

COMMISSION ON TEACHER CREDENTIALING

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Sacramento, California 94244-2700

(916) 445-7254




OFFICE OF THE EXECUTIVE SECRETARY

92-9217

August 24, 1992

TO: All Individuals and Groups Interested in the Activities of the Commission on
Teacher Credentialing

FROM: 
Philip A. Fitch, Executive Secretary

SUBJECT: Revised Application for Character and Identification Clearance

Enclosed is a copy of our newly-revised *Application for Character and Identification Clearance (Form 41-CIC)*. It is printed on blue paper to distinguish it from previous versions.

The form has been simplified. The directions now explain how to fill out the form, as well as providing information regarding criminal offenses and the standards for investigation. The application itself has just four sections: personal information, a single page of character and fitness questions, the oath and affidavit, and a new page entitled "Verification of Good Standing".

The "Verification of Good Standing" is only to be completed by applicants who have held credentials in another state. The verification form remains with the application. The applicant does not need to do anything but fill it out and sign it. The Commission will use the form to request professional fitness and certification information from the states in which the applicant has held credentials.

DISTRIBUTION OF THE REVISED APPLICATIONS

Within the next two weeks, we will be distributing a supply of these forms to institutions of higher education with Commission-approved programs, county offices of education, and the 100 largest school districts in the state. Smaller districts may request a supply either from us or from their county office, according to their usual procedure.

When you get your supply of new applications, please throw all of the old ones away. Beginning with filing date November 1, 1992, we would like to see nothing but the revised form.

QUESTIONS

If you have questions about the new Character and Identification Clearance application form, please contact our Legal and Professional Standards Division at 916-445-0243. If you need to order additional forms, contact Certification Support at 916-445-5941.

Thank you.

APPLICATION FOR CHARACTER AND IDENTIFICATION CLEARANCE INSTRUCTION AND INFORMATION SHEET

The following information is designed to help you complete the application form properly and understand the credentialing process. Remove this instruction section before you submit your application and keep it with a photocopy of the complete application packet until your document is in your possession.

To apply for a Certificate of Clearance and/or a first credential you must submit all of the following:

- 1. Application Form (41-CIC) and fee of \$30.00* (if applying for only Certificate of Clearance)
- 2. Application Form (41-4) and fee of \$60.00* (if applying for first credential)
- 3. Two BID fingerprint cards
- 4. Fingerprint fee of \$50.00* (FBI fingerprint fee of \$23.00* and DOJ fee of \$27.00*)
The total fee for a Certificate of Clearance only is \$80.00*. The total fee for a first credential is \$110*.

*Fees are subject to change; please see form CL-659 for current fees.

This application is for a Certificate of Clearance and/or first credential. Applications not completely and accurately filled in and accompanied by all required supporting materials will be returned to the sender for completion.

SECTION 1: PERSONAL INFORMATION

Type or print, using black ink, all information required on the application. Use your full legal name. You must also list all former names, including your maiden name. If your address changes before you get your document, be sure to notify us in writing of the change and include your full name and social security number on the correspondence so that we can quickly locate your file. Fill in your sex, height, weight, and eye and hair color on the front of the application. This information should be identical to the information provided on the fingerprint cards. See "Fingerprint Cards" under Additional Information on next page.

The Information Practices Act of 1977 provides that agencies requesting information indicate the principal purposes for which that information is used. Your name, former names, date of birth and social security number are used to provide proper identification for the processing of your application. Other information is used to determine your eligibility. All such information is personal and may be disclosed to the public only with your permission or in accordance with the law. The information requested is mandatory and necessary for our agency to perform its duty under Education Code Sections 44200-44439, which authorize this work. If not furnished, your application may be denied, delayed, or returned for completion. You have a right to review personal information maintained on you by our agency unless access is exempted by law. The Director of Licensing and Professional Development, 1812 9th Street, Sacramento, California 95814-7000, (916) 445-7254, is responsible for the maintenance of this information.

Your clearance, when granted, remains valid and need not be renewed as 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 your clearance may also expire. If your document expired more than 6 months ago, it may be necessary for you to complete this form and submit it with new fingerprint cards and processing fees. Contact the Commission office and ask a Certification Officer to check your file before submitting new cards and fees.

SECTION 2: CHARACTER AND FITNESS

Read the questions carefully before you answer them. If you answer "yes" to any question, you must submit a full explanation and your application will be referred to staff working with the Committee of Credentials for evaluation of your fitness to teach, or fitness or competence to perform other duties which would be authorized by the credential.

Note: Information you provide is subject to investigation for, and verification of, your moral character and true identity by means of review of information, reports, records, and other data from any agency or department of the state or any political subdivision of the state, whether chartered or not, when secured by the Commission for such purposes. If you give false or deceitful information it could result in criminal prosecution and/or denial of the application.

SECTION 3: OATH AND AFFIDAVIT

California law requires every person applying for a certificate to complete the "Oath and Affidavit," without alteration, and sign his or her full legal name as printed at the top of page 1 of this application. If you cannot sign the "Oath and Affidavit," as stated, your application may be rejected or denied.

ADDITIONAL INFORMATION

FINGERPRINT CARDS

Fingerprint cards are required for a character and identification clearance. Fingerprint cards may also be required if a credential has expired, been revoked or an application was denied, rejected or withdrawn.

Your fingerprints may be taken by a local, county, state or federal law enforcement officer, or by the district, county, or college office of education if they provide the service. *Do not bend or fold the cards.* Use standard three-letter abbreviations for your physical description: BLK=black, BRN=brown, BLD=blond, GRY=gray, BLU=blue, GRN=green, HZL=hazel, etc. Your name and signature on the fingerprint cards must be the same as you write them on this application form. There is a fee for the processing of fingerprint cards through the California Department of Justice and the FBI. See page 1 for the fee required for fingerprint card processing. Include that amount when you calculate the total amount of your check.

FEES

Attach a CERTIFIED CHECK OR MONEY ORDER for the total amount shown on the front of the application. A personal check is acceptable if you are mailing the application directly to us. Be sure to include the required fees for all applications and fingerprint cards. Make checks payable to the *Commission on Teacher Credentialing*. If you are applying through a college or university, county office of education, or school district office, you might be asked to make the check payable to that *agency* so that they can submit a single check to us for all of their applicants. The application fee is considered earned when the application is received and is not refundable. A service charge will be assessed for a check which does not clear the bank. The credential application and fee remain valid for one year provided all requirements for the credential were completed on or prior to the date of application. Fees are subject to change.

THE PROCESS AND YOUR RESPONSIBILITY

When your application arrives at the Commission office, it is logged into the computer and the check is deposited in the bank. If you held a credential prior to April 1989 and have not applied

since that date, your microfilm file is pulled and the information from it is converted to the computer format.

Your application for a Certificate of Clearance is next given to the fingerprint card processing unit and the fingerprint cards are forwarded to the California Department of Justice and the FBI for processing. Processing generally takes three to six months. When we receive clearance from both DOJ and FBI, your certificate will be printed and mailed. If your application is returned to you at any point in the processing, you will need to follow the directions included with it and resubmit it in a timely manner.

Your certificate of clearance will be mailed to you unless you were recommended for the clearance by a college or university, in which case it will be sent to the institution. The application form and supporting materials will not be returned to you. *It is your responsibility to make a copy of the entire application packet before you file it, and keep that copy until the certificate is in your possession.* If the application is lost at any stage in the processing--at the office where you filed it, in the mail, or here--or if you have any questions about our evaluation, you will need to provide us with a copy of the complete file.

California Code of Regulations, Title 5, Section 80443, sets a maximum processing time for completed applications. Applications delayed by a Commission appeal, Legal and Professional Standards review, or fingerprint card processing are not subject to the 75-day restriction. Applicants not notified of their credential status within 75 working days after the Commission received the application have the right to file an appeal, in writing, with the Executive Secretary of the Commission for a refund of the filing fee. The Commission may deny the refund request if the Commission's application workload exceeds by 15% the number of applications processed in the same quarter of the previous year, or if other statutory mandates cause an unforeseeable delay in application processing.

If you would like notice that your application has been received by the Commission, request a return receipt through the Post Office when you mail the application packet.

If you need additional information, write to the Commission on Teacher Credentialing, Box 944270, Sacramento, CA 94244-2700 or call (916) 445-7254. Additional application forms and information are also available at county offices of education, school district offices, and in the education offices of colleges and universities.

INFORMATION REGARDING CRIMINAL OFFENSES

Before your clearance is approved, the Committee of Credentials must verify your identity and determine if you have committed any crimes or acts which show unfitness to teach or inability to perform duties authorized by the credential applied for.

Not all criminal convictions lead to denial of your certificate of clearance. Your fitness or ability 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.

When Do You Have to Disclose a Criminal Conviction?

You are required to disclose *all* criminal convictions. A court order pursuant to Penal Code Section 1203.4(a) states that the order does not relieve the person of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office or for licensure by any state or local agency. Therefore, you must disclose the conviction even if you have obtained an order pursuant to Penal Code Section 1203.4.

A plea of *nolo contendere* to a criminal charge results in a conviction which must be disclosed.

Are There Exceptions to the Disclosure Requirement?

As an applicant you are required to disclose your convictions, if any, in response to the direct questions in this application. In limited circumstances you may be exempt from the disclosure requirement. You are not required to disclose a conviction which occurred when you were under the age of 18 if the records were sealed or expunged by court order. If you have been on court ordered diversion you are exempt from disclosure if you have obtained a court order terminating diversion. Another exception to disclosure is a judicial determination of factual innocence or other court order which expressly provides for such exemption.

If the Commission ascertains that a conviction has occurred, and the conviction appears to require disclosure, you may be requested to provide a certified copy of the court order or other authority for the exemption you claim.

Do Some Offenses Result in 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.

A list of the specific offenses listed in Sections 44010, 44011, and 44424 of the Education Code can be obtained by calling the Legal and Professional Standards Division of the Commission at (916) 445-0243.

If convicted of a specified offense which is grounds for mandatory denial of an application, an applicant can nevertheless be granted a fitness hearing by the Committee of Credentials if the applicant presents proof of any of the following:

- (a) Certificate of Rehabilitation (Penal Code 4852.01, et.seq.)
- (b) Termination of Probation, Dismissal of Charges (Penal Code 1203.4)
- (c) Determination of Factual Innocence (Penal Code 851.8, 851.85)
- (d) Evidence of Rehabilitation for at Least Five Years Following Conviction of a Narcotics Offense Specified in Education Code Section 44011
- (e) Release from Status as Mentally Disordered Sex Offender
- (f) Entry of Plea of *Nolo Contendere* (Misdemeanor Offenses)
- (g) Any other order of a court removing the offense from the application of Education Code Sections 44346, 44424, 44425 or 44426.

THIS APPLICATION FORM (41-CIC), THE FINGERPRINT CARDS AND FEES ARE TO BE SUBMITTED TO THE COMMISSION OFFICE ONLY ONCE AS DESCRIBED IN THE INSTRUCTIONS. DO NOT SUBMIT A SECOND 41-CIC APPLICATION OR PRINTS OR FEES UNLESS REQUESTED TO DO SO BY THE COMMISSION OFFICE.

REQUIRED NOTICE

California law requires the following information from Title 5, California Code of Regulations Section 80301.5, be provided to each applicant:

STANDARDS FOR INVESTIGATION OR PURSUANCE 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 of a credential or by a credential holder shall be investigated or pursued:

(1) The Commission does not investigate or pursue offenses which do not have a clear relationship to an applicant or credential holder's fitness or competence to teach or to perform other certificated services. If an offense comes to the Commission's attention, but the information available to the Commission does not permit a finding as to whether the offense bears a clear relationship to fitness or competence, as required, the Commission may conduct a preliminary investigation to determine whether such a relationship exists. Such an investigation will take place prior to any inquiry commenced pursuant to Section 80317.

(2) The Commission, through the Committee of Credentials, pursuant to the standards provided in Section 80308 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 inquired into or pursued include only:

(1) Acts or omissions resulting in conviction on any basis, including a plea of nolo contendere, of any of the following offenses, or of any lesser included offense, in California or in any other state or place:

(A) Any sex offense listed in Education Code Section 44010;

(B) Any offenses involving controlled substances.

(C) Any offense listed in Education Code Section 44424.

(2) Acts or omissions resulting in conviction on any basis, including plea of nolo contendere, of an offense in California or any other state or place, which the Commission determines has a clear relationship to an applicant's or credential holder's fitness or competence to teach or to perform other certificated services, either because of the inherent nature of the offense or because of the specific facts giving rise to the conviction.

(3) Acts of [sic] omissions resulting in a requirement that an applicant or credential holder register as a sex offender under Penal Code Section 290 or any similar statute in any other state or place.

(4) Acts or omissions resulting in resignation, suspension of employment for at least 90 days, dismissal for cause, or other termination of employment in connection with any cause defined in Education Code Section 44932 from any employment requiring certification qualification whether in California or in any other state or place.

(5) Acts or omissions resulting in suspension of employment and/or credentials under Education Code Section 44940.

(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.

(7) Acts or omissions substantially related to the qualifications, functions or duties of an applicant or credential holder who was not employed under any credential when the acts or omissions occurred. Such acts or omissions include:

(A) Acts of dishonesty, fraud or deceit with intent to substantially benefit himself/herself or another, or substantially injure another;

(B) Acts or omissions evidencing a pattern of misconduct and/or poor judgment over a period of time, the most recent act or omission occurring within the last three years;

(C) Misconduct involving minors, schools, school employment, education personnel or property, or any combination thereof.

(c) When an applicant or credential holder is convicted of any of the crimes described in subsections (b)(1), (b)(2), or (b)(3), above, any other convictions may also be inquired into or pursued.

**SECTION 2
CHARACTER AND FITNESS**

Answer each question by checking "yes" or "no" whichever is true. If you answer "yes" to any question, please attach a full explanation of your answer.

- | | YES | NO |
|---|--------------------------|--------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Are you addicted to the use of intoxicating beverages? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are you addicted to the use of any narcotics or drugs? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Have you ever been required to register as a sex offender pursuant to Penal Code Section 290 or any other law in California or any other state or place? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Have you ever had <i>any credential</i> , including but not limited to any Certificate of Clearance, permit, credential, license, or other document authorizing public school service or teaching, suspended, revoked, voided, denied and/or otherwise rejected for cause in California or any other state or place? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Have you ever had <i>any application</i> for a credential, including but not limited to any Certificate of Clearance, permit, credential, license or other document authorizing public school service or teaching denied and/or rejected for cause in California or any other state or place? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Have you resigned from or otherwise left public school employment to avoid investigation for alleged misconduct and/or dismissal in California or any other state or place? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Are you now the subject of any inquiry, review or investigation by a teacher licensing agency in connection with any alleged misconduct; is any disciplinary action now pending against you in any school district or before any teacher licensing agency or court in California or any other state; is any adverse action now pending against any credential you hold; including but not limited to any Certificate of Clearance, permit, credential, license or other document authorizing public school service or teaching, before any teacher licensing agency or court in California or any other state? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Have you ever been convicted, including entering a plea of nolo contendere, 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? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Have you ever been convicted of any felony or misdemeanor offense, including entering a plea of nolo contendere, in California or in any other state or place? | <input type="checkbox"/> | <input type="checkbox"/> |

**SECTION 3
OATH AND AFFIDAVIT**

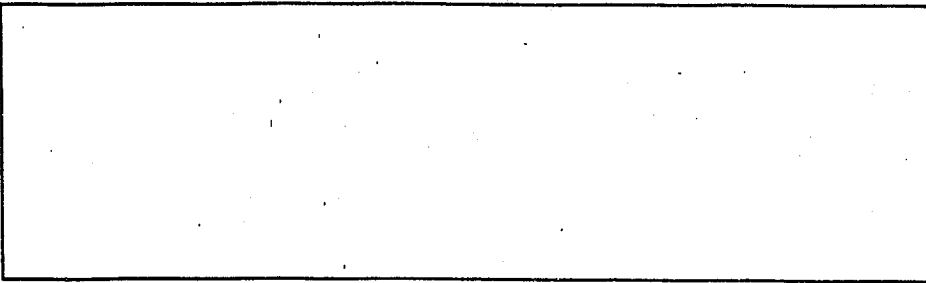
I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California. I hereby certify (or declare) under penalty of perjury that all the foregoing statements in this application are true and correct.

Date _____ City _____ County _____ State _____
Month Day Year

SIGNATURE _____
 Sign your full name as printed at the top of page 1

COMMISSION USE ONLY - - - - DO NOT WRITE BELOW THIS LINE

PASTE LABEL HERE



ACTION

DIRECTIONS

BASIS

Grant Deny Reject

DO NOT PRINT C/C

Direct Application

Special Committee Action

DO NOT MAIL C/C

IHE Recommendation

CASHIERING REJECT Initials _____ Date _____

FP CARD PREVIOUSLY SUBMITTED YES REPRINT NO

FBI/DOJ CARDS sent to BID _____
Date/Initial

DOJ CLEAR/RAP _____
Date/Initial

FBI CLEAR/RAP _____
Date/Initial

CC Reject Mailed _____
Date/Initial

CC Grant _____
Date/Initial

FBI/DOJ FINGERPRINT CARDS

REPRINT _____

REJECT _____

REPRINT _____

REJECT _____

REPRINT _____

REJECT _____

LPSD ACTION

App Pack Reject _____
Date/Initial

COMMITTEE OF CREDENTIALS ACTION

GRANT _____
C of C Meeting Date

DENY _____
C of C Meeting Date

QC--CC Mailed

COMMISSION ON TEACHER CREDENTIALING

LEGAL AND PROFESSIONAL STANDARDS DIVISION

1812 Ninth Street
 Sacramento, California 95814-7000
 (916) 445-0243 FAX (916) 323-6735



**VERIFICATION OF GOOD STANDING
 (CREDENTIALS HELD IN OTHER STATES)**

SECTION A TO BE COMPLETED BY THE APPLICANT AND INCLUDED WITH THE APPLICATION. DO NOT SEND THIS FORM TO THE STATE(S) WHERE YOU HAVE BEEN CERTIFIED OR CREDENTIALLED. THE COMMISSION WILL REQUEST THE INFORMATION.

Social Security Number: _____ Date of Birth: _____

Applicant's Full Legal Name: _____ Former Name(s): _____
First Middle Last

Mailing Address: _____
Street Address

City State Zip Code

State	Type of Credential

I declare under penalty of perjury that the foregoing is true and correct. I hereby authorize the above mentioned state(s) to release any information concerning my certification to the California Commission on Teacher Credentialing.

Date _____ Signature _____

SECTION B -- TO BE COMPLETED BY THE STATE CREDENTIALING OFFICE.

- Is this individual the subject of any inquiry, review or investigation in connection with alleged misconduct?
 Yes No
- Is any type of disciplinary or adverse action now pending against any credential held by this individual authorizing public school teaching or service?
 Yes No
- Has this individual ever had any credentials authorizing public school teaching or service suspended, revoked, voided, denied and/or otherwise rejected for cause?
 Yes No
- Do you have any information this individual left employment to avoid dismissal?
 Yes No

Agency	Date
Address	Signature