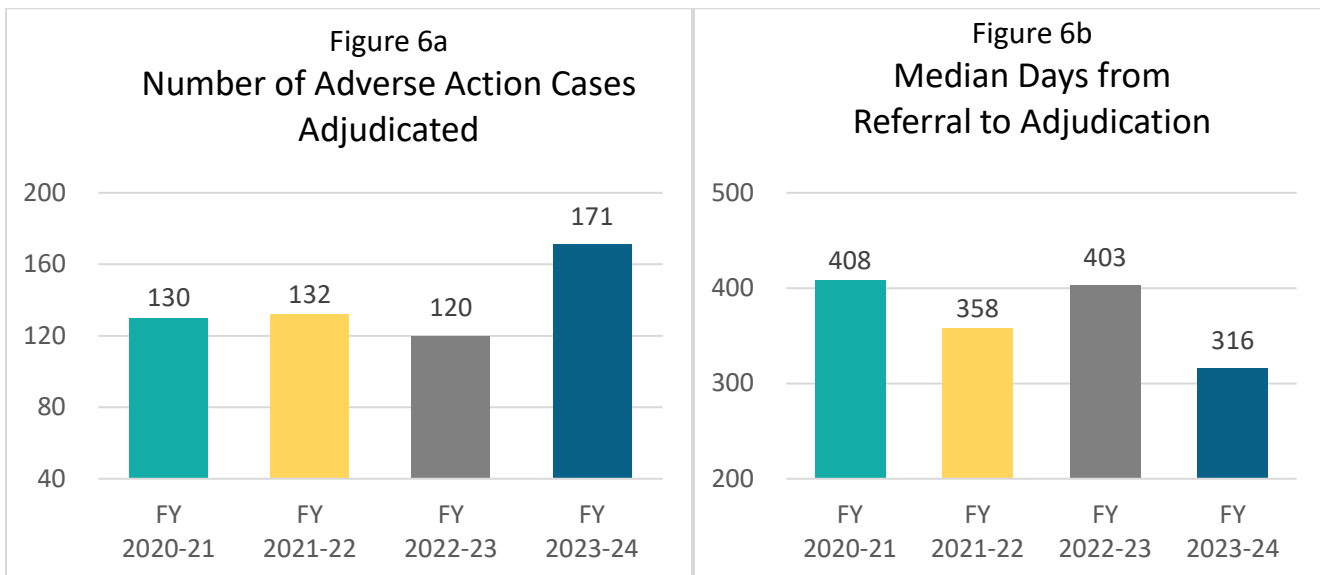
Adjudications

[Provision 6, Subdivision (b)(4)]

In the fourth reporting quarter of this fiscal year, 48 adverse action cases were adjudicated. The median number of days for adjudication was 312; the quickest adjudication this quarter was completed in 47 days and the longest in 929 days (Appendix A). Figures 5a and 5b show that the number of cases adjudicated in the fourth quarter decreased slightly and the median days to adjudicate increased by 20 days.



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



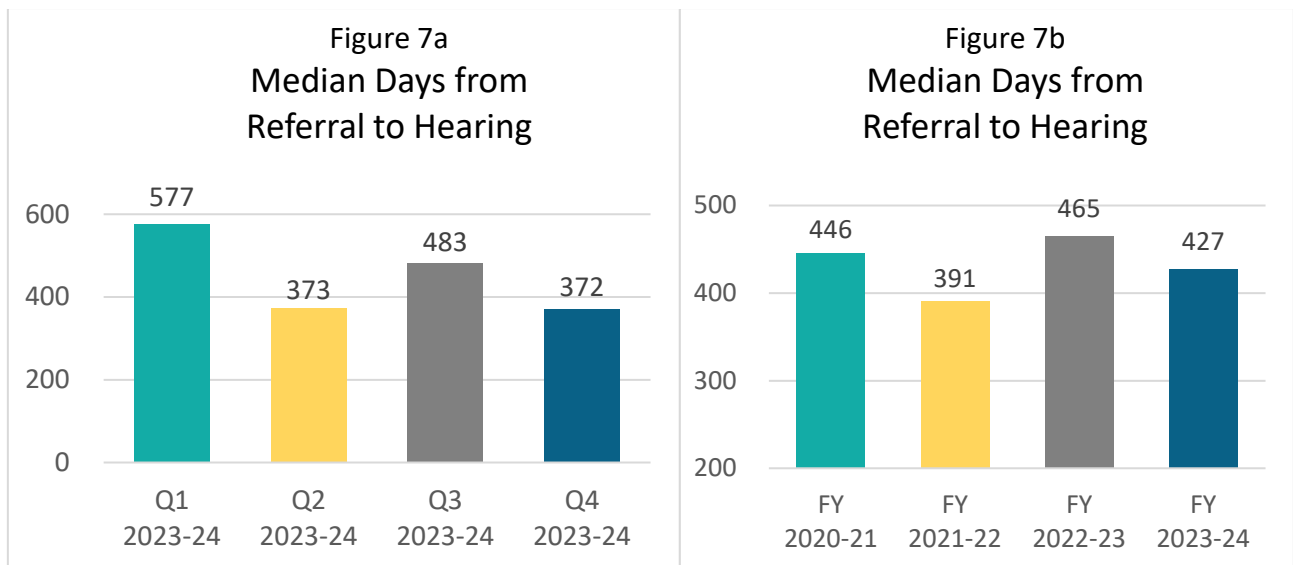
The table below compares total counts of all adjudicated cases for each of the past five fiscal years (including those that settled and those that went to hearing) against only that portion of all adjudications that went to hearing. (Appendices E to I.)

	FY19-20	FY20-21	FY21-22	FY22-23	FY23-24
Adjudications	133	130	132	120	171
Hearings	23	24	31	36	43
Ratio	17%	18%	23%	30%	25%

Hearings

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

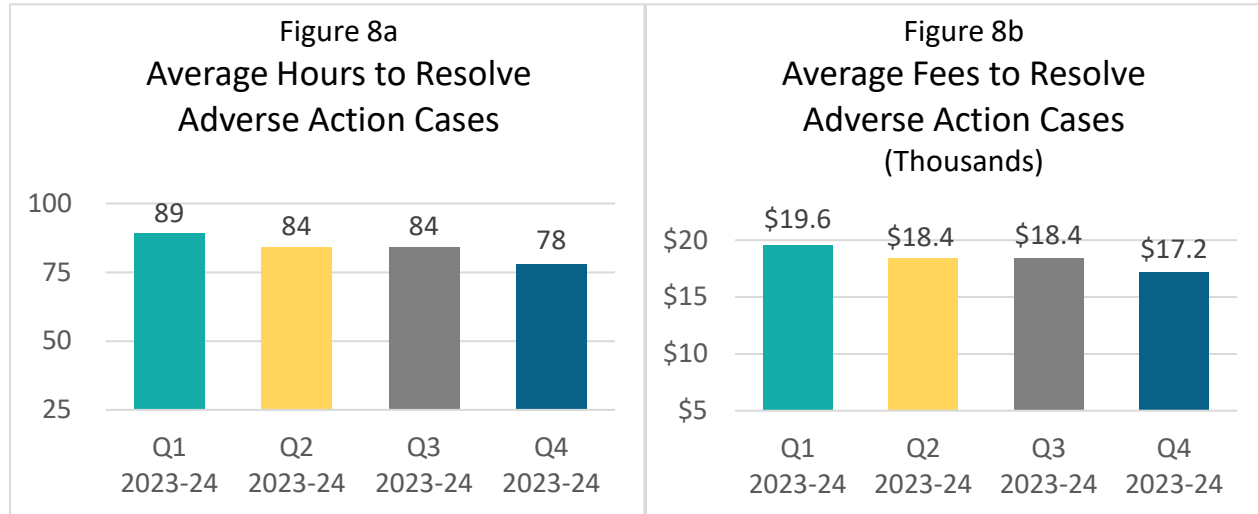
Figures 7a and 7b display median days from receipt of referral to hearing for the most recent four quarters and by year. Twelve hearings commenced in the fourth quarter of this fiscal year, with a median time to commence hearings of 372 days. Forty-three hearings commenced in Fiscal Year 2023-24, with a median time to commence hearings of 427 days.



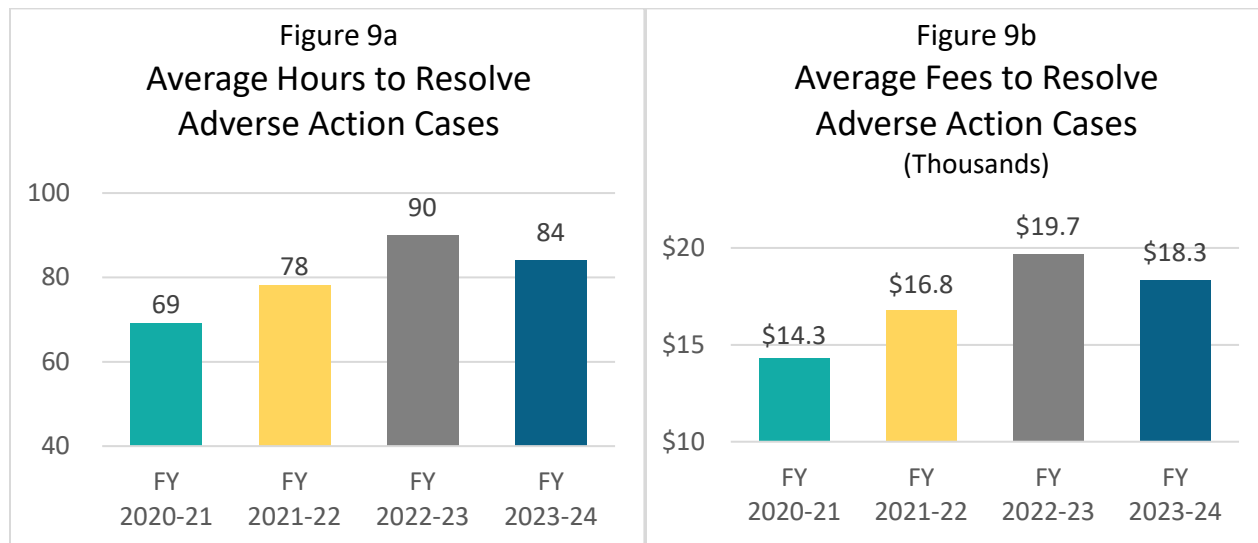
Average Hours and Fees

[Provision 6, Subdivision (c)]

In the fourth quarter of this fiscal year, each adverse action case took an average of 78 hours to adjudicate and the average fee to adjudicate these matters was \$17,151.



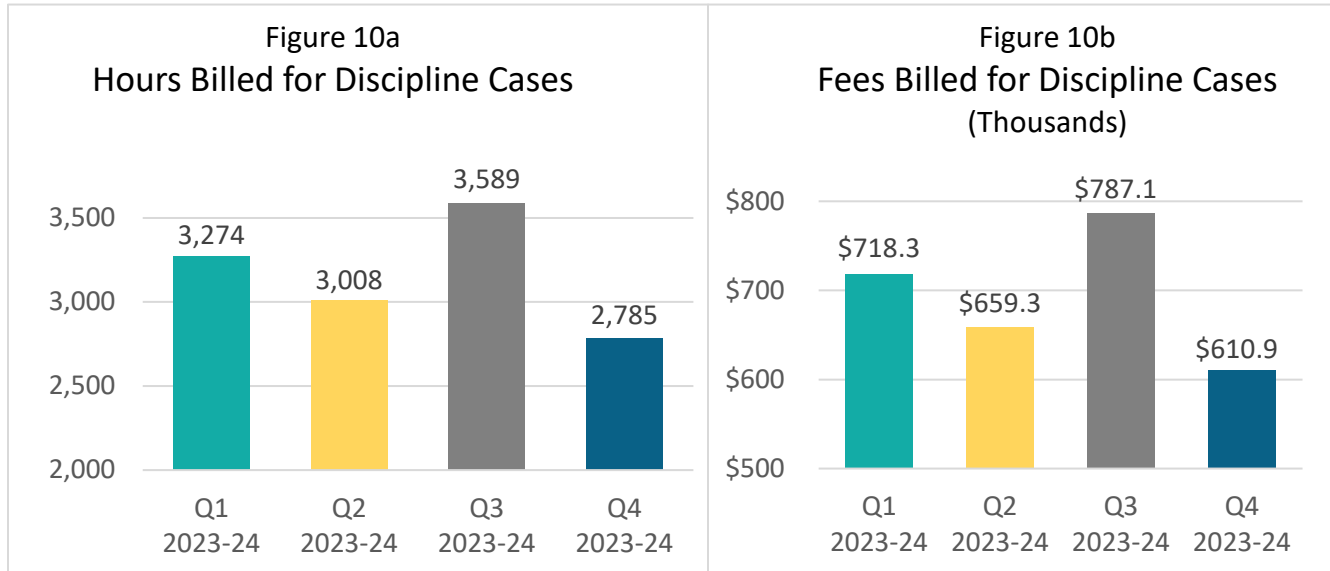
Figures 9a and 9b present these same metrics by fiscal year.



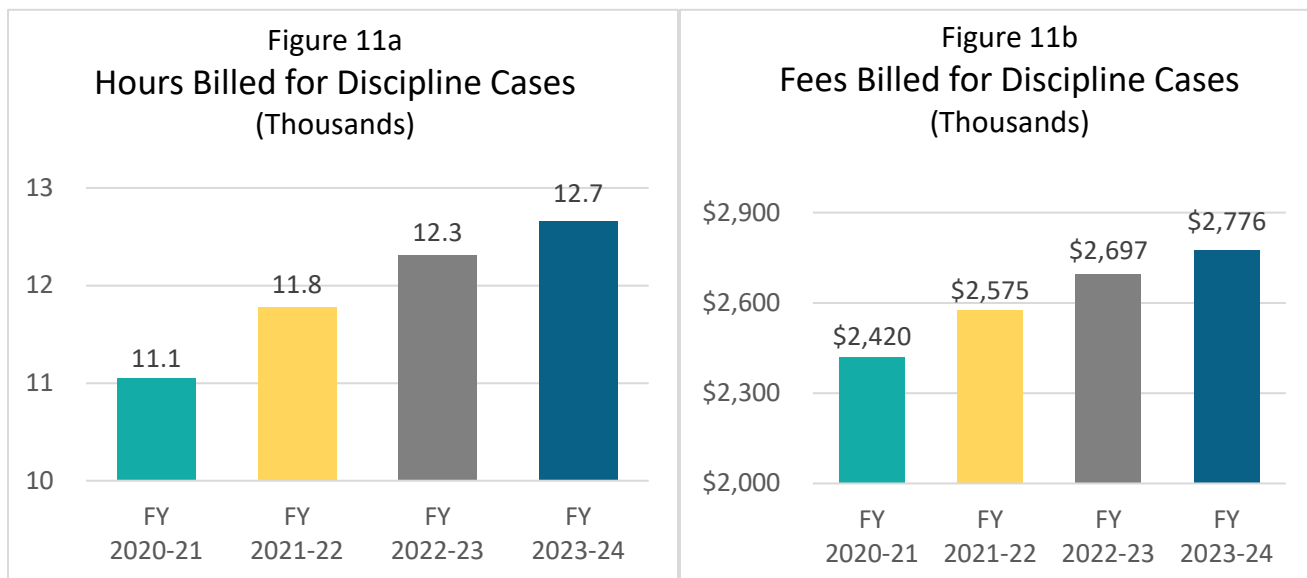
Quarterly Hours and Fees

[Provision 6, Subdivision (d)]

In the fourth quarter of this fiscal year, the Attorney General’s staff provided 2,785 hours of legal work related to teacher discipline, including both adverse action and judicial review cases. During this same period, the Office of the Attorney General billed a total of \$610,850 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.



Total hours and fees unrelated to teacher discipline matters (other cases) were 1,004 hours and \$219,935 for the quarter, and 3,378 hours and \$736,694 for the year (Appendices A and E).

CONCLUSION

This second biannual report provides information regarding the volume, time to adjudication, and cost of the legal work performed by the Office of 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 Office 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 2023-24 Quarter Four

Discipline Cases at the Office of the Attorney General Provision 6, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of quarter, subdivision (b)(1)	204	11	215
Referrals received during the quarter	19	0	19
Referrals resolved during the quarter	35	2	37
Referrals end of the quarter, 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)	12
Supplemental investigations received, subdivision (b)(3)	15

Number of Days for Teacher Discipline Adjudications Provision 6, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
47	929	346	365	(19)	312	48

Number of Days from Receipt of Referral to Hearing Commenced Provision 6, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
238	928	453	372	12

Hours, Fees and Costs for Adverse Action Cases Provision 6, subdivisions (c)(1), (c)(2) and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	78	70
Fees per case, subdivision (c)(2)	\$ 17,151	\$ 15,429
Costs per case, subdivision (c)(3)	\$ 71	\$ 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)	2,785	\$ 610,850
Other cases, subdivisions (d)(3) and (d)(4)	1,004	\$ 219,935
All cases combined	3,789	\$ 830,785

APPENDIX B: FY 2023-24 Quarter Three

Discipline Cases at the Office of the Attorney General Provision 6, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of quarter, subdivision (b)(1)	211	13	224
Referrals received during the quarter	48	2	50
Referrals resolved during the quarter	55	4	59
Referrals end of the quarter, subdivision (b)(5)	204	11	215

Further Investigation Requested and Received Provision 6, subdivisions (b)(2) and (b)(3)	
Further investigation requests, subdivision (b)(2)	13
Supplemental investigations received, subdivision (b)(3)	6

Number of Days for Teacher Discipline Adjudications Provision 6, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
31	1,063	369	365	4	292	53

Number of Days from Receipt of Referral to Hearing Commenced Provision 6, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
251	1,063	514	483	13

Hours, Fees and Costs for Adverse Action Cases Provision 6, subdivisions (c)(1), (c)(2) and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	84	59
Fees per case, subdivision (c)(2)	\$ 18,385	\$ 12,840
Costs per case, subdivision (c)(3)	\$ 36	\$ 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)	3,589	\$ 787,111
Other cases, subdivisions (d)(3) and (d)(4)	1,180	\$ 256,841
All cases combined	4,769	\$ 1,043,952

APPENDIX C: FY 2023-24 Quarter Two

Discipline Cases at the Office of the Attorney General Provision 6, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of quarter, subdivision (b)(1)	205	10	215
Referrals received during the quarter	43	4	47
Referrals resolved during the quarter	37	1	38
Referrals end of the quarter, subdivision (b)(5)	211	13	224

Further Investigation Requested and Received Provision 6, subdivisions (b)(2) and (b)(3)	
Further investigation requests, subdivision (b)(2)	8
Supplemental investigations received, subdivision (b)(3)	13

Number of Days for Adverse Action Adjudications Provision 6, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
94	1,933	405	365	40	341	38

Number of Days from Receipt of Referral to Hearing Commenced Provision 6, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
204	549	379	373	10

Hours, Fees and Costs for Adverse Action Cases Provision 6, subdivisions (c)(1), (c)(2) and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	84	53
Fees per case, subdivision (c)(2)	\$ 18,431	\$ 11,653
Costs per case, subdivision (c)(3)	\$ 169	\$ 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)	3,008	\$ 659,325
Other cases, subdivisions (d)(3) and (d)(4)	480	\$ 105,088
All cases combined	3,488	\$ 764,413

APPENDIX D: FY 2023-24 Quarter One

Discipline Cases at the Office of the Attorney General Provision 6, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of quarter, subdivision (b)(1)	197	8	205
Referrals received during the quarter	37	4	41
Referrals resolved during the quarter	29	2	31
Referrals end of the quarter, subdivision (b)(5)	205	10	215

Further Investigation Requested and Received Provision 6, subdivisions (b)(2) and (b)(3)	
Further investigation requests, subdivision (b)(2)	13
Supplemental investigations received, subdivision (b)(3)	10

Number of Days for Adverse Action Adjudications Provision 6, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
19	858	347	365	(18)	314	32

Number of Days from Receipt of Referral to Hearing Commenced Provision 6, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
164	839	533	577	8

Hours, Fees and Costs for Adverse Action Cases Provision 6, subdivisions (c)(1), (c)(2) and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	89	69
Fees per case, subdivision (c)(2)	\$ 19,582	\$ 15,133
Costs per case, subdivision (c)(3)	\$ 136	\$ 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)	3,274	\$ 718,313
Other cases, subdivisions (d)(3) and (d)(4)	714	\$ 154,830
All cases combined	3,988	\$ 873,143

APPENDIX E: FISCAL YEAR 2023-24

Discipline Cases at the Office of 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 Teacher Discipline Adjudications Provision 6, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
19	1,933	366	365	1	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 Adverse Action 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 F: FISCAL YEAR 2022-23

Discipline Cases at the Office of the Attorney General Provision 7, 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 7, 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 7, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
6	1,162	429	365	64	403	120

Number of Days from Receipt of Referral to Hearing Commenced Provision 7, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
170	1,028	483	465	36

Hours, Fees and Costs for Adverse Action Cases Provision 7, 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 7, 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 G: FISCAL YEAR 2021-22

Discipline Cases at the Office of the Attorney General Provision 7, 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 7, 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 7, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
9	1,592	395	365	30	358	132

Number of Days from Receipt of Referral to Hearing Commenced Provision 7, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
245	1,054	488	391	31

Hours, Fees and Costs for Adverse Action Cases Provision 7, 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 7, 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 H: FISCAL YEAR 2020-21

Discipline Cases at the Office of the Attorney General Provision 7, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of the year, subdivision (b)(1)	186	14	200
Referrals received during the year	143	6	149
Referrals resolved during the year	145	12	157
Referrals end of the year, subdivision (b)(5)	184	8	192

Further Investigation Requested and Received Provision 7, subdivisions (b)(2) and (b)(3)	
Further investigation requests, subdivision (b)(2)	32
Supplemental investigations received, subdivision (b)(3)	19

Number of Days for Adverse Action Adjudications Provision 7, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
22	1,483	403	365	38	408	130

Number of Days from Receipt of Referral to Hearing Commenced Provision 7, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
111	859	462	446	24

Hours, Fees and Costs for Adverse Action Cases Provision 7, subdivisions (c)(1), (c)(2) and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	69	45
Fees per case, subdivision (c)(2)	\$ 14,332	\$ 9,798
Costs per case, subdivision (c)(3)	\$ 179	\$ 0

Total Hours and Fees – Discipline and General Litigation Cases Provision 7, 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)	11,051	\$ 2,420,022
Other cases, subdivisions (d)(3) and (d)(4)	786	\$ 171,129
All cases combined	11,837	\$ 2,591,151

APPENDIX I: FISCAL YEAR 2019-20

Discipline Cases at the Office of the Attorney General Provision 7, subdivisions (b)(1) and (b)(5)			
Total Referrals, Active and Inactive	Adverse Action	Judicial Review	Total
Referrals start of the year, subdivision (b)(1)	152	10	162
Referrals received during the year	147	15	162
Referrals resolved during the year	113	11	124
Referrals end of the year, subdivision (b)(5)	186	14	200

Further Investigation Requested and Received Provision 7, subdivisions (b)(2) and (b)(3)	
Further investigation requests, subdivision (b)(2)	33
Supplemental investigations received, subdivision (b)(3)	16

Number of Days for Adverse Action Adjudications Provision 7, subdivision (b)(4)						
Minimum	Maximum	Mean	Goal	Above Goal	Median	Count
13	1,954	369	365	4	297	133

Number of Days from Receipt of Referral to Hearing Commenced Provision 7, subdivision (b)(6)				
Minimum	Maximum	Mean	Median	Count
119	1,146	451	369	23

Hours, Fees and Costs for Adverse Action Cases Provision 7, subdivisions (c)(1), (c)(2) and (c)(3)		
	Mean	Median
Hours per case, subdivision (c)(1)	85	47
Fees per case, subdivision (c)(2)	\$15,384	\$8,999
Costs per case, subdivision (c)(3)	\$ 382	\$ 0

Total Hours and Fees – Discipline and General Litigation Cases Provision 7, 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)	11,909	\$2,511,291
Other cases, subdivisions (d)(3) and (d)(4)	385	\$ 81,278
All cases combined	12,294	\$2,592,569

APPENDIX J: Provision 6 Measures Reported

The Budget Act of 2023, Item 6360-001-0407, Provision 6 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 follow-up information to staff from the offices identified in subdivision (a) upon request if further explanation or information is required.

APPENDIX K: 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 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 when legal issues prevent prosecution, the Office of 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 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 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.² "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 When prosecution is declined, the case is not submitted to the commission for decision, and 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 at the Office of 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

