

EXCERPTS FROM THE CALIFORNIA EDUCATION CODE

44345. Denial of application

The commission may deny any application for the issuance of a credential or for the renewal of a credential made by any applicant who falls under any of the following categories:

- (a) Lacks the qualifications which are prescribed by law or regulations adopted by the commission pursuant thereto.
- (b) Is physically or mentally so disabled as to be rendered unfit to perform the duties authorized by the credential for which he or she applies. However, the mere fact that an applicant has sought or received psychiatric treatment shall not be considered as preliminary evidence of mental disability and shall not provoke special scrutiny of such applicant's qualifications for a credential.
- (c) Is addicted to the use of intoxicating beverages to excess.
- (d) Is addicted to the use of controlled substances.
- (e) Has committed any act involving moral turpitude.
- (f) Has had a certification document revoked.
- (g) Has intentionally practiced or attempted to practice any material deception or fraud in his or her application.
- (h) Fails or refuses to furnish reasonable evidence of identification or good moral character.
- (i) Has been convicted of any offense defined in subdivision 1 of Section 314 of the Penal Code prior to September 7, 1955.

Any denial pursuant to subdivisions (a) to (e), inclusive, shall be based upon reasons related to the applicant's fitness to teach or fitness to perform other duties for which that applicant is certificated, or competence to perform the duties which the credential would authorize the applicant to perform.

Amended Stats 1979 ch 662 § 1; Stats 1984 ch 1635 § 25.

44346. Further grounds for denial

(a) The commission shall deny any application for the issuance of a credential or for the renewal of a credential made by any applicant who comes within any of the following classes:

- (1) Has been determined to be a sexual psychopath under the provisions of Article 1 (commencing with Section 6300), Chapter 2, Part 2, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state.
 - (2) Has been convicted of any sex offense as defined in Section 44010.
 - (3) Has been convicted of a controlled substance offense as defined in Section 44011.
- (b) Notwithstanding paragraphs (2) and (3) of subdivision (a), no persons shall be denied a credential solely on the basis that he or she has been convicted of a crime specified in paragraphs (2) and (3) of subdivision (a) if the person has obtained a certificate of rehabilitation under Section 4852.01 and following of the Penal Code, and if his or her probation has been terminated and the information or accusation has been dismissed pursuant to Section 1203.4 of the Penal Code.
- (c) Notwithstanding paragraph (3) of subdivision (a) or subdivision (b), the commission may issue a credential to a person convicted of a controlled substance offense as defined in Section 44011 if the commission determines from the evidence presented that the person has been rehabilitated for at least five years, or has received a certificate of rehabilitation and pardon pursuant to Section 4852.01 of the Penal Code, or if the accusation or information against the person has been dismissed and he or she has been released from all disabilities and penalties resulting from the offense pursuant to Section 1203.4 of the Penal Code.

Amended Stats 1978 ch 1064 § 1; Stats 1984 ch 1635 § 26.