

**CALIFORNIA COMMISSION ON TEACHER CREDENTIALING**

1812 Ninth Street  
Sacramento, California 95814-7000  
(916)445-7254



98-9802

DATE: January 29, 1998

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

FROM: Sam Swofford, Ed.D.  
Executive Director

SUBJECT: Proposed Amendments of Sections 80436, 80439, 80440, 80463 and  
80490 of Title 5, California Code of Regulations, Pertaining to  
Credential Dating

**Notice of Public Hearing is Hereby Given:**

In accordance with Commission policy, proposed Title 5 Regulations are being distributed prior to the public hearing. A copy of the proposed regulations is attached. The added text is underlined, while the ~~deleted~~ is lined-through. The public hearing is scheduled on:

April 2, 1998  
1:30 pm  
Sterling Hotel  
1300 H Street  
Sacramento, California

**Statement of Reasons**Summary of Existing Laws and Regulations

Education Code Section 44225(l) provides that the Commission determines the term of credentials, certificates, and permits, except that no credential, certificate, or permit shall be valid for more than five years from the date of issuance.

Section 80436 of Title 5 provides that individuals may submit their applications to the Commission, office of the county superintendent of schools, the office of any school district or local education agency, or a California Institution of Higher Education with a Commission-approved program. Section 80436 will be deleted and moved to section 80439.

Section 80439 of Title 5 provides that the date of filing of an application with one of the agencies described in section 80436 by the date the application is delivered or the date an application is mailed to one of the agencies. Section 80439 will be deleted and moved to section 80440.

Section 80440 of Title 5 provides that the date of issuance of a credential is the same as the date-of-filing as specified in deleted section 80439. The amendment to section 80440 will identify the agencies that can submit applications and provides these agencies the authority to determine the issuance date of a credential. The proposed amendments also establish when these agencies must submit applications to the Commission.

Existing Section 80463 of Title 5 provides for colleges and universities to establish the file date of a credential. Section 80463 is proposed to be deleted as its contents will be contained in section 80440.

Section 80490 of Title 5 provides the process to renew credentials. Section 80490 is proposed to be deleted as its contents will be contained in section 80440.

#### Purpose/Effect of Proposed Action

The Commission's authority to determine the issuance date of a credential is established in Education Code Section 44225(l) and Title 5 Regulations Sections 80436, 80439 and 80440. Title 5 §80440 provides the organizations mentioned below a period of six months to submit an application and supporting documentation to the Commission. A review of the current system of dating a credential, which has been in existence since 1982, found it to be cumbersome and overly bureaucratic. The regulations state that the issuance date of a credential is the date an application is received by a county office of education, a local education agency or an institution of higher education. In practice, credential issuance dates reflect the date an individual is employed or the date he or she has completed a college or university credential program and not the date an application is submitted to one of the agencies. The proposed changes to §80440 reflect these agencies' need for flexibility in determining the issuance date of a credential.

An additional purpose in proposing changes to §80440 is to reduce the amount of time an agency has to submit an application for consideration. The Governor's signing of AB 1612 (Alby) in September heightened the awareness of the Commission and the field to the need to process applications requiring fingerprint review as expeditiously as possible. The AB 1612 review will provide employing districts important information about a person's criminal record in California, however, it does not address the issue of out-of-state convictions nor does it provide a review of an applicant's complete criminal background. Only the Commission's professional fitness procedure reviews an applicant's complete criminal record. The proposed language would require the constituent agencies to submit within forty-five working days of the issuance date of the credential a completed application that requires a Commission fingerprint review. This proposed timeline would enable the Commission to complete a full fitness review as expeditiously as possible.

Staff is also proposing to reduce the time allowed for submitting applications that do not require fingerprint review. The current six month period, which was established in

1982, allows agencies time to gather supporting documents, in particular college transcripts. The Commission requires that original transcripts accompany an application for a credential and in the past it often took several months to obtain these original documents. Since 1982 there have been many technological advancements that have shortened the time needed to gather the supporting materials. Staff believes and a panel of representatives of the various agencies also agree that four months from the issuance date of a credential that does not require fingerprint review should be sufficient time for these agencies to gather supporting documentation and process applications. The current regulations allow an individual to serve on a credential for up to six months before the Commission reviews the individual's academic qualifications for the credential. The proposed language would authorize the Commission to determine that an individual has met the Commission's credential requirements within four months. An added benefit to the Commission from this reduced time period is the receipt of complete credential data within four months of the issuance date of a credential. The data the Commission is using today is incomplete because of the six month processing time. Under the current system, the complete 1996-97 school year data is not provided to the Commission until January 1998. It then takes the Commission approximately twelve weeks to process these applications so it will not be until April 1998 before the Commission will have the complete credential data on the 1996-97 school year.

The purpose of the action is three fold. First, the proposed regulations give representative agencies flexibility in establishing the date of a credential as long as an individual meets the requirements for a credential. The second issue addresses the need for the Commission to review applicants that have not undergone the Commission's fitness review process. The third issue pertains to the amount of time agencies have in submitting applications that have already been reviewed for professional fitness. The proposed language requires representative agencies to submit applications within four months of the issuance date of the credential. Applications submitted within the proposed timeline gives the Commission data in a more timely matter and allows the Commission to review applications two months earlier than current regulations allow.

### **Documents Relied Upon in Preparing Regulations**

A review of applications that are currently pending review by the Commission's Certification staff.

### **Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments on the proposed actions. The written comment period closes at 5:00 p.m. on April 1, 1998.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

### **Submission of Written Comments**

A response form is attached for your use when submitting written comments to the Commission. Please send it to the Commission at 1812 9th Street, Sacramento, CA 95814-7000, so it is received at least one day prior to the date of the public hearing,

**Public Hearing**

Oral comments on the proposed action will be taken at the public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda. Please contact the Executive Director's office at (916)445-0184 regarding this.

Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the Commissioners and interested members of the public. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

**Modification of Proposed Actions**

If the Commission proposes to modify the action(s) hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

**Contact Person/Further Information**

Inquiries concerning the proposed action may be directed to Dale Janssen, at (916) 323-5065. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. In addition, all the information on which this proposal is based is available for inspection and copying.

Attachments

## Proposed Amendments and Additions to California Code of Regulations, Title 5 Related to Credential Dating

### ~~80436. Place of Filing of Application.~~

~~Except as otherwise provided, an application for a credential shall be delivered in person or mailed to one of the following: (1) the Commission office at the address printed on the application form, (2) the office of the county superintendent of schools, (3) the office of any school district or local education agency, or (4) a California Institution of Higher Education with a Commission-approved program.~~

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~~NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code. (Filed 9-23-82; effective thirtieth day thereafter; Register 82, No. 39).~~

### ~~80439. Date of Filing of Application.~~

~~(a) The date of filing of an application with one of the agencies described in Section 80436, the signature of the person accepting the application and the name of the agency will be placed in the space provided on the face of the application form.~~

~~(b) The date of filing shall be determined by either (1) or (2), whichever is earliest:~~

~~(1) the date the application is delivered in person to one of the agencies described in Section 80436; or~~

~~(2) the date the application is mailed to one of the agencies described in Section 80436. If the postmarked date is absent or illegible the date of filing will be the date the application is received by one of the agencies described in Section 80436.~~

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~~NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code. (Filed 9-23-82; effective thirtieth day thereafter; Register 82, No. 39).~~

### ~~80440. Date of Issuance of Credentials.~~

~~(a) The issuance date of a credential may be determined by an office of the county superintendent of schools, a school district, a local education agency, a non-public school, non-sectarian school or agency certified by the California Department of Education, a California institution of higher education with a program accredited by the Committee of Accreditation or the California Commission on Teacher Credentialing will be the same as the date of filing, as specified in Section 80349, provided the following conditions are satisfied:~~

~~(1) all All the requirements for the credential were met prior to the issuance date of the credential, date-of-filing and~~

~~(2) the The application is submitted to the Commission not more than forty-five working 6 days months after the issuance date date-of-filing of the credential if fingerprint clearance is not on file at the Commission or not more than four months after the issuance date of the credential if fingerprint clearance is already on file with the Commission .;~~

(b) ~~The issuance date for a credential recommend by a California institution of higher education with a program accredited by the Committee on Accreditation shall will be the date of completion of all requirements for the credential or later as established by the institution provided the following conditions are satisfied:~~

~~(1) The completion date is later than the date of filing;~~

~~(2) The application is submitted to the Commission not more than forty-five working 6 days months after the issuance completion date of the credential if fingerprint clearance is not on file at the Commission or not more than four months after the issuance date of the credential if fingerprint clearance is already on file with the Commission.~~

(c) ~~The issuance date of the renewal of a clear credential will be the same as the expiration date of the credential to be renewed, provided all of the following conditions are satisfied; :~~

~~(1) the The renewal application is submitted to one of the agencies listed in (a) above filed within one year prior to the expiration date ;~~

~~(2) the The renewal application is submitted to the Commission not more than 4 6 months after the issuance date-of-filing of the credential; and~~

~~(3) all the requirements for the credential were met prior to the issuance date of the credential.~~

(d) ~~If the conditions described in (a), (b), or (c) above are not satisfied, the issuance date will be the date the application is received by the Commission or the date the applicant meets all of the requirements for the credential, whichever date comes later.~~

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NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code. (Filed 9-23-82; effective thirtieth day thereafter; Register 82, No. 39).—

### ~~80463. Date of Issuance of Credentials.~~

~~(a) When all college and university work requirements for a credential are met by the date an application therefor is filed as determined by Section 80439, the credential shall be dated as of the date the application therefor was filed. Such date shall be deemed to be the date of issuance. A date later than such filing date, but not to exceed one year, may be requested at the time of application.~~

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NOTE: Authority cited: Section 44225, Education Code. (Filed 9-23-82; effective thirtieth day thereafter; Register 82, No. 39).—

### ~~80490. Renewal of Credentials.~~

~~(a) Valid renewable credentials may, prior to their date of expiration, be renewed.~~

~~(b) A credential may be renewed at any time before it is to expire, except as otherwise provided by the Education Code or by these regulations, and provided that all renewal requirements are completed and evidence of such completion is submitted to the Commission. The application for renewal~~

~~must be filed with the Commission before midnight of the expiration—date of the credential to be renewed.~~

~~—(c) Valid renewable credentials may be renewed by submitting the following materials to the appropriate agency as defined in Section 80436:~~

~~—(1) An application form provided by the Commission.~~

~~—(2) The fee specified in Section 80487 for the issuance of each credential.~~

~~—(3) Verification of completion of requirements, if any, listed in the credential, and verification of additional renewal requirements established by the Commission.~~

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~~NOTE: Authority cited: Section 44225, Education Code. Reference: Section 44252, Education Code. (Filed 9-23-82; effective thirtieth day thereafter; Register 82; No. 39).~~

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FAX (916) 327-3166



Attn.: Sam Swofford, Ed. D.  
Executive Director

Title: Credential Dating  
Section Nos.: 80436, 80439, 80440,  
80463, and 80490

**Response to the Attached Title 5 Regulations**

So that the Commission on Teacher Credentialing can more clearly estimate the general field response to the attached Title 5 regulations, please return this response form to the Commission office at the above address by 5:00 pm on April 1, 1998, in order that the material can be presented at the April 2, 1998 public hearing.

- 1.  Yes, I agree with the proposed Title 5 regulations. Please count me in favor of these regulations.
- 2.  No, I do not agree with the proposed Title 5 Regulations for the following reasons: (If additional space is needed, use the reverse side of this sheet.)
- 3.  Personal opinion of the undersigned. and/or
- 4.  Organizational opinion representing: \_\_\_\_\_  
(Circle One) School District, County Schools, College, University, Professional Organization, Other
- 5.  I shall be at the public hearing, place my name on the list for making a presentation to the Commission.
- 6.  No, I will not make a presentation to the Commission at the public hearing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Employer/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_