

## COMMISSION ON TEACHER CREDENTIALING

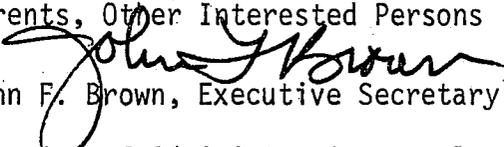
1020 O STREET  
SACRAMENTO, CA 95814  
(916) 445-0184



83-8418

December 2, 1983

TO: County Offices of Education, Superintendents of School Districts, Organizations representing Certified Employees, Parents, Other Interested Persons

FROM:   
John F. Brown, Executive Secretary

SUBJECT: Adoption of Administrative Regulations;  
Notice to Applicants for Issuance or Renewal of Credentials, Application for Character and Identification Clearance (80301) and, Standards for Investigation or Pursuance of Offenses (80301.5)

On December 15, 1983 new Sections 80301 and 80301.5 of the regulations become effective and require submission of a revised application for Character and Identification Clearance by all applicants for initial issuance of Credentials or for Certificates of Clearance.

A copy of the application form is attached hereto and is self-explanatory. The new forms will be available for use on or about February 1, 1984. Existing stocks of credential applications should be used until that time. Please note that under these regulations the Committee of Credentials will actively inquire into offenses of applicants and credential holders where these are credential-related and involve sex, narcotics, or other offenses involving moral turpitude; and will inquire into other types of offenses which result in dismissal or termination for cause of certified employees; and where verified allegations of facts are filed with the Committee showing education-related misconduct of any kind by credential holders or applicants.

School employers are reminded that they are required to notify the Commission of dismissals or other termination of employment in lieu of dismissal of certified employees; (Section 80311) and other persons may file complaints of misconduct against certified employees by following the procedure set forth in Section 80313.

Questions respecting application and interpretation of any of these matters may be directed to Walter W. Taylor, Professional Standards Administrator, at (916) 445-0243.

Please place your order for the new Character and Identification Clearance form by writing to Jean Dwelle at the Commission office. Tell her how many forms you need for a six month supply and she will mail them as soon as they arrive from the printers.

The text of the new regulations and the new application form follow:

Adopt Title 5 Regulations as follows:

80301. Notice to Applicants for Issuance or Renewal of Credentials; Application for Character and Identification Clearance.

(a) An applicant for issuance or renewal of a credential shall not be required to disclose, and the Committee of Credentials shall not inquire into or consider, any acts or omissions not related to his or her fitness or competence to perform the duties authorized by his or her credential.

(b) Each applicant for initial issuance of a credential shall submit a completed Application for Character and Identification Clearance on a form adopted by the Commission on which he or she will set forth evidence of identification and good moral character which shall be used for the sole purpose of determining the applicant's eligibility for a credential or Certificate of Clearance.

(c) The Application for Character and Identification Clearance shall include, but not be limited to, the following information for applicants:

(1) That the Commission is prohibited from issuing to or renewing the credential of any person convicted of any sex offense (listed) under Education Code Section 44010; or any narcotics offense listed under Education Code Section 44011; or who has been determined to be a mentally disordered sex offender; or that if a person holds a credential and has been convicted of any offense listed in Education Code Section 44424, such credential must be revoked;

(2) that notwithstanding his or her conviction by plea or verdict of guilty as provided in (1), such person may be issued a credential if he or she has obtained a Certificate of Rehabilitation under Section 4852.01 and following of the Penal Code, or if his or her probation has been terminated and the accusatory pleading, including but not limited to criminal complaints and informations, has been dismissed pursuant to Penal Code 1203.4; or, in the case of a narcotics conviction defined under Section 44011 of the Education Code, such person has been rehabilitated for at least 5 years provided that upon a meeting or hearing of the Committee of Credentials the applicant is found to be fit to teach or fit to perform other duties for which such applicant is to be certificated, or competent to perform the duties which the credential would authorize the applicant to perform. At such hearing the Committee of Credentials shall consider all relevant evidence of rehabilitation, requalification, motivation or other evidence of judicial relief or rehabilitation.

Authority: Education Code Section 44225(b)

Reference: Education Code Sections 44339, 44346, 44425

80301.5. Standards for Investigation or Pursuance of Offenses.

(a) The Application for Character and Identification Clearance shall contain notice to each applicant of the following standards under which the Commission determines whether or not an offense committed by an applicant for issuance or renewal of a credential shall be investigated or pursued:

(1) The Commission does not investigate or pursue offenses in the absence of evidence showing a clear relationship to an applicant or credential holder's fitness or competence to teach or to perform other certificated services.

80301.5 (continued)

(2) The Commission, through the Committee of Credentials, does actively inquire into the relationship between an applicant or credential holder's fitness or competence to perform certificated services and his/her acts or omissions resulting in any of the circumstances set forth in (b).

(b) Circumstances which will be investigated or pursued include only:

(1) Acts or omissions resulting in conviction on any basis, including plea of nolo contendere, of a sex offense defined in Education Code Section 44010 or of any reasonably related lesser included offense;

(2) Acts or omissions resulting in conviction on any basis, including plea of nolo contendere, of a narcotics offense defined in Education Code Section 44011 or of any reasonably related lesser included offense;

(3) Acts or omissions resulting in a requirement that an applicant or credential holder register as a sex offender under Penal Code 290;

(4) Acts or omissions resulting in conviction on any basis, including plea of nolo contendere, of an offense defined under Education Code Section 44424 or of any reasonably related lesser included offense in California or in any other state or place;

(5) Acts or omissions resulting in dismissal for cause or other termination of employment for any cause defined in Education Code Section 44932 from any employment requiring certification qualification whether in California or any other state or place;

(6) Acts or omissions resulting in the filing of a verified allegation of facts showing incompetence or immoral or unprofessional conduct or evident unfitness for service, or persistent defiance of, and refusal to obey the laws regulating the duties of certified employment, or for any cause which does or would have warranted denial of an application for or renewal of a credential, including but not limited to conduct involving disruption of, interference with, or having any substantial adverse impact upon classroom discipline or the educational process.

Authority: Education Code Section 44225(b)

Reference: Education Code Sections 44345, 44339

PART I  
INFORMATION FOR APPLICANTS  
FOR CHARACTER AND IDENTIFICATION  
CLEARANCE

SPECIFIC INSTRUCTIONS TO APPLICANTS:

1. DO NOT ATTEMPT TO COMPLETE THIS APPLICATION UNTIL YOU HAVE READ AND UNDERSTOOD PART I, INFORMATION FOR APPLICANTS.
2. YOU MUST TYPE OR PRINT LEGIBLY, USING BLACK RIBBON OR BLACK INK BALL-POINT. IF YOUR APPLICATION IS ILLEGIBLE, IT WILL BE REJECTED.
3. YOU MUST RETURN WITH YOUR COMPLETED APPLICATION TWO FULLY COMPLETED FINGER-PRINT IDENTIFICATION CARDS WITH SHARP, CLEAR PRINTS. IF YOUR FINGERPRINTS ARE SMEARED OR ILLEGIBLE, YOUR APPLICATION AND CARDS WILL BE REJECTED.
4. YOU MUST SEND A CHECK OR MONEY ORDER PAYABLE TO THE COMMISSION ON TEACHER CREDENTIALING. IF YOUR APPLICATION IS NOT ACCOMPANIED BY THE PRESCRIBED FEES, IT WILL BE REJECTED.
5. YOU MUST MAIL OR DELIVER PART II, OF THIS APPLICATION, FINGERPRINT CARDS AND FEE TO:

COMMISSION ON TEACHER CREDENTIALING  
1020 'O' Street, Room 222  
Sacramento, CA 95814

A. WHY THIS APPLICATION IS REQUIRED OF ALL PERSONS WHO WISH TO PERFORM CERTIFIED SERVICES.

1. Applicants must prove their eligibility.

California law places the burden upon every applicant for a credential, certificate, or permit authorizing service in the public schools to provide facts which establish his/her true identity and good moral character.

2. Consequences of Failure to Provide Information.

Every fact requested in this application is reasonably necessary or required by Education Code Sections 44339, 44340, 44345, and 44346 to determine your eligibility for a credential, certificate, or permit issued by this agency. If you fail or refuse to provide this information, your application may be rejected as incomplete or may be denied.

3. Criminal Record Search and Notice.

Your identification and fingerprint information will be used by the Department of Justice and the Federal Bureau of Investigation to determine if you have any criminal record; and those agencies will routinely provide this agency with a copy of that record if it exists; and will in the future notify this agency of your arrest for or conviction of any offense if that should occur.

4. Privacy Act Notice.

All facts required by this application are personal information within the meaning of the Information Practices Act of 1977 as amended, (Civil Code Section 1798 et.seq.) and may not be used for any purpose other than determining your eligibility for a credential, certificate, or permit. Disclosure of the information in your application for any other purpose without your consent is severely restricted by law and may result in dismissal or civil or criminal prosecution of the person or persons making such unauthorized disclosure.

5. Access to Your Records Maintained by the Commission.

This application and all records relating to your identification, moral character or credentials held by you are available for inspection and copying by you or your authorized representative during business hours (8:00 AM to 5:00 PM) at the offices of the Commission at Room 222, 1020 'O' Street, Sacramento, CA 95814. The Administrative Officer of Professional Standards, telephone (916) 445-0243, is responsible for their custody.

6. Period of Validity of Clearance.

Your clearance, when granted, will remain valid and need not be renewed for so long as you hold any credential, certificate, or permit authorizing service in the public schools. Six months after your last remaining credential, certificate, or permit lapses or expires without timely renewal, your clearance will also expire and you will be required to apply for a new clearance as a condition for reinstatement, reissuance or new issuance of any credential, certificate or permit. New fingerprints will also be required.

7. Resubmission of Rejected Applications.

A rejection of your application for failure to provide necessary information is not an adverse action. You may re-submit your application with the requested information within one year without paying any additional fees. The issuance date will be the earliest date upon which all necessary information was received, unless you request a later issuance date.

8. Right to Contest Adverse Actions: Procedure.

If any adverse action is taken with respect to your application for clearance, you will receive notice in writing which will state the reasons for the action, the facts upon which it is based, and the time within which you must file notice of your intent to appeal.

9. You Must Respond to the Notice or Decision.

You will lose any right to appeal or contest an adverse action if you fail or neglect to respond to the notice or decision within the time provided. You are responsible for giving notice of any change in your mailing address.

10. How to Appeal or Contest an Adverse Decision.

If you wish to appeal or contest the denial of your application for clearance, you must in writing,

(a) Request a hearing;

(b) Support your request with facts which show that you are eligible for the credential, certificate, or permit applied for. You must state in clear and concise language the facts showing how you have been unfairly or unlawfully treated.

(c) Address your appeal to:

COMMISSION ON TEACHER CREDENTIALING  
1020 'O' Street, Room 222  
Sacramento, CA 95814

B. REASONS FOR INVESTIGATION OF OFFENSES.

1. Relationship between Offenses and Fitness Must be Determined.

Before your clearance is approved, the Committee of Credentials is required by law to find out if you have committed any act involving moral turpitude which manifests unfitness to teach or incompetence to perform other duties which would be authorized by the credential applied for. As an applicant you are not required to disclose, and neither the Committee of Credentials nor the Commission are permitted by law to inquire into or consider any acts or omissions not related to your fitness or competence to perform certificated services.

2. Disclosure of Prior Conviction; Exemptions.

As an applicant you are required to disclose your convictions, if any, in response to the direct questions in this application unless you are entitled to an exemption based upon successful completion of a diversion program, a judicial determination of factual innocence or other order of court which expressly provides for such exemption. If you claim this exemption, you must provide a certified copy of the court order or other authority for the exemption. A Certificate of Rehabilitation (P.C. 4852.01) or termination of probation and dismissal of the information or accusation (P.C. 1203.4) does not relieve you of disclosing a conviction.

You are not required to disclose any conviction which occurred when you were under the age of 18 if the records have been sealed or expunged by order of a court, but you may be required to produce proof of the existence of the court order. A plea of Nolo Contendere to a criminal charge results in a conviction which must be disclosed. A conviction based upon a plea of Nolo Contendere, standing alone, cannot be used against you because it is not legal proof that any criminal misconduct occurred, but it is cause for inquiry by the Committee of Credentials into the hearing of that conduct upon your fitness to hold a credential.

NOTE: Penal Code Section 1203.4 IS NOT expungement for purposes of this application.

3. Offenses Which Constitute Grounds for Mandatory Denial or Revocation of Credentials.

Certain types of offenses are conclusively presumed to involve moral turpitude and to be related to an applicant's fitness or competence to perform certificated services. The Commission is prohibited by law from issuing any credential to a person who has been convicted of any sex offense defined under Education Code Section 44010 or of any narcotics offense defined under Education Code Section 44011, or who has been judicially determined to be a mentally disordered sex offender under any applicable law. All credentials held by such persons, and persons convicted of any offense defined in Education Code Section 44424, must be revoked.

4. Fitness Hearings for Persons Convicted of Offenses.

Notwithstanding a conviction of any of the offenses specified in (3), an applicant may be granted a fitness hearing by the Committee of Credentials following the standards provided in Section 80308 of the regulations if he/she presents proof of any of the following:

- (a) Certificate of Rehabilitation (Penal Code 4853.01, et.seq.)
- (b) Termination of Probation, Dismissal of Charges (Penal Code 1203.4)
- (c) Determination of Factual Innocence (Penal Code 841.8, 851.85)
- (d) Evidence of Rehabilitation for at Least Five Years Following Conviction of a Narcotics Offense Specified in Education Code 44011.
- (e) Release From Status as Mentally Disordered Sex Offender
- (f) Entry of Plea of Nolo Contendere
- (g) Any other order of a court removing the offense from the application of Education Code Sections 44346, 44424, 44425, or 44426.

5. Standards for Determination of Fitness or Rehabilitation.

The fitness or competence of every applicant to perform certified services is evaluated by the following standards:

- (a) The extent to which the conduct has adversely affected students or fellow teachers; and the probability that such conduct will continue;
- (b) The proximity or remoteness in time of the conduct;
- (c) The type of certificate held by the person involved;
- (d) The extenuating or aggravating circumstances surrounding the conduct;
- (e) The praiseworthiness or blameworthiness of the motives resulting in the conduct;
- (f) The probability that the questioned conduct will recur;
- (g) The extent to which disciplinary action may inflict an adverse impact or chilling effect upon the constitutional rights of the person involved, or other certificated persons.

C. STANDARDS UNDER WHICH THE COMMISSION DETERMINES WHETHER IT WILL INVESTIGATE OR PURSUE OFFENSES:

1. Evidence of a Clear Relationship Between Offenses and Fitness:

The Commission does not investigate or pursue offenses in the absence of evidence showing a clear relationship to an applicant's or credential holder's fitness or competence to teach or to perform other certificated services.

2. Specific Categories or Matters Investigated and Pursued.

The Commission through the Committee of Credentials does actively inquire into the relationship between an applicant's or credential holder's fitness or competence to perform certificated services and acts or omissions resulting in any of the following:

- (a) Conviction on any basis of a sex offense defined in Education Code 44010 or of any reasonably related lesser included offense;
- (b) Conviction on any basis of a narcotics offense defined in Education Code 44011 or of any reasonably related lesser included offense;
- (c) A requirement that the applicant or credential holder register as a sex offender under Penal Code 290;

- (d) Conviction on any basis of an offense defined under Education Code 44424 or of any reasonably related lesser included offense; whether committed in California or any other state or place;
- (e) Dismissal for any cause defined in Education Code 44932 from any employment requiring certification qualifications whether in California or any other state or place;
- (f) The filing of a verified allegation of facts showing incompetence or immoral or unprofessional conduct or evident unfitness for service, or persistent defiance of, and refusal to obey the laws regulating the duties of certified employment, or for any cause which does or would have warranted denial of an application for or renewal of a credential.

DO NOT ATTEMPT TO COMPLETE THIS APPLICATION UNTIL YOU HAVE READ AND UNDERSTOOD PART I, INFORMATION FOR APPLICANTS

STATE OF CALIFORNIA  
COMMISSION ON TEACHER CREDENTIALING  
P.O. BOX 2670, SACRAMENTO, CALIFORNIA 95812

Fee Stamp  
CTC

APPLICATION FOR CHARACTER AND IDENTIFICATION CLEARANCE PART II

County/District/Institution Use

PLEASE PRINT  
1.

Do not use your religious name(s).

ALL Former Name(s): Last name First Business Middle  
( ) Phone No.: Home Area Code Area Code

Filing Date  
Recon

(PLEASE PRINT)

Applicant's Name: First Middle Last

California County of Public School Employment

Mailing Address: Street and Number  
City State Zip Code

Date of Birth: Month Day Year

Place of Birth  
Social Security Number

Have you ever held a California credential or permit authorizing teaching or service in California public schools?  Yes  No

Give: Type

Date of expiration, 19

A. PROFESSIONAL STATUS:

1. Credentials, certificates, or permits now or formerly held by you:  
Date of Expiration  
Date of Expiration

2. If you are now employed or have a firm offer of employment requiring a credential, certificate, or permit, show the following:

Employing School District  
Mailing Address: Number Street  
City State Zip Code  
Telephone ( )

B. TEMPORARY CLEARANCE STATUS:

If you are applying through a college to student teach or for other supervised practice complete the following:

1. Name of College or University  
2. Date of Admission or date you plan to begin  
3. A temporary clearance has been issued by a college or university official YES NO

FOR LICENSING BRANCH USE ONLY - - - - DO NOT WRITE BELOW THIS LINE

TYPE OF DOCUMENT: CERTIFICATE OF CLEARANCE

ACTION

BASIS

Grant  Deny  
 Reject

DO NOT TYPE C/C--  
See Form 41-4 attached

Direct Application  
 IHE Recommendation

Issuance

F P CARD PREVIOUSLY SUBMITTED  YES  REPRINT  NO

Cert. O. Initials and date

Fingerprint card sent to BID

Document Number

Typist's Initials and date:

Mail to:  Applicant CC

Mailroom rejected (date)

College with CC Initials and date

C. CHARACTER AND FITNESS:

YOU MUST ANSWER EACH QUESTION BY WRITING IN "YES" OR "NO" WHICHEVER IS TRUE

1. Do you have any mental or physical disability or communicable or contagious disease which would prevent you from teaching or performing other certified services. 1.
2. Are you now addicted to the use of intoxicating beverages to excess? 2.
3. Are you now addicted to the use of any narcotics or habit forming drugs? 3.
4. Have you ever had a teaching or service document revoked for cause in California or any other State or place? 4.
5. Have you ever been dismissed for cause or resigned to avoid dismissal from any education related position requiring a license, credential, or permit in California or any other state or place? 5.

D. PRIOR OFFENSES:

YOU MUST ANSWER EACH QUESTION BY WRITING IN "YES" OR "NO", WHICHEVER IS TRUE. IF YOU ANSWER "YES" TO NO. 1, YOU MAY LEAVE QUESTIONS 2 THROUGH 8 UNANSWERED; BUT YOU MUST EXPLAIN THE BASIS FOR YOUR EXEMPTION IN SECTION F.

CAUTION: A conviction must be disclosed even if you have a Certificate of Rehabilitation (Penal Code 4852.01 et. seq.) or if the conviction has been set aside and the accusation dismissed by a court after termination of probation. (Penal Code 1203.4)

If you do not know if your conviction falls into any of the following categories, DO NOT GUESS. SEEK COMPETENT ADVICE BEFORE YOU ANSWER.

1. Do you claim exemption from disclosure of your conviction for any offense referred to in questions (2) through (8) below? (See Information For Applicants, B(2)) 1.
2. Have you ever been adjudged to be a sexual psychopath in any court or official proceeding? 2.
3. Are you now required to register as a sex offender pursuant to Penal Code 290 or any other law? 3.
4. Have you ever been convicted on any basis of a sex offense as defined by Education Code 44010 or of any lesser related or lesser included offense? 4.
5. Have you ever been convicted on any basis of a narcotics offense defined by Education Code 44011 or of any lesser related or lesser included offense? 5.
6. Have you ever been convicted of any offense defined in Education Code 44424 or of any lesser related or lesser included offense in California or any other state or place? 6.
7. Have you ever been convicted in California or in any other state or place of any felony or misdemeanor offense involving children, a school, school employment, educational personnel or property, or any combination of these? 7.
8. In connection with any conviction, are you now or have you ever been placed on probation or parole with terms which restricted or limited your contact with children, schools, school employment, educational personnel or property, or any combination of these? 8.

IF YOU HAVE ANSWERED "YES" TO ANY QUESTION (2 thru 8) YOUR CLEARANCE WILL NOT BE GRANTED UNTIL YOU HAVE SUBMITTED PROOF OF REHABILITATION AND CURRENT FITNESS TO HOLD A CREDENTIAL.

E. EVIDENCE OF REHABILITATION:

With respect to each yes answer under (d), can you produce proof of one or more of the following? Answer by writing in "Yes" or "No".

1. Entry of plea of nolo contendere? 1. \_\_\_\_\_
2. Court judgment of factual innocence? (P.C. 851.8) 2. \_\_\_\_\_
3. Certificate of Rehabilitation? (P.C. 4952.01) 3. \_\_\_\_\_
4. Termination of probation, dismissal of charges? (P.C. 1203.4) 4. \_\_\_\_\_
5. Judgment terminating status as sexual psychopath? 5. \_\_\_\_\_
6. Five year record clear of narcotics-related offenses? 6. \_\_\_\_\_
7. Other testimonial or documentary evidence of rehabilitation? 7. \_\_\_\_\_

F. ADDITIONAL OR SUPPLEMENTARY INFORMATION:

USE THIS SPACE FOR CLARIFICATION OR EXPLANATION OF YOUR ANSWER. IF NECESSARY YOU MAY USE THE VACANT SPACE ON THE BACK OF THIS FORM.

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G. ASSISTANCE RECEIVED IN PREPARING THIS APPLICATION

IF YOU HAVE RELIED UPON SOME OTHER PERSON FOR ADVICE OR ASSISTANCE IN PREPARING YOUR ANSWERS IN THIS APPLICATION (e.g., Counsellor, Attorney, Probation Officer, Teacher, etc.) PLEASE GIVE THE NAME AND ADDRESS OF THAT PERSON:

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H. VERIFICATION AND SIGNATURE

I certify under penalty of perjury that I have read this application and know its contents and that I have answered each question truthfully and without any purpose of evasion or mental reservation. I understand that this application may be denied and that any document issued to me on the basis of false or misleading information in this application as provided by me may be revoked or voided; and that for such offense I may be criminally prosecuted for the offense of perjury.

DATE \_\_\_\_\_

CITY OR COUNTY WHERE SIGNED \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

DETACH PART I OF THIS APPLICATION  
AND RETAIN WITH YOUR PROFESSIONAL  
RECORDS. DO NOT RETURN PART I  
WITH YOUR APPLICATION.

SEE REVERSE FOR FEE AND OTHER APPLICATION INFORMATION

INSTRUCTIONS FOR CHARACTER AND IDENTIFICATION CLEARANCE APPLICATION

INSTRUCTION SHEET

CHARACTER IDENTIFICATION CLEARANCE FOR CERTIFICATE OF CLEARANCE  
(Not a Credential)

- 1. Application form (41-C1C)
- 2. Application fee (\$17.50)
- 3. Two BID (fingerprint) cards with \$12 F.B.I. fingerprint processing fee

CHARACTER IDENTIFICATION CLEARANCE AND CREDENTIAL APPLICATION

- 1. Application form (41-C1C)
- 2. Application form (41.4)
- 3. Application fee (\$35.00)
- 4. Official transcripts
- 5. Letters verifying experience (when needed)
- 6. Verification of examination score and submission of \$30 examination processing fee (when needed)
- 7. Two BID (fingerprint) cards with \$12 F.B.I. fingerprint processing fee

Fee payable to:  
Commission on  
Teacher Credentialing

A thirty-five dollar (\$35) fee is required for each credential for which application is made. Checks should be made payable to the Commission on Teacher Credentialing. The fee is earned when the application is received. A service charge of ten dollars (\$10) will be made for a check which does not clear the bank.

Fingerprint cards:

Fingerprints may be made by a local, county, state, or federal law enforcement officer. If you have a California teaching document issued after September 21, 1951, an acceptable card should already be on file. **DO NOT BEND OR FOLD CARDS.** Fingerprints which may have been filed with some other agency are not available to this office. Complete physical description at top of each card. (Do not abbreviate.) Signature must be the same as #10 of this application.

Privacy Act

See Part I, item #4 of form 41-C1C.