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Action

Public Hearing

Proposed Amendments to California Code of Regulations, Title 5 Section 80028 Pertaining to Certificates of Clearance and Section 80487 Pertaining to Fees

Executive Summary: The proposed amendments to California Code of Regulations, Title 5 Section 80028 Pertaining to Certificates of Clearance and Section 80487 Pertaining to Fees are being presented for public hearing.

Recommended Action: Staff recommends that the Commission adopt the proposed amendments to California Code of Regulations, Title 5 Section 80028 Pertaining to Certificates of Clearance and Section 80487 Pertaining to Fees.

Presenter: Terri H. Fesperman, Consultant, Certification, Assignments, and Waivers

Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators

- ◆ Sustain high quality standards for the preparation of professional educators

November-December 2006

Proposed Amendments to California Code of Regulations, Title 5 Section 80028 Pertaining to Certificates of Clearance and Section 80487 Pertaining to Fees

Introduction

The proposed amendments to California Code of Regulations, Title 5 Section 80028 Pertaining to Certificates of Clearance and Section 80487 Pertaining to Fees are being presented for public hearing. Included in this item are the background of the proposed regulations, a brief discussion of the proposed changes, and the financial impact. Also included are the responses to the notification of the public hearing.

Background of the Proposed Regulations

Title 5 Sections 80028 and 80487 are proposed to be amended due to significant changes in the method the Commission processes Certificates of Clearance and the method in which examination fees are currently established. Certificates of Clearance are documents the Commission issues to credential candidates before they enter into student teaching and to potential candidates for an initial credential who, prior to admission to a professional preparation program approved by the Commission, wish to determine if they meet the Commission's requirements for character and fitness to teach. The document provides no authorization, only verification that the holder has completed a professional fitness review. There are two major changes that are being proposed to section 80028: Certificates of Clearance would have an expiration date and the university affidavit process would be eliminated.

Section 80487 pertaining to fees is being updated to reflect the changes in the credential fee as well as fees for examinations.

Proposed Changes

Section 80028

- **80028** The Commission no longer makes professional fitness decisions based on the health of the individual; consequently the health reference is being deleted throughout the section.

- **80028(a)(1)(A)** Staff is proposing that the application be submitted online only. Beginning in August 2006, applicants could submit their applications for Certificates of Clearance online. The submission of applications online greatly decreases the processing time and insures that students in credential programs can begin their student teaching requirement in a timely fashion.

- **80028(a)(1)(B)** The proposed language also eliminates the need for the Certificate of Clearance to accompany the application for the initial credential. The Commission no longer prints Certificates of Clearance and the credit is now processed electronically.
- **80028(a)(1)(C)** The Department of Justice (DOJ) stopped accepting identification cards approximately a year ago. The proposed language requires a livescan submission, which is the method currently used for submitting fingerprint impressions to DOJ. This section also includes proposed language limiting the period of validity for the Certificate to five years. If a person obtains a Certificate of Clearance, but fails to apply for any credential that authorizes teaching or delivering certain types of services in the public schools, the Commission must currently still track and review any subsequent arrests and convictions, often engaging in a lengthy review process concerning a person who has not shown any intention to obtain a teaching or services credential. By limiting the validity of the Certificate of Clearance to five years, the Commission will eventually be able to stop receiving and reviewing reports of subsequent criminal misconduct if the holder of the Certificate of Clearance has not filed an application for a credential.
- **80028(a)(2)** Staff is proposing eliminating the process due to efficiencies gained through online technology. The results of the livescan process take approximately three days, and the Commission's online Certificate of Clearance process takes up to three days. When the affidavit process was initially conceived, the entire professional fitness process was paper-based and time-consuming. With the new technology, colleges and universities no longer need to place student teachers in the classroom without a professional fitness review.
- **80028(b)** Staff is proposing deleting this section as it states the same process as stated at the beginning of the section.

Section 80487

- **80487(a) and (a)(1)** Staff is proposing that the fee be changed to fifty-five dollars to align with the fee established in the 2006-2007 Budget Act.
- **80487(a)(2)** Staff is proposing adding the fee to change a name on a credential. This proposed fee aligns the regulations with current process.
- **80487(a)(4)** Staff is proposing deleting the subsection because the fee is included in the fee paid to the examination contractor.
- **80487(a)(5)** The proposed changes in this section are technical to update the language.
- **80487(a)(6) and (7)** The proposed changes align the fees with the current charges assessed by the Federal Bureau of Investigation and the California Department of Justice.
- **80487(a)(8), (9) and (10)** These deletions are being proposed because all three examinations have not been administered for over ten years.

- **80487(c)** The proposed changes delete references to specific examinations. The current practice is for the examination fees to be paid to the testing contractor.
- **80487(e)** Staff is proposing that the fee be valid for sixty days. Transcripts are the documents that usually delay the processing of an application. Universities no longer take sixty days to mail an official transcript.
- **80487(f)** These fees are now collected by the testing contractor.
- **80487(g)** The proposed deletion is a technical change. The sunset date for submission of these documents was January 1, 2003.

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.

Assessment regarding the creation or elimination of jobs in California [Govt. Code §11346.3(b)]: The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The regulations are not mandatory but an option that affects school districts and county offices of education.

Notice of Proposed Rulemaking Mailing List and Responses

Mailing List

- Members of the California 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-accredited programs
- Credential Analysts at the California Institutions of Higher Education with Commission-accredited programs
- Presidents of Selected Professional Educational Associations

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

Tally of Responses

As of Thursday, November 9, the Commission had received the following 0 written responses to the public announcement:

<i>In Support</i>	<i>In Opposition</i>
0 organizational opinions	0 organizational opinion
0 personal opinions	0 personal opinions

Total Responses: 0

Staff Recommendation

Staff recommends that the Commission adopt the proposed amendment to California Code of Regulations, Title 5 Section 80028 Pertaining to Certificates of Clearance and Section 80487 Pertaining to Fees.

Proposed Title 5 Regulations

§80028. Certificate of Clearance.

A Certificate of Clearance is a document, issued by the Commission, which verifies that the holder meets personal ~~and health~~ qualifications necessary to obtain a regular California teaching or services credential. ~~(a)~~ Each candidate for an initial credential shall, prior to admission to student teaching under any professional preparation program approved by the Commission, obtain a Certificate of Clearance ~~in accordance with (1) or (2) below.~~ ~~(1)~~ No less than 60 working days prior to admission to student teaching, the candidate shall submit the following materials to the Commission:

~~(A a)~~ ~~Completed~~ A completed application form via the online application system.

~~(B b)~~ One-half of the credential issuance/reissuance or renewal fee specified in Section 80487(a) (1) unless otherwise established by law. The fee shall apply toward the initial credential ~~if the Certificate of Clearance accompanies the credential application.~~

~~(C c)~~ Verification of completion of livescan ~~Duplicate personal identification cards as specified in Section 80442 including appropriate fees specified in Section 80487 (a)§ (b) and 80487(a) (7) or by law.~~

The Certificate of Clearance shall be issued for a period of five years when the Commission has verified that the candidate's meets personal qualifications necessary to obtain a regular California teaching or services credential and health status.

~~(2)~~ ~~At any time prior to admission to student teaching, the candidate shall submit the following materials to the dean/director of teacher education or the chief campus officer of the institution of higher education at which such admission is sought:~~

~~(A)~~ All materials as specified in (A), (B) and (C) of subsection (a)(1) of this section.

~~(B)~~ An affidavit attesting to the identification and personal and health qualifications of the candidate, completed and signed, under penalty of perjury, by the candidate. The dean/director of teacher education or chief campus officer of the institution shall complete and sign, under penalty of perjury, an affidavit stating as follows: "I am the dean/director of teacher education or the chief campus officer at the above institution of higher education. I have personally examined the identification documents of this applicant and know that he/she is in fact the person he/she represents himself/herself to be. I have personally interviewed the candidate and explained to him/her the very serious consequences of any concealment or falsification of his/her identity or fitness. I hereby certify under penalty of perjury that the foregoing is true and correct."

~~The dean/director of teacher education or chief campus officer of the institution shall forward all materials to the Commission and will retain copies of all materials submitted. Copies of these materials shall serve in lieu of actual issuance of the Certificate of Clearance and shall authorize admission to student teaching.~~

~~The Certificate of Clearance shall be issued when the Commission has verified the candidate's personal and health status.~~

~~(b) Each potential candidate for an initial credential may, prior to admission to any professional preparation program approved by the Commission, obtain a Certificate of Clearance. Application for the Certificate of Clearance shall be submitted to the Commission and shall include all materials specified in (A), (B), and (C) of subsection (a)(1) of this section.~~

~~The Certificate of Clearance shall be issued when the Commission has verified the potential candidate's personal and health status.~~

~~Except as provided in Subsection (a), institutions and local education agencies should not construe this as an authorization or direction to require this clearance of all students.~~

Authority cited: Section 44225(b), Education Code. Reference: Section 44320(b), Education Code.

§80487. Fees.

(a) For the purpose of this section, credential means any certificate, permit, authorization, or other certification document, which the Commission is empowered to issue. The fee for the following services shall be:

(1) The fee for the issuance, reissuance, or renewal of credential shall be ~~sixty-five~~ fifty-five dollars unless otherwise established by law. ~~Effective January 1, 1995, this fee shall be seventy dollars.~~

(2) The fee for a duplicate credential and to change a name on a credential shall be one-half the fee specified in (a) (1) or the credential fee established by law.

(3) Two hundred fifty dollars for a Board of Examiners' fee as provided in Section 80076.

(4) ~~Thirty dollars for an examination processing fee as provided in Section 80077.~~

(5) ~~Pursuant to Education Code Section 44252.5, the~~ The fee for the state basic skills proficiency test shall be ~~forty-one~~ forty-one dollars ~~for test dates through January 1, 2002, and, for test dates after January 1, 2002, shall be forty one dollars.~~

(6-5) ~~Fourteen~~ Twenty-four dollars, or the actual fee charged if different from this amount, to reimburse the Commission for the actual amount charged by the Federal Bureau of Investigation for furnishing its summary criminal history information ~~applicable to all credentials on~~ applicants for credentials.

(7 6) ~~Sixteen~~ Thirty-two dollars ~~and fifty cents~~, or the actual fee charged if it is different from this amount, to reimburse the Commission for the fee amount charged by the California State Department of Justice, Criminal Identification and Investigation Bureau, for furnishing its summary criminal history information on applicants for credentials.

(8) ~~Thirty eight dollars for each unit of the Bilingual Crosscultural Competency Certificate examination if taken separately or a fee of one hundred dollars for the entire examination, (all~~

~~three units of the examination) if taken at the same time. For persons who take only one section of the Language portion of the examination, a fee of thirty five dollars will be charged.~~

~~(9) A fee of one hundred dollars for the full language Development Specialist examination; thirty five dollars for Part I, and seventy five dollars for Part II, if taken separately.~~

~~(10) A fee of one hundred dollars for the full Bilingual Certificate of Assessment Competence examination: a fee of thirty seven dollars for either the oral production or case study section, and twenty nine dollars for either the multiple choice or audio transcription section if taken separately.~~

~~(11 7) The fee for the Certificate of Clearance as specified in Section 80028 shall be one-half the fee in (a)(1) or the credential fee established by law.~~

(b) Except for the fee specified in (a)(4), ~~(a)(8), (a)(9), and (a)(10)~~, the fees shall accompany the application for issuance, reissuance or renewal, or the request for a duplicate credential or name change; the fees shall be deemed earned upon receipt and shall not be refunded even though the applicant does not qualify for the credential or subsequently finds a reportedly lost or destroyed document.

(c) The fee for examination administered by a contractor on behalf of the Commission; ~~specifically (a)(5), (a)(8), (a)(9), and (a)(10)~~, shall be paid directly to the testing contractor unless otherwise specified by contract.

(d) The applicant shall receive either a credential or an evaluation which sets forth the requirements which have not been met.

(e) Where an applicant has all the qualifications for a credential at the time the application ~~therefor~~ is submitted, but where required verification or documentation has been delayed, no new or additional fee shall be charged if such required verification or documentation is submitted within ~~one year~~ sixty days.

~~(f) Where applicable, each application for a credential shall be accompanied by an examination processing fee pursuant to Section 80077 of these regulations.~~

~~(g) The fee for a county or district to file a copy of a county-issued or district-issued certificate of completion of staff development in specially designed academic instruction delivered in English and/or in English language development in a self-contained classroom pursuant to Education Code section 44253.10(f)(2), including issuing a duplicate if requested, is twelve dollars (\$12). Each certificate must be accompanied by the form Request to File Certificate of Completion of Staff Development (form 41-CCSD, rev. 1/97). To request a duplicate of the certificate, the person to whom the original certificate was issued must submit the form Request for Duplicate Certificate of Completion of Staff Development (form 41-CCSD-DUP, rev. 1/97) to the Commission.~~

Note: Authority cited: Sections 44225 and 44252.5, Education Code. Reference: Sections 44235, 44252.5, 44253.5, 44253.10, 44280, 44289, 44298, 44332.5(b), 44339, 44340, 44341, 44352, 52134 and 52178, Education Code; and Section 11105(e), Penal Code.