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Action

Public Hearing

Proposed Amendments and Addition to Title 5 of the California Code of Regulations Pertaining to a Complete Paper Application Packet

Executive Summary: This item presents proposed amendments and addition to Title 5 of the California Code of Regulations to consolidate regulations listing items required for submission of a complete paper application to the Commission. This includes materials needed for both the Certification and Professional Practices Divisions.

Recommended Action: Staff recommends that the Commission adopt the proposed amendments and addition to the regulations pertaining to a complete paper application packet.

Presenters: David Crable, Program Analyst, Certification Division

Strategic Plan Goal

I. Educator Quality

- b) Develop, maintain, and promote high quality authentic, consistent educator assessments and examinations that support development and certification of educators who have demonstrated the capacity to be effective practitioners.

Proposed Amendments and Addition to Title 5 of the California Code of Regulations Pertaining to a Complete Paper Application Packet

Introduction

This rulemaking action proposes the addition of section 80002 to Title 5 of the California Code of Regulations (CCR) related to the submission of a complete paper application packet as approved by the Commission at the August 2014 meeting. The proposed section 80002 seeks to reduce applicant errors or omissions that necessitate an application being returned for completion or correction by bringing all these processes into regulations, consolidate the requirements into one section of regulations, and clarify the definition of a complete application. This rulemaking file also proposes amendments to section 80001 of Title 5 of the CCR to update the revision dates of the forms associated with a complete application packet.

Background

The Commission receives thousands of applications each week. The majority of these are received through the CTC Online system as credential renewals or recommendations from Commission-approved program sponsors for new credentials or authorizations. Also included in applications received are hundreds of paper applications. Most of these come from educators 1) out-of-state seeking their initial California credential, 2) those seeking a child development permit, or 3) current credential holders seeking to add authorizations to an existing credential or requesting an extension. A significant number of the paper applications received are found to be incomplete. For example, from April 25 to July 25, 2014, the Commission received 13,285 paper applications, of which 929 applications could not be processed due to incomplete documentation or errors made in filling out the application and had to be returned to the educator for correction. Incomplete applications create delays for the educators in their efforts to obtain certification that are often unnecessary. The proposed regulations specify the items to be submitted with a paper application form that will allow Commission staff to accept the application and fee and complete an evaluation of the educator's qualifications. The proposed regulations update, expand, and consolidate into one section application requirements and processes to reflect current statute and Commission procedures.

Content of the Proposed Regulations

Application Form Revisions

The current revision dates of the *Application for Credential Authorizing Public School Service* (FORM 41-4) and the associated *Instruction and Information Sheet* (41-4 INSTRUCTIONS) incorporated by reference in 5 CCR section 80001 is "12/09." Between December 2009 and December 2014, minor revisions have been made to the forms for clarity purposes. In

December 2014, new sections were added to comply with the provisions of Assembly Bill (AB) 2560 (Bonilla, Chap. 110, Stats. 2014).

AB 2560 amended section 44252 of the Education Code and requires the Commission to make specific revisions to its application forms for all credential types. Effective January 1, 2015, all applicants who submit an initial or renewal application for a document, whether online or by paper application form, must read and attest to a statement that outlines his or her responsibilities as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act [Article 2.5 (commencing with section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code].

In addition, the *Renewal and Reissuance* application form (41-REN) was discontinued in August 2014 and revisions to the *Professional Fitness Explanation Form* (OA-EF) were made in September 2013 for clarity purposes. The proposed amendments to 5 CCR section 80001 update the revision dates for the FORM 41-4, 41-4 INSTRUCTIONS, and OA-EF form and delete the 41-REN form.

Completed Application Packet

Every paper application must have a name, Social Security Number (SSN) or Individual Tax Identification Number (ITIN), date of birth, and must also include a payment of the application fee. These items are required to identify the individual in the database and create or update a record in the Commission's credential database.

If the name, SSN or ITIN, or date of birth is not provided on the application form or the correct payment is not included, the application will be deemed incomplete and the entire application packet, including supporting materials and payment, will be returned requesting the missing information and the application will not be entered into the Commission's database.

Key items required for a complete application packet also include:

- Current mailing address, including street address, City, State and Zip Code
- Email address
- County or school district of employment
- Selection of a specific type of credential or permit on the application
- Completion of the Oath and Affidavit section with signature and date, including county and state where signed
- All Professional Fitness Questions answered and complete documentation for any disclosure on the applicant's Professional Fitness questionnaire

If the initial evaluation reveals that any of the items above are absent from the application packet, the application form may be returned with a letter requesting additional information before a document can be issued. Applicants not employed in a California public school may indicate 'Not applicable' in the County or District of Employment space as appropriate.

If more than one specific type of document is requested on one application form, the Commission will evaluate the application for the first type of document selected on the application and the applicant will be advised to send a separate application, fee and supporting material for each additional credential sought.

Fingerprint clearance through the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) is required from every applicant prior to the Commission's issuance of any credential, permit, or certificate. Individuals who have received fingerprint clearance through other California agencies, employers, other states or government agencies are not exempt from this process.

Recommendation

Staff recommends that the Commission adopt the proposed amendments to §80001 and addition of §80002 to Title 5 of the California Code of Regulations pertaining to a complete paper application packet, including the modified text to allow for issuance of a 15-Day Notice pursuant to Government Code §11346.8(c).

Proposed Amendments to Regulation

§80001

(b)(2)(A): Proposes amendments to the revision dates for the forms required for credential purposes in California, whether submitted online or by paper application, including the deletion of "Personal and" from the title of the OA-EF form. The specific revisions to each of the forms are explained in the following sections. Also proposes the addition of "online renewal" at the end of the subsection due to the proposed deletion of the *Renewal and Reissuance* application form (41-REN).

Application for Credential Authorizing Public School Service (FORM 41-4):

Header: "Application" has been added to the Privacy Act Notification reference for clarity purposes; formatting edits have been made to the address section in the upper, left-hand corner; the Commission's mailing address has been updated; and "E-mail" has been reformatted to "Email" in the "IHE/County/District Use Only" box in the upper, right-hand corner. In addition, the obsolete "CO Initials" and "Date" sections have been deleted from the "Commission Use Only: Fee Information" section, as the Commission's computer system now tracks this information and it is no longer necessary for Commission staff to initial application forms.

Section 1. Personal Information

- To comply with the State Licensing Match System (SLMS) program (reference 42 USC section 666 and California Family Code section 17520) and the state tax delinquency program (Business and Professions Code section 494.5), the Commission must collect a Social Security Number or Individual Tax Identification Number from each credential applicant. The words "or Individual Tax ID" have been added following "Social Security" to comply with the aforementioned codes.

- There are specific situations in which the Commission must notify school district governing boards of misconduct by a school employee (reference Penal Code section 291). To facilitate such notifications, “or District” has been added to the section that previously only requested an applicant’s county of employment. For applicants who are not employed in California’s public schools, ‘not applicable.’ is an available option.
- “E-mail” has been reformatted to “Email” in the last box of this section.

Section 2. Credential Type

Header:

- “Type of Credential” has been amended to “Credential Type” for clarity purposes and “(choose only one type below)” has been added to clarify a separate application and fee are required for each credential type requested (reference 5 CCR section 80484).
- The words “Select One” have also been changed to “Options” to better describe the action required in the associated field.

List of Available Documents:

- Abbreviations have been added in several places to identify the application types for internal use when entering an application into the Commission’s computer system as follows: “(PT)” for Substitute Permits; “(PK)” for Child Development Permits; and “(PW)” for Designated Subjects.
- AB 1871 (Chap. 660, Stats. 2008) took effect on July 1, 2009 and changed the “Bilingual, Crosscultural, Language and Academic Development (BCLAD) Certificate” to a “Bilingual Authorization.” Revisions to the Multiple Subject and Single Subject sections in the right-hand column and the “BCLAD – Specify Language” section near the top of the right-hand corner changed the outdated term of “BCLAD” to “Bilingual Authorization.”
- The term “disability” associated with Education Specialist credentials was changed to the currently used term of “specialty” [reference 5 CCR section 80048.8(a)(2)].
- The words “Added Authorizations (AASE)” have been added in the last box of the left column under the section for Education Specialist credentials. AASEs were added by regulation in 2009 (reference 5 CCR section 80048.7).
- The option to select a Visiting Faculty Permit and the associated subject area have been deleted as the final issuance date for such a permit was July 1, 2013 [reference EC section 44300.1(e)]. “CTC Use Only” has been added to allow Commission staff a place to write processing notes related to the application.

Section 3. Child Development Permit Renewal Self-Verification

All levels of Child Development Permits, except the Associate Teacher Permit, require verification of 105 hours of professional growth for renewal [reference 5 CCR sections 80110(c)(3), 80112(c)(3), 80113(c)(3), 80114(c)(4), and 80115(c)(5)]. The language for this new section was transferred from the *Renewal and Reissuance* application form (41-REN) when use of that form was discontinued in August 2014.

Section 4. Professional Fitness Questions

- This section has been renumbered from 3 due to the addition of the Child Development Permit Self-Verification section.
- The language requiring explanation of a “yes” answer to any of the questions on a separate sheet of paper has been changed to language requiring completion of the *Professional Fitness Explanation Form (OA-EF)*.
- The language regarding the information that will be reviewed by the Commission, the circumstances under which misconduct must be disclosed, and the “Warning” have been reformatted for clarity purposes.
- Questions a through f –
 - The language has been reformatted to bullet points for clarity purposes.
 - The language requiring explanation of a “yes” answer and the specific documentation required depending on the type of offense has been deleted. Applicants must provide explanations for “yes” answers on the OA-EF form and the OA-EF form specifies the required documentation for the associated “yes” answer.
 - “Yes” and “No” boxes have been added below the question, as applicants often neglected to answer all the questions in the previous column format.
 - The two “Yes” and “No” columns to the right of the questions have been deleted.
- Question b – Additional language has been added to clarify the types of felony or misdemeanor convictions that must be disclosed, as well as language to clarify the types of misconduct that does not need to be disclosed.
- Question c - Redundant language and language requesting information regarding past misconduct inquiries or investigations has been deleted. The Commission does not have jurisdiction over past investigations that did not result in a criminal conviction or an adverse action against a state issued license.
- Question e – The redundant question previously included in this section has been deleted. It is the responsibility of a superintendent of a California employing agency to report to the Commission any change in employment status of an individual working in a position requiring a credential as a result of an allegation of misconduct or while an allegation of misconduct is pending (reference 5 CCR section 80303).

- Question f – This question has been re-lettered to “e” due to the deletion of the question previously included in that section. The redundant words “or teaching” following “other document authorizing public school service” have been deleted, since “teaching” is a form of public school service. “Professional or vocational license” has been moved to question f and additional language regarding the possible disciplinary actions the Commission may investigate has been added as follows: denied, suspended, and publicly reprovved.
- Question g – This question has been re-lettered to “f” due to the deletion of the question previously included in “e.” The language requesting information regarding denied applications has been replaced with the language previously included in “f” (as re-lettered to “e”) regarding professional or vocational licenses, as the Commission does not have jurisdiction over denied applications. In addition, language regarding the possible disciplinary actions the Commission may investigate as related to professional or vocational licenses issued by other agencies has been added [“revoked,” “suspended,” and “otherwise subjected to any other disciplinary action (including an action that was stayed)”].

Section 5. Child Abuse and Neglect Mandated Reporting

This new section was added to the FORM 41-4 to comply with the provisions of AB 2560. AB 2560 amended section 44252 of the Education Code and requires the Commission to make specific revisions to its application forms for all credential types. Effective January 1, 2015, all applicants who submit an initial or renewal application for a document, whether online or by paper application form, must read and attest to a statement that outlines his or her responsibilities as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act [Article 2.5 (commencing with section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code]. The language in this section was copied verbatim from EC section 44252(a)(2)(C).

Additional language has been added to the application form following Section 5 to prompt the applicant to review his/her application form for completeness, as well as language describing the forms of payment acceptable and explaining that fees are not refundable. A statement informing the applicant that incomplete applications and applications submitted without the required fee will be returned.

Section 6. Oath and Affidavit

- The number “6” was added before the word “Oath” to indicate that this is a separate section of the application form that must be completed by the applicant.
- Language has also been added under the line for “City” to explain that the applicant must enter the city where the form is signed (not the city where he/she works or lives).

Section 7. Employing Agency Information

- The number “7” was added before the word “Employing” to indicate that this is a separate section of the application that must be completed by the employing agency (if applicable).

- “One-Year Nonrenewable Credentials” [reference EC section 44252(b)(4)], “Short-Term Staff Permits” (reference 5 CCR section 80021) and “Limited Assignment Permits” (reference 5 CCR sections 80027 and 80027.1) have been added to the list of application types that must be submitted by an employing agency.
- “Visiting Faculty Permits” have been removed from the list of application types that must be submitted by an employing agency. The final issuance date for such a permit was July 1, 2013 [reference EC section 44300.1(e)].
- The words “or Prospective” have been added before “Substitute” as an exclusion to the list of applications requiring employing agency submission. Applicants for the referenced substitute permits may apply directly to the Commission.
- The first sentence of the paragraph listing the application types that must be submitted by an employing agency was edited to end after the word “agency” and “Employers” was added to the beginning of the resulting next sentence for grammatical and clarity purposes.
- “For Limited Assignment or Emergency Permits” was added to the end of the second sentence in the paragraph listing the application types that must be submitted by an employing agency for clarity purposes.

Application for Credential Authorizing Public School Service, Instruction and Information Sheet (41-4 INSTRUCTIONS):

Opening Paragraphs:

- The words “or renew” have been added to the first sentence on this form due to the discontinuation of the *Renewal and Reissuance* application form (41-REN) in August 2014. The FORM 41-4 is now the only application form available for all applicants who submit an initial or renewal application for a document, whether online or by paper application.
- The sentence instructing the applicant to keep a copy of the completed application form has been deleted from the opening paragraph. Applicants will be instructed to make and keep a copy of their completed applications in the “Application Form” and “Supporting Documentation” sections.
- A sentence informing applicants that a separate application form (reference 5 CCR section 80484) and fee are required for each credential has been added in bold font for clarity purposes.
- The second paragraph at the top of the form has been deleted, as the information included is provided in other sections.

Application Form

- The words “Application Form” have been added as a header to clarify that the information pertains to completion of the FORM 41-4.
- A new sentence has been added to the beginning of this section stating that applicants must use the current version of the application form available on the Commission’s website. Effective January 1, 2015, all applicants who submit an initial or renewal application for a document, whether online or by paper application form, must read and attest to a statement that outlines his or her responsibilities as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act [Article 2.5 (commencing with section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code]. The Child Abuse and Neglect Mandated Reporting section is not included on older versions of the FORM 41-4.
- A sentence explaining that all requested information must be typed or printed on the application form has been added.
- The phrase “sender for completion” has been changed to “applicant” for clarity purposes.
- A sentence advising the applicant to make and keep a copy of the completed application has been added.
- The information regarding the processing of the application packet has been deleted. This information is now provided in “Processing Time” section.
- The sentence stating that the Commission cannot accept an application form with a revision date more than five years old has been deleted. The Commission previously provided paper application forms to applicants, employing agencies, and program sponsors. Since many employing agencies and program sponsors had stores of older application forms on hand, the Commission agreed to accept application forms with revision dates that were up to five years old. However, effective January 1, 2015, all applicants who submit an initial or renewal application for a document, whether online or by paper application form, must read and attest to a statement that outlines his or her responsibilities as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act [Article 2.5 (commencing with section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code]. The Child Abuse and Neglect Mandated Reporting section is not included on older versions of the FORM 41-4.
- The sentence providing a link to the application form has been deleted from the end of the third paragraph, as this information is now provided in the first sentence of the “Application Form” section.
- The fourth paragraph pertaining to supporting documentation has been deleted. This information is now provided in the “Supporting Documentation” section.

- Paragraph identifying the application types that must be submitted by employing agencies:
 - The words “or Prospective” have been added before “Substitute” as an exclusion to the list of applications requiring employing agency submission. Applicants for the referenced substitute permits may apply directly to the Commission.
 - “Limited Assignment Permit” has been added (reference 5 CCR sections 80027 and 80027.1).
 - “Visiting Faculty Permit” has been removed, as the final issuance date for such a permit was July 1, 2013 [reference EC section 44300.1(e)].
 - “District Internship Credential” has been removed, as this credential type requires application submission by a Commission-approved program sponsor [reference 5 CCR section 80033(c)(8)].

- References to “college or university” and “institution” have been replaced with “Commission-approved program sponsor” or “program sponsor” in the last paragraph of this section. Commission-approved programs are not restricted to colleges and universities; they may be offered by county offices of education, school districts, charter schools, etc.

- The word “us” in the last sentence of this section has been replaced with “Commission” for clarity purposes.

Supporting Documentation

- The words “Supporting Documentation” have been added as a header to clarify that the information specifies the type of documentation that must be submitted with each application form.

- The language in the first paragraph of this section was moved from the page 1 of the form with additional language added for clarity purposes.

- Minor clarifying edits have been made to the second paragraph in this section along with the addition of two sentences explaining that the Commission does not maintain files for educators and urging applicants to make and keep copies of their application packet.

- Minor edits have been made to the last paragraph in this section for clarity purposes.

Fees

This section was moved from page 5 of the form, with additional language added to clarify the amount of the service charge for checks that do not clear the bank and the evaluation process that will occur to verify an applicant’s eligibility for the credential requested.

Personal Information

- Language provided in the first paragraph of this section has been rearranged and slight edits made for clarity purposes.

- The phrase “federal tax identification number” has been changed to “Individual Tax Identification Number (ITIN)” to clarify the type of number that is acceptable in lieu of a Social Security number pursuant to the referenced codes.
- A second paragraph has been added informing applicants of their responsibility to notify the Commission of an address change (reference 5 CCR section 80412) and instructions on how to submit such a change online.

Privacy

- The word “Privacy” has been added as a header to clarify that the section provides information related to the California Information Practices Act and Federal Privacy Act.
- The sentence requiring applicants to provide the Commission with an email address has been deleted, as this information is located on page 1 of the form.
- The words “past, present, or prospective employers or institutions of higher education” have been replaced with “the agency that submitted the application” to more closely match the language provided in EC section 44230(b) and “those agencies” has been changed to “that agency” for grammatical purposes.
- The redundant phrase “which authorize this work” has been deleted from the end of the second paragraph in this section.
- The phrase “our agency” has been changed to “the Commission” for clarity purposes.
- The name of the Commission’s Certification, Assignment, and Waivers Division was changed to the Certification Division in 2013. Edits to the last paragraph in this section reflect this name change.
- The plus-four code has been added to the zip code for the Commission’s mailing address.
- The toll-free telephone number has been deleted, as the number is no longer in service.

Type of Credential

- Language has been added to the beginning of this section to explain how to select a credential type and what to do if an option is not available.
- Second paragraph:
 - The unnecessary word “any” has been deleted.
 - The phrase “or specialty areas” has been added as related to Education Specialist Instruction Credentials.
 - The word “emphasis” has been deleted as the Commission no longer issues such authorizations.

- The language instructing applicants to write information on page 1 of the application form has been deleted. The information should be written in the Comments box created for this purpose on page 4 of the application form.
- A note has been added explaining that any abbreviations following a credential type are for internal Commission use only.
- The credential terms of “professional clear” and “professional” have been deleted from the RENEWALS note, as the Commission no longer issues documents with those terms.
- The language indicating that Child Development Permits may be renewed online has been removed, as online renewal is not yet available for those document types.
- The word “working” has been added between “10” and “days” to clarify the approximate processing time for online renewals.

Professional Fitness Questions

- “/Oath and Affidavit” has been removed from the header of this section. Instructions for the “Oath and Affidavit” are now provided in a separate section.
- The phrase “in this section” in the first sentence of this section has been changed to “Professional Fitness Questions” for clarity.
- A sentence has been added to the first paragraph of this section to specify the sources of information that will be reviewed by the Commission for an applicant’s criminal history.
- The last two sentences in the first paragraph have been deleted, as the information is provided later in the section.
- The words “misconduct, even if:” have been added following “disclose” at the beginning of the second paragraph and bullet points explaining the circumstances under which misconduct must be disclosed have been added following the “:” for clarity purposes.
- All the remaining information previously provided on the form related to the disclosure of misconduct and “yes” answers has been deleted, as the information is provided on the *Professional Fitness Explanation Form (OA-EF)*.
- A new “Warning” paragraph has been added to the end of this section to specify the potential penalty for failure to disclose the requested information, clarify that the *Professional Fitness Explanation Form* must be completed for all “yes” answers, and explain the documentation required by the Commission when records are not available.

Child Abuse and Neglect Mandated Reporting

This is a new section added to clarify that all applicants must check the “I agree” box related to their duties under the Child Neglect and Abuse Reporting Act (Penal Code section 11164).

Oath and Affidavit

- The formatting of this header has been changed from italics to bold, underline in all caps to clarify that the instructions are related to a separate section of the application form.
- The word “Please” at the beginning of the section has been deleted, as completion of the section is mandatory.

Fees

The “Fees” section previously located after the “Oath and Affidavit” section has been deleted from this position and moved toward the beginning of the form.

Fingerprint Information

California Residents

- The words “certificate, or permit,” have been added to the first sentence of this section for clarity.
- The word “LiveScan” has been changed to “Live Scan” in all spots referenced for accuracy.
- The sentences explaining how to obtain a copy of the Live Scan form and stating that three copies of the form will be required have been deleted from the middle of the first paragraph. The information explaining how to obtain a copy of the form is now provided at the end of the paragraph and the number of copies required has been moved to the second paragraph.
- A direct link to the list of Live Scan stations on Attorney General’s website has been added to the second paragraph and the Commission’s website address has been deleted.
- A third paragraph has been added to clarify that the fingerprint process must be repeated if an applicant has not held a valid document issued by the Commission for more than 18 months (reference 5 CCR section 80442).

Out-of-State/Out-of-Country Residents

- The language provided in the first paragraph of this section has been amended to clarify that applicants who reside outside California must submit two fingerprint cards with their applications. Live Scan services are not available outside California for certification purposes.
- The redundant sentence at the beginning of the second paragraph has been deleted.
- An additional sentence has been added to the second paragraph to clarify the processing time for fingerprint cards.

- The third paragraph has been deleted, as the information regarding the online credential view is provided in a separate section and the Commission no longer issues academic eligibility letters. Fingerprint clearance must be on file at the Commission before a document verifying an individual's academic eligibility may be issued.

Application Submission Deadline

This separate section has been deleted and the information has been added to the "Issuance Dates" section.

Processing Time

This section has been moved from this position to a position near the end of the form.

Issuance Dates

Applications Submitted by Agencies

- A header has been added to indicate that the information that follows pertains to applications submitted by employing agencies and recommending institutions.
- The first paragraph of this subsection was moved from the deleted "Application Submission Deadline" section to clarify that application packets submitted by employing agencies or recommending institutions must be received at the Commission not more than three months after the issue date requested on the application form.
- The redundant Title 5 reference has been deleted from the second paragraph and language has been added explaining what will be used as the issue date for a credential that is not received within three months from the issue date requested on the application form.

Applications Submitted by Individuals

- Minor edits to the language in this section have been made for clarity purposes.
- A sentence has been added to the second paragraph of this section to explain that applications may be submitted up to one year prior to the expiration date of a document being renewed [reference 5 CCR 80440(c)].

Processing Time

- This section was moved from an earlier page of the form.
- The first paragraph clarifies the manner in which applications are processed by the Commission and explains how an applicant can check the status of his/her pending application.
- The second paragraph clarifies the maximum processing time allotted to the Commission in EC section 44350 and specifies the types of applications that are not subject to the 50 business day processing timeline.

Online Credential View and Print Process

The Commission discontinued the printing and mailing of credential documents on September 1, 2008. As more than six years has passed since that date, the information at the beginning of this section announcing the change has been deleted. Updated language has been added explaining that documents are not printed and that the online view is the official record of the documents held by an individual [reference 5 CCR section 80001(e)]. The language also explains how to access the online view, states that documents may be viewed within three business days of issuance, and provides instructions on how to print an unofficial copy of a document.

Before you seal the envelope:

- The words “make sure you have enclosed” have been deleted from the end of this header because the header is not immediately followed by a list of items.
- The sentence related to first-time applicants has been deleted because the list that follows pertains to all applicants (first-time, new-type, and renewal).
- The language that precedes the list of items has been reformatted due to the deletion of the first sentence.
- “Professional fitness” has been added before “questions,” “and affidavit” has been added after “oath” and “you” has been changed to “the applicant” for clarity purposes.
- The reference to the “(form 41-4)” and the language stating the revision date may be no more than five years old have been deleted. The Commission previously provided paper application forms to applicants, employing agencies, and program sponsors. Since many employing agencies and program sponsors had stores of older application forms on hand, the Commission agreed to accept application forms with revision dates that were up to five years old. However, effective January 1, 2015, all applicants who submit an initial or renewal application for a document, whether online or by paper application form, must read and attest to a statement that outlines his or her responsibilities as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act [Article 2.5 (commencing with section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code]. The Child Abuse and Neglect Mandated Reporting section is not included on older versions of the FORM 41-4. The deleted language has been replaced with language requiring submission of the current version of the Form 41-4 along with a link to the form on the Commission’s website.
- The language pertaining to a Live Scan receipt form or fingerprint cards has been deleted from this section and will be included in a later section.
- The word “necessary” has been changed to “supporting” and “including *Professional Fitness Explanation Form*, as applicable” have been added to the fourth bullet for clarity purposes.
- “Processing fees” has been changed to “Full payment” at the beginning of the fifth bullet for clarity purposes.

First-time California credential applicants *must* also include:

This is a new section added to clarify that all first-time applicants must provide fingerprint information with their application via Live Scan or fingerprint cards, as applicable to their state or country of residence.

For all other types of applications:

This section has been deleted as the listed documents are included in the section entitled “Before you seal the envelope:”

Mail the completed application and payment to:

- The words “the completed application and payment” have been added between “Mail” and “to” in the header of this section for clarity purposes.
- “Certification Division” has been added to the second line of the Commission’s mailing address to ensure proper handling when the envelope is delivered.
- The Commission no longer has a post office box; therefore, the mailing address and zip code have been changed to the Commission’s street address and corresponding zip code.

Professional Fitness Explanation Form (OA-EF)

The words “Personal and” have been deleted from the title, opening paragraph, and introductory sentence in each “Section” of this form. Pursuant to 5 CCR section 80301(a), the Committee on Credentials and the Commission only has jurisdiction over misconduct related to an applicant’s competence to perform the duties authorized by his or her credential. In addition, the word “seven” has been changed to “six” due to the deletion of a question and “of these” near the beginning of the second sentence has been deleted for clarity purposes.

Scope of Questions:

This entire section has been deleted, as the questions no longer fall into the referenced categories.

Special note regarding criminal convictions or pending criminal charges:

- Language previously included on the 41-4 INSTRUCTIONS form regarding the disclosure of past misconduct has been added to this section.
- A new “Warning” paragraph has been added to the end of this section to specify the potential penalty for failure to disclose the required information or documentation.

Using this Form:

- The numbers for each “Section” in the second column of the table associated with Questions a through f have been changed to letters for consistency and ease in identifying the section(s) of the form that must be completed. For example, individuals who previously answered “yes” to question “a” on the FORM 41-4 were instructed to completed Section 1

of the OA-EF form. The form now instructs individuals who answer “yes” to question “a” on the FORM 41-4 to complete Section A.

- Question f has been combined with Question e in the first column of the table, as the same type of explanation and documentation are required for “yes” answers to either of the related questions on the FORM 41-4.

Section A (previously Section 1):

- The “1” at the beginning of this section has been changed to an “A” to correspond with the changes made to the table in the “Using this Form:” section.
- The words “or e” have been deleted from the introductory sentence for this section due to the deletion of the question previously included in “e” on the FORM 41-4. The question now in “e” on the FORM 41-4 does not require the same type of explanation and/or documentation as question “a.”
- A “Note” paragraph has been added to this section detailing the type of documentation that must be submitted related to a “yes” answer to question “a” on the FORM 41-4. Similar language was previously provided at the end of this section.
- The table requesting a description of a pending disciplinary action for a “yes” answer to question “e” has been deleted. The previous question asked in “e” on the FORM 41-4 was deleted and the new question is not related to pending disciplinary actions.
- The words “or pending action” and “or pending disciplinary action” have been deleted from the third and fourth tables, respectively, in this section due to the deletion of the previous question asked in “e” on the FORM 41-4.
- The paragraph at the end of this section has been deleted. Similar language is now provided in the “Note” paragraph at the beginning of the section.

Section B (previously Section 2):

- The “2” at the beginning of this section has been changed to a “B” to correspond with the changes made to the table in the “Using this Form:” section.
- A “Note” paragraph has been added to this section detailing the type of documentation that must be submitted related to a “yes” answer to question “b” on the FORM 41-4. Similar language was previously provided in the “Professional Fitness Questions” section of the 41-4 INSTRUCTIONS form.
- Two paragraphs related to convictions that were dismissed/expunged and felonies that were reduced to misdemeanors have been moved from the end of this section to the spot immediately following the “Note” paragraph.

Section C (previously Section 3) and Section D (previously Section 4):

A “Note” paragraph has been added to this section detailing the type of documentation that must be submitted related to a “yes” answer to question “c” or question “d,” as applicable, on the FORM 41-4. Similar language was previously provided in the “Professional Fitness Questions” section of the 41-4 INSTRUCTIONS form.

Section E (previously Section 5):

- The words “or e” have been added before the “f” and the words “or g” have been deleted after the “f” in the introductory sentence of this section due to the deletion of the question previously included in “e” on the FORM 41-4.
- A “Note” paragraph has been added to this section detailing the type of documentation that must be submitted related to a “yes” answer to question “a” on the FORM 41-4. Similar language was previously provided at the end of this section.
- The entire table titled “Action(s) taken:” has been deleted. The information requested will be provided in the documentation submitted by the applicant in response to a “yes” answer to question “e” or question “f” on the FORM 41-4.
- The paragraph at the end of this section has been deleted. Similar language is now provided in the “Note” paragraph at the beginning of the section.

Mail all documents to:

A new box has been added to provide the Commission’s mailing address and to provide a link to a form for use by applicants when submitting the OA-EF form and supporting documentation separate from an application form. This was added for clarity and ease of use for applicants.

50-Day deadline does not apply:

A new box has been added to the end of the OA-EF form to explain that applications subject to a professional fitness review are not subject to the 50 business day processing timeline provided in EC section 44350.

(b)(2)(B): Proposes the deletion of this subsection due to the discontinuation of the *Renewal and Reissuance* application form (41-REN) in August 2014. With implementation of the online renewal system, the 41-REN was used only for child development permits, emergency permits, and limited assignment teaching permits. The professional growth self-verification section required for child development permits has been moved to the *Application for Credential Authorizing Public School Service* form (FORM 41-4). The FORM 41-4 is now the only application form available for all applicants who submit an initial or renewal application for a document, whether online or by paper application.

Proposed Addition to Regulation

§80002

(a)(1): The California Information Practices Act (**Civil Code §1798.24**) and the Federal Privacy Act (5 U.S.C. § 552a) provide that agencies requesting information indicate the principal uses of that

information. An application cannot be entered into the Commission database without a full name to identify the individual and create or match to an existing file.

(a)(2): The California Information Practices Act and the Federal Privacy Act provide that agencies requesting information indicate the principal uses of that information. An application cannot be entered into the Commission database without a date of birth to identify the individual and create or match to an existing file.

(a)(3) and (a)(3)(A): Applicants are required to provide a full Social Security Number (SSN) or Individual Tax Identification Number (ITIN) pursuant to 42 USC section 666, California Family Code section 17520, and Business and Professions Code section 494.5 (the state tax delinquency program).

(a)(4): Title 5 section 80412 requires every person applying for a credential to provide the Commission his or her present mailing address and to notify the Commission in writing of any address change.

(a)(5) and (a)(5)(A): The county and school district where the applicant is employed is required for required notice pursuant to California Penal Code Section 291.

(a)(5)(B): If the applicant is not employed, 'Not applicable' is an available option.

(a)(6): The California Information Practices Act and the Federal Privacy Act provide that agencies requesting information indicate the principal purposes for which that information is used. Telephone numbers are used to provide proper identification of an applicant's file and as a means to contact an applicant if necessary.

(a)(7): The California Information Practices Act and the Federal Privacy Act provide that agencies requesting information indicate the principal purposes for which that information is used. An email address is used to provide proper identification of an applicant's file and as a means to contact an applicant if necessary. The Commission sends notifications of receipt of an application, issuance of a document, or changes to an educator's personal file via email. Without an email address on file with the Commission, the educator will not receive these notices.

(a)(8): Choosing the type of certification sought allows the Commission to complete an evaluation of the application for the specific type of document.

(a)(8)(A): Only one type of document may be issued per application to allow the Commission to evaluate for the credential sought and track each application separately.

(a)(8)(B): Each application for a document is assigned a tracking number unique to that application so the file can be referenced in the database. Thus, no application can have more than one document type assigned. If an applicant requests more than one specific type of document on one application form, the Commission will evaluate the application for the first type of document listed.

A letter will be sent to the applicant advising that each additional document sought requires the submission of a separate application, application fee, and supporting materials.

(a)(9): The Oath and Affidavit section of the application form is required under Education Code section 44334, and must be signed “under penalty of perjury” to affirm all information contained in the application packet is accurate and governed by the laws of California as specified in the California Code of Civil Procedure sections 2015.5 and 2015.6.

(b): Title 5 section 80487(b) states that the appropriate fees must accompany each application for issuance, reissuance or renewal of a document.

(c): Title 5 sections 80442(a) and (c) require verification of fingerprint submission accompany each application for credential and a criminal history record response from the Department of Justice, unless the individual has current fingerprint clearance on file with the Commission.

(d): Title 5 section 80433(b) requires appropriate documentation of the applicant’s academic qualifications for the type of document requested.

(d)(1): Title 5 section 80435(a) requires submission of official transcripts.

(d)(2): The applicant must provide explanation(s) and any required documentation in connection with any professional fitness question answered “Yes” pursuant to Education Code section 44242.5(b).

(e): Title 5 section 80443(a)(2) states an application is determined complete when all materials needed for processing and all facts required by the law are included. This item establishes procedures for handling incomplete applications.

(e)(1): Items found in subsections (a)(1) through (a)(3)(A) must be completed to ensure proper identification of the applicant. Applications lacking this information will be returned for completion. An application missing the correct application fee as required in subsection (b) will be returned for the payment.

(e)(2): Items found in subsections (a)(4) through (d) are required according to the laws and regulations stated above. Applications lacking this information will be returned for completion.

(f): Clarifies Title 5 section 80487(e), that the sixty (60) day period during which the application fee remains valid is to allow for correction and resubmission of an application.

(f)(1): Title 5 section 80487(e) allows an applicant sixty days to provide verification or documentation of having met credential qualifications at the time the application was submitted without requiring a new or additional fee.

(g): Title 5 section 80443(a)(1) states that processing time of fifty (50) business days will commence upon receipt of the resubmitted complete application

(g)(1): Clarifies the definition of “processing time.”

(g)(2): Education Code section 44350(d) states the fifty (50) business day processing time is not applicable when an application is subject to a fitness review.

(h): Title 5 section 80487(b) states that an application fee is earned upon receipt and is not refundable.

(i): Items found in subsections (a)(4), (a)(5), and (a)(7) are required according to the laws and regulations as stated above, to provide proper identification of an applicant’s file, and as a means to contact an applicant if necessary, including providing notifications of receipt of an application, issuance of a document, or changes to an educator’s personal file.

Documents Incorporated by Reference

The *Application for Credential Authorizing Public School Service* (FORM 41-4, Rev. 12-2014), *Application for Credential Authorizing Public School Service, Instruction and Information Sheet* (41-4 INSTRUCTIONS, Rev. 12-2014), and *Professional Fitness Explanation Form* (OA-EF, Rev. 9-2013) incorporated by reference in these proposed regulations are provided in the Initial Regulations posted on the Commission’s website at <http://www.ctc.ca.gov/notices/rulemaking/2014-12-paper/2014-12-paper-ir.pdf>, showing all amendments made since the December 2009 versions in underline and ~~strikethrough~~. The forms without underline and strikethrough are available on the Commission’s website as follows:

Application for Credential Authorizing Public School Service (FORM 41-4):

<http://www.ctc.ca.gov/credentials/leaflets/414.pdf>

Application for Credential Authorizing Public School Service, Instruction and Information Sheet (41-4 INSTRUCTIONS):

<http://www.ctc.ca.gov/credentials/leaflets/414-instructions.pdf>

Professional Fitness Explanation Form (OA-EF):

<http://www.ctc.ca.gov/credentials/online-services/pdf/OA-EF.pdf>

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10)]: The Commission concludes that it is (1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses with the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

The Commission anticipates that the proposed regulation will benefit the welfare of students attending public schools in the State of California by assuring educators are appropriately qualified in relation to the documents issued, understand their responsibilities as mandated reporters of possible child abuse and neglect, and have completed the Commission's fingerprint character and identification process, meeting the moral and professional fitness standards established by law. The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in requirements for individuals seeking California certification. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals applying for credentials that authorize service in California's public schools.

Notice of Proposed Rulemaking Mailing List and Responses

Mailing List

- Members of the Commission on Teacher Credentialing
- California County Superintendents of Schools
- Credential Analysts at the California County Superintendents of Schools Offices

- Superintendents of Selected California School Districts
- Deans and Directors at the California Institutions of Higher Education with Commission-approved programs
- Credential Analysts at the California Institutions of Higher Education with Commission-approved programs
- Presidents of Selected Professional Educational Associations

Also placed on the Internet at <http://www.ctc.ca.gov>.

Tally of Responses

As of Wednesday January 28, 2015 the Commission had received the following written responses to the public announcement:

Support

2 organizational opinions
0 personal opinion

Opposition

0 organizational opinions
0 personal opinions

Total Responses: 2

Responses Representing Organizations in Support

1. Sandi Kengen, Compliance Monitoring and Credentials Coordinator, Riverside County Office of Education
2. Susana Fernandez, Support Services Manager, Orange County Department of Education

Responses Representing Individuals in Support

**CALIFORNIA CODE OF REGULATIONS
TITLE 5. EDUCATION
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING**

§ 80001. Definitions and Terms.

For purposes of Division 8:

- (a) "Applicant" means any applicant for a credential issued by the Commission.
- (b) (1) "Application for a credential" includes an application for a credential, an application for a renewal or reissuance of a credential, an application to add new authorizations to an existing credential, or a request to take any special action in relation to the issuance of a credential.
- (2) "Application", "application form", and "application packet" includes the following forms, regardless of earlier revision dates cited throughout Division 8, Chapter 1 and 4:

(A) Application for issuance of a credential, extension of a credential, and added authorizations to an existing credential: Application for Credential Authorizing Public School Service (form 41-4, rev. 12/09~~2014~~), available on the Commission's website and hereby incorporated by reference, together with its related Instruction and Information Sheet (rev. 12/09~~2014~~) and Personal and Professional Fitness Explanation Form (form OA-EF, 12/09~~9/2013~~) or the electronic versions available via the Commission's online recommendation, ~~and~~ online direct application, and online renewal systems;

~~(B) Application for renewal or reissuance of a credential: Renewal and Reissuance Application (form 41 REN, rev. 12/09), available on the Commission's website and hereby incorporated by reference, together with its related Instruction and Information Sheet (rev. 12/09) and Personal and Professional Fitness Explanation Form (form OA-EF, 12/09) or the electronic versions available via the Commission's online renewal system.~~

(c) "Chair" means the Chair of the Commission pursuant to Education Code Section 44218.

(d) "Commission" means the Commission on Teacher Credentialing as established pursuant to Education Code Section 44210.

(e) "Credential" means any credential, life diploma, permit, certificate, waiver, or document issued by, or under the jurisdiction of, the Commission which entitles the holder to perform services for which certification qualifications are required. The official record of a credential includes any credential in a paper or electronic format, including, but not limited to, information obtained from the Commission's official website.

(f) "Degree" means a baccalaureate or higher degree as specified in Education Code Section 44259(b)(1) earned through an approved college or university, regardless of its title, when the degree program contains no less subject matter preparation than a similar degree in a subject field other than professional education in the same institution.

(g) "Denial" includes the denial of any portion of an application for a credential, even though the requested credential is issued or renewed.

(h) "Executive Director" means the Executive Director to the Commission pursuant to Education Code Section 44220.

(i) "Issuance" means the granting of a credential based upon the application for or renewal of that credential.

(j) "Vice-Chair" means the Vice-Chair of the Commission.

- (k) "Professional" credential means a credential for which all statutory and regulatory requirements have been met, excluding credentials issued on partial, preliminary, or emergency bases. A "clear" credential means a professional credential as herein defined.
- (l) "Signature" or "signed" as used in this Chapter may include an electronic signature, as defined in Government Code section 16.5 and the California Code of Regulations, Title 2, Sections 22002 and 22005 or under any applicable state or federal law.
- (m) "Submitted" as used in this Chapter includes any documentation required by the Commission that is delivered in-person, via a delivery service or electronically.

Note: Authority cited: Section 44225, Education Code. Reference: Sections 44252, 44267.5, 44330 and 44332.5, Education Code.

§80002. Complete Paper Application Packet.

~~This section clarifies the requirements for a complete paper application packet. Only a complete paper application for certification will be processed by the Commission. A complete paper application must include subsections (a) through (d). Subsections (e) through (i) provide information related to the processing of paper applications.~~

(a) Each applicant for a credential not available for online renewal or online recommendation must submit a paper application form as defined in section 80001(b)(2). ~~Only a completed application form for certification will be processed by the Commission. A completed application form must~~ that includes the following:

(1) full legal name, including all former or maiden names;

(2) date of birth;

(3) Social Security Number:

(A) any applicant that does not possess a Social Security Number may include an Individual Tax Identification Number as an alternative;

(4) current mailing address, including either a post office box or street address, city, state, and zip code;

(5) California county and school district where employed, as applicable:

(A) every person applying for or holding a credential must notify the Commission in writing of any change to his or her county and/or school district of employment;

- (B) applicants not currently employed in a California school may indicate “Not Applicable;”
- (6) telephone number;
- (7) applicant’s email address;
- (8) the type of credential, permit, or authorization sought:
- (A) applicants seeking the issuance or reissuance of more than one type of credential or permit must submit a separate application form and application fee for each type of credential or permit;
- (B) if more than one specific type of credential or permit is requested on one application form, the Commission will evaluate the application for the first type of document selected on the application form. Applicants will be sent a letter advising that each additional document sought requires the submission of a separate application, application fee, and supporting materials; and
- (9) Oath and Affidavit section dated and signed under penalty of perjury, including the county and state where the application is signed.
- (b) Each application form must be accompanied by the appropriate application fee as specified in section 80487.
- (c) A criminal history record response from the fingerprint information specified in section 80442(a) and (c) must be received from the Department of Justice.
- (d) Appropriate documentation to verify the applicant’s academic qualifications for the credential, permit, or authorization requested and professional fitness. This includes, but is not limited to:
- (1) official transcripts, if required, as specified in section 80435, and
- (2) disclosures of information required in explanation of any professional fitness question with a “Yes” answer on the application form.
- (e) Only complete applications for credentials will be processed by the Commission, as specified in section 80443(a)(2).
- (1) Applications ~~forms~~ missing any of the items listed in subsections (a)(1) through (a)(3)(A) and subsection (b) will be deemed incomplete and will ~~not be returned~~ ~~entered into an applicant’s file in the Commission database.~~

(2) Applications ~~forms~~ missing any of the items listed in subsections (a)(4) through subsection (d) ~~will~~ may be ~~returned~~ rejected ~~subsequent to academic~~ with an evaluation which sets forth the requirements that have not been met ~~requesting the additional information needed for a complete application.~~

(f) The Commission will notify an applicant regarding any additional documentation required for evaluation not initially submitted with the application.

(1) Application fees remain valid for sixty (60) days from the date of the notice to allow an applicant time to provide the requested additional documentation as specified in section 80487(e).

(g) The processing time of fifty (50) business days for paper applications found in Education Code section 44350 in cases pursuant to subsection (f)(1) will commence upon receipt of the resubmitted complete application as specified in section 80443(a)(1).

(1) Processing time is the time necessary for the Commission to determine an applicant's eligibility for the document requested.

(2) The fifty (50) business day processing time for paper applications is not applicable when an application is subject to a fitness review by the Commission.

(h) Application fees are earned upon receipt of the application and may not be refunded or applied to a subsequent application as specified in section 80487(b).

(i) Every person applying for or holding a credential shall notify the Commission in writing, or by updating the educator's electronic record at the Commission, of any change to the information provided pursuant to 80002(a)(4) or (5) or (7).

Note: Authority cited: Section 44225, Education Code. Reference: Section 291, Penal Code; Section 1798.24, Civil Code; Sections 44230, 44235, 44330, 44339, 44340, 44346.5, 44350, Education Code; and Section 552, United States Code.