

## COMMISSION FOR TEACHER PREPARATION AND LICENSING

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SACRAMENTO 95814

May 18, 1981

80-8127

TO: All Individuals and Groups Interested in the Activities  
of the Commission for Teacher Preparation and Licensing

FROM: John F. *John F. Brown* Brown, Executive Secretary

SUBJECT: Title 5 Regulation - Certificate of Clearance

The Commission for Teacher Preparation and Licensing has adopted an amended version of Title 5 Regulation, Section 80028, Certificate of Clearance.

This amended Regulation becomes effective May 16, 1981, and implements a recent legislative amendment to Education Code, Section 44320(b).

Major points of interest in the newly amended Title 5 Regulation are as follows:

1. Beginning with the summer session of 1981, a Certificate of Clearance will be required of each candidate for an initial credential, prior to admission to student teaching, under any professional preparation program approved by the Commission. This requirement applies to all credential programs and is not limited to Multiple and Single Subject programs. A Certificate of Clearance would also be required of a candidate for an initial credential, for example, prior to admission to a field practicum for the Pupil Personnel Services credential.
2. Two procedures for obtaining the Certificate of Clearance are provided in the regulation.
  - (a) The first procedure requires the student teaching candidate to submit application materials to the Commission no less than 60 working days prior to admission to student teaching. This lead time is required to have the candidate's fingerprint cards processed through the Department of Justice.
  - (b) The second procedure allows the student teaching candidate to submit materials to the Commission at any time prior to admission to student teaching.

In addition to application materials, this second procedure requires submission of an affidavit attesting to the identification and personal and health qualifications of the candidate, completed and signed, under penalty of perjury, by the candidate.

An affidavit, completed and signed, under penalty of perjury, by the dean/director of teacher education or chief campus officer of the institution, attesting to the identification of the candidate and to the fact that the consequences of concealment or falsification have been personally explained to the candidate is also required.

These materials are to be forwarded to the Commission and the institution is to retain copies. These copies will serve in lieu of issuance of the Certificate of Clearance (and will authorize admission to student teaching) until the Commission actually processes the Certificate.

3. While the Certificate of Clearance is mandated for each candidate for an initial credential prior to admission to student teaching, it will continue to be available, though not required, to other potential candidates.
4. A health examination is not required.
5. The affidavit, referenced in #2, above, is attached to this coded correspondence. The affidavit form may be duplicated.

Attachments

ADOPTED TITLE 5 AMENDMENT:

~~80028. Certificate of Clearance: A Certificate of Clearance may be granted prior to admission to any approved professional preparation program to a potential candidate for a credential when the Commission verifies acceptable personal and health qualifications and the candidate submits the following: (a) application Form 41-4; (b) personal identification or BID-7 card (Bureau of Identification); (c) fee in the amount of \$10.00; and (d) health statement on Form 41-3A. The fee shall apply toward the initial regular credential if the Certificate of Clearance accompanies the application for the credential.~~

~~Institutions and local education agencies should not construe this as an authorization or direction to require this clearance of all students.~~

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) Completed application form.

(B) One-half of the credential issuance/renewal fee specified in Section 80487(a)(1). The fee shall apply toward the initial credential if the Certificate of Clearance accompanies the credential application.

(C) Duplicate personal identification cards as specified in Section 80442.

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

(2) At anytime 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.

NOTE: Authority cited: Section 44225(b), Education Code  
Reference: Section 44320(b) Education Code  
(Chapter 782, Statutes of 1980)

AFFIDAVIT - CERTIFICATE OF CLEARANCE

To be completed by student teaching candidate and Dean/Director of Teacher Education or Chief Campus Officer of the Institution (see reverse for Education Code Excerpts)

To be completed by student teaching candidate:

NAME: \_\_\_\_\_ (print)

DATE OF BIRTH: \_\_\_\_\_  
Month Day Year

SOCIAL SECURITY NO.: \_\_\_\_\_

(PLEASE READ CAREFULLY)

1. I am the undersigned applicant for a Certificate of Clearance admitting me to student teaching pursuant to Education Code, Section 44320 as amended.
2. I am free from any contagious and communicable disease or other disabling disease or defect which would unfit me to instruct or associate with children.
3. I have not been determined to be a sexual psychopath under the provisions of Article 1 (Commencing with Section 6300) Chapter 2, Part 2, Division 6 of the Welfare and Institutions Code, or under similar provisions of law of any other state.
4. I have never been convicted of any sex offense as defined in Education Code, Section 44010.
5. I have never been convicted of a narcotics offense as defined in Education Code, Section 44011.
6. I am not presently under indictment or complaint for any matter specified in (3), (4) or (5).

I understand that my fingerprints will be checked by the State Department of Justice, and that if it is determined that I have made any false statements herein this Certificate may be revoked, that I may be denied any future service or teaching credential or may be prosecuted for perjury, or all of these.

I hereby certify under penalty of perjury that the foregoing is true and correct.

DATED: \_\_\_\_\_

AT \_\_\_\_\_ (City/County/State)

\_\_\_\_\_  
(Signature)

B. To be completed by Dean/Director of Teacher Education or Chief Campus Officer of the Institution accepting candidate into student teaching:

NAME OF INSTITUTION: \_\_\_\_\_ (print)

DATE THAT CANDIDATE WILL BEGIN STUDENT TEACHING ASSIGNMENT: \_\_\_\_\_

NAME OF CREDENTIAL TOWARD WHICH THIS STUDENT TEACHING ASSIGNMENT IS REQUIRED:  
\_\_\_\_\_

(PLEASE READ CAREFULLY)

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.

DATED: \_\_\_\_\_

AT \_\_\_\_\_ (City/County/State)

\_\_\_\_\_  
Authorized Officer (Print Name)

\_\_\_\_\_  
Signature of Authorized Officer

\_\_\_\_\_  
(Title)

EXCERPTS FROM THE EDUCATION CODE

"44345. The Commission may deny any application for the issuance of a credential or for the renewal of a credential made by any applicant who:

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

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

"44346. Further grounds for denial: (a) The Commission shall deny any application for the issuance of a credential or for the renewal of a credential made by any applicant who comes within any of the following classes:

- (1) Has been determined to be a sexual psychopath under the provisions of Article 1 (Commencing with Section 6300), Chapter 2, Part 2, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state.
  - (2) Has been convicted of any sex offense as defined in Section 44010.
  - (3) Has been convicted of a narcotics offense as defined in Section 44011.
- (b) Notwithstanding paragraphs (2) and (3) of subdivision (a), no person shall be denied a credential solely on the basis that he has been convicted of a crime specified in paragraphs (2) and (3) of subdivision (a), if he has obtained a certificate of rehabilitation under Section 4852.01 and following of the Penal Code, and if his probation has been terminated and the information or accusation has been dismissed pursuant to Section 1203.4 of the Penal Code."

"44010. 'Sex offense' as used in Sections 44346, 44425, 44436, 44836, and 45123 means any one or more of the offenses listed below:

- (a) Any offense defined in Sections 266, 267, 285, 286, 288, 288a, 647a, subdivision 3 or 4 of Section 261, or subdivision (a) or (d) of Section 647 of the Penal Code.
- (b) Any offense defined in former subdivision 5 of former Section 647 of the Penal Code repealed by Chapter 560 of the Statutes of 1961, or any offense defined in former subdivision 2 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 if the offense defined in such sections was committed prior to September 15, 1961, to the same extent that such an offense committed prior to such date was a sex offense for the purposes of this section prior to September 15, 1961.
- (c) Any offense defined in Section 314 of the Penal Code committed on or after September 15, 1961.
- (d) Any offense defined in former subdivision 1 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 committed on or after September 7, 1955, and prior to September 15, 1961.
- (e) Any offense involving lewd and lascivious conduct under Section 272 of the Penal Code committed on or after September 15, 1961.
- (f) Any offense involving lewd and lascivious conduct under former Section 702 of the Welfare and Institutions Code repealed by Chapter 1616 of the Statutes of 1961 if such offense was committed prior to September 15, 1961, to the same extent that such an offense committed prior to such date was a sex offense for the purposes of this section prior to September 15, 1961.
- (g) Any offense defined in Section 286 or 286a of the Penal Code prior to the effective date of the amendment of either section enacted at the 1975-76 Regular Session of the Legislature committed prior to the effective date of the amendment.
- (h) Any attempt to commit any of the above-mentioned offenses.
- (i) Any offense committed or attempted in any other state which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses.

"44011. 'Narcotics offense' as used in Sections 44346, 44425, 44436, 44836, and 45123 means any one or more of the following offenses:

- (a) Any offense in Sections 11350 to 11355, inclusive, 11366, 11368, and 11550 of the Health and Safety Code.
- (b) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of the above-mentioned offenses.
- (c) Any offense committed under former Sections 11500 to 11503, inclusive, 11557, 11715, and 11721 of the Health and Safety Code.
- (d) Any attempt to commit any of the above-mentioned offenses.