



CODED CORRESPONDENCE

DATE: July 20, 2010	NUMBER: 10-11 (Replaces 09-19)
TO: All Individuals and Groups Interested in the Activities of the Commission on Teacher Credentialing	FROM: Dale A. Janssen Executive Director Commission on Teacher Credentialing
SUBJECT: Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC)	

Summary:

Assembly Bill (AB) 346 (Chap. 52, Stats. 2010) was signed by the Governor on July 9, 2010. The legislation changes the provisions of AB 1025, a bill passed in 2009 implementing the issuance of the Activity Supervisor Clearance Certificate (ASCC). AB 346 provides options for districts to either conduct their own California Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) fingerprint process for individuals who *work with pupils in a pupil activity program sponsored by a school district* or to refer the individual to the Commission to obtain the ASCC.

AB 346 had an urgency clause which made it effective the date the bill was signed, July 9, 2010. This Coded Correspondence replaces 09-19.

Key Provisions:

The key provisions of AB 346 include the following:

- 1) Clarifies who must obtain DOJ and FBI fingerprint information:
 - A) Expands the requirements to include any individual (paid or unpaid, volunteer or non-certificated) working with pupils in a pupil activity program sponsored by a school district. The term 'affiliated with' was removed from the Education Code.
- 2) Clarifies who is exempt from the fingerprint requirement:
 - A) Parents volunteering in a classroom or on a field trip or community members providing noninstructional services are considered nonteaching volunteer aides and are exempt from the fingerprinting requirement in this statute.

- B) Volunteer supervisors for breakfast, lunch, or other nutritional periods pursuant to Education Code (EC) §§44814 and 44815 and nonteaching volunteer aides under the immediate supervision and direction of certificated personnel of the district pursuant to EC §35021.
 - C) An individual who holds a non-expired teaching or services credential, children's center or child development permit, emergency permits including the Emergency 30-Day Substitute Permit, Provisional Internship or Short-Term Staff Permit, or a Variable Term Waiver issued by the Commission.
- 4) Provides that there are two options to meet the fingerprinting requirement prior to working with pupils in a paid or volunteer activity:
- A) Department of Justice and Federal Bureau of Investigation criminal history review required by the school district OR
 - B) Obtain an ASCC from the Commission.
- 5) Clarifies that employers may use a local fingerprint consortium to submit fingerprint review for noncertificated personnel or volunteers in an agreement among school districts or county offices of education designating one entity to act on behalf of another participating school district(s) and/or county office(s) of education.

Issuance of an ASCC

The ASCC reduces the risk that individuals can move from one school district to another with past misconduct or criminal history because of the state oversight to alert future school employers. Individuals applying for an ASCC will be subject to the same character and professional fitness requirements as those who apply for a teaching or services credential.

The Commission has issued the ASCC on a voluntary basis since March of 2010. The ASCC is now one of the options for employers to use for a paid or volunteer position in order for the individual to work with pupils in a pupil activity program sponsored by a school district.

The Commission will continue to issue the ASCC to those who apply and meet the character and identification requirements. Since the ASCC is one of the options available, employing agencies will determine who should apply pursuant to the definitions in AB 346.

Charter schools are not included in the provisions of AB 346; however the Commission may issue an ASCC to an individual employed in a charter school if it requested.

Application Process and Fees

Applications for the ASCC will be submitted electronically through the Commission's Direct Application Process located on the Commission's website. Within the Direct Application Process, the individual will verify his/her fingerprints have been taken electronically. A LiveScan form will be used at the local level but will not need to be

submitted to the Commission. A link to the form and to an information leaflet on fingerprint clearance may be found in the References section.

The Commission is required to charge an application fee and to follow the current California Department of Justice/Federal Bureau of Investigation (DOJ/FBI) fee collection protocol already established. The cost of the ASCC is approximately \$108.00 which includes the \$57.00 application fee and \$51.00 (\$32.00 for DOJ and \$19.00 for FBI) for the fingerprint review.

The clearance process for fingerprint review traditionally takes between two to three business days. Once a candidate's fingerprints have cleared the DOJ and FBI, it is expected that the application to the Commission will clear in approximately five business days. Any delay in fingerprint clearance will delay the Commission issuing the Certificate. To expedite the process, the Commission recommends that individual's applying for the ASCC, complete the LiveScan process a couple of days prior to submitting the online ASCC application.

The Commission is working towards a paperless credentialing process and therefore, does not print and mail documents. An email is sent to the document holder verifying that the document has been approved. Documents including the ASCC are available for viewing online within 48 hours of approval. If an individual prefers, a document may be printed from the Commission's website.

Individuals may be issued a Temporary County Certificate (TCC) through their employing local education agency in accordance with EC §§44332 and 44332.5 while the application is being processed. However, if an individual's fingerprints do not clear or the local employing agency is notified by the Commission's Division of Professional Practices through the Notice of Delay (NDL) sent bi-weekly to all school districts, county offices of education, charter schools, private schools, deans of education and other interested parties that the application will be delayed, the TCC should be rescinded. Employing agencies should review the Education Code sections noted above for other TCC processes.

Denial of Application

If a denial of an application for the ASCC is due at least in part to the individual's state or federal criminal history record, the Commission is required to provide the individual a copy of his or her criminal history record search response with the notice of the denial.

Notification to the field about applicants denied an ASCC will be included in the "All Points Bulletin", which is sent to all California school districts, county offices of education, private schools, charter schools, deans of education and other interested parties.

Valid Period and Renewal Process

The ASCC is valid for five years. The individual must apply electronically for renewal through the Commission's Direct Application Process. Individuals who renew on time will not need to resubmit fingerprints for clearance.

Frequently Asked Questions (FAQs)

FAQs are attached to this correspondence concerning the issuance of the ASCC including the application process, fingerprinting/LiveScan, and Professional Fitness.

Important Dates:

Effective July 9, 2010

Background:

In addition to its other responsibilities, the Commission, through the statutorily created Committee of Credentials, enforces professional conduct standards and monitors the moral fitness of credential applicants and holders in order to ensure a high level of public confidence in California teachers and other credentialed public school employees. The Commission has the authority to discipline an applicant or holder for fitness-related misconduct. Applications and credentials may be adversely affected based on the applicant's or holder's immoral or unprofessional conduct, evident unfitness for service, addiction to intoxicating beverages or controlled substances, commission of any act of moral turpitude, or intentional fraud or deceit in an application.

Source:

EC §§45125.01 and 49024

References:

Commission's Direct Application Link:

https://teachercred.ctc.ca.gov/cctc_phase3/InteractionMgr?interactionmgr.interaction=Enter_GeneralApplication

Activity Supervisor's Clearance Certificate Information Leaflet:

<http://www.ctc.ca.gov/credentials/leaflets/cl891.pdf>

Fingerprint Clearance Information:

<http://www.ctc.ca.gov/credentials/leaflets/cl271.pdf>

Request for LiveScan Service "Applicant Submission" form:

<http://www.ctc.ca.gov/credentials/leaflets/41-LS.pdf>

Contact Information:

Questions concerning application process:

Commission on Teacher Credentialing's Information Services Unit by telephone at 1-888-921-2682, Monday through Friday between 12:00 pm and 4:45 pm, or by email at credentials@ctc.ca.gov.

Questions concerning denial of application:

Commission on Teacher Credentialing's Division of Professional Practices by telephone at 1-888-921-2682 (select Option 5) or by email at dppinfo@ctc.ca.gov.

The FAQs are divided into specific topics related to the ASCC (Application Processing, Fingerprint Clearance/LiveScan, Miscellaneous, and Professional Fitness). Some questions appear in more than one topic section.

Application Processing

1. Will paper applications be accepted for the ASCC?

No, applications will only be accepted electronically through the Direct Online Application process.

2. Will the holder of an ASCC be given a State Educator Identifier (SEID)?

Yes.

3. Why can't individuals apply for a Certificate of Clearance instead of the ASCC?

Statute requires individuals in these specific positions to hold the ASCC.

4. If an individual with an ASCC decides to earn a credential, does the ASCC replace the need for the Certificate of Clearance?

Yes.

5. Will the applicants be required to print out the certificate and present it to the local employing agency?

According to Title 5 section 80001(e), the official record of credentials, permits, and certificates is the Commission's website. Individuals, colleges, universities and employers may use a social security number and date of birth to verify the type of application submitted and /or issued by using the following link: <https://teachercred.ctc.ca.gov/teachers/PersonalSearchProxy>. If needed, the information can be printed from the Commission's website. Although a printable version is available, it is not the official record of the Commission document.

6. Can the local employing agency request to be notified about the issuance?

If the individual chooses a county office of education on the electronic direct online application, the county office will be notified of the denial or clearance. This ability to notify does not extend to the school district level.

7. How do local employing agencies verify the approval of the ASCC document? How/when does the district know that an individual has submitted an application?

Individuals, institutions of higher education, and employers may look up an individual's file by using a social security number and date of birth to verify if an application has been submitted and the type of application submitted, if a document has been issued, by using the following link: <https://teachercred.ctc.ca.gov/teachers/PersonalSearchProxy>.

8. What is the processing time for the ASCC?

Once the individual's fingerprints have been cleared by the DOJ/FBI and there is no review required by the Commission's Division of Professional Practices, it is expected that the ASCC application will clear in approximately five business days.

9. How much does the ASCC cost?

The cost of the ASCC is approximately \$108.00 which includes the \$57.00 application fee and the \$51.00 (\$32.00 for DOJ and \$19.00 for FBI) fee for the fingerprint review.

10. Should county and district credential analysts recommend for the ASCC as is done for Emergency 30-Day Substitute Permits?

No, the individual will need to apply using the Direct Online Application process.

11. Is there a specific LiveScan form like the 41-LS?

The ASCC application will use the Request for Live Scan Service form 41-LS: <http://www.ctc.ca.gov/credentials/leaflets/41-LS.pdf>. The job title "Application for Teacher Credentialing:" must not be changed. If the job title line is modified in any manner, the FBI will not review the scan. The 41-LS is coded for Commission use and the information must not be altered in any manner.

12. With the ASCC Direct Online Application process, will the applicant be allowed to select the issuance date?

No, the issuance date of the ASCC will be the date the application is submitted to the Commission but none will have an issuance date prior to July 1, 2010.

13. How soon may an individual renew the ASCC before it expires?

The individual may apply to renew their ASCC up to one year prior to its expiration date.

Fingerprint Clearance/LiveScan

1. How can an employing agency determine if they are receiving both DOJ and FBI fingerprint information?

Currently, the processing fee for the DOJ is \$32.00 and the FBI is an additional \$19.00. If the local employing agency is only paying \$32.00, they are not receiving FBI fingerprint information. Contact the local LiveScan operator or liaison with questions about the processing fees.

2. Can an individual apply for the ASCC even if they are not required to hold an ASCC?

Yes, an individual may apply even though the ASCC is not required for the position in which they are employed.

3. Can the LiveScan fingerprinting be submitted prior to the application?

Yes, the fingerprints will be accepted prior to the application being submitted online and it is recommended that the fingerprinting be submitted two to three days prior to applying for the Certificate.

4. Should the job title be changed on the LiveScan form?

No, the job title "Application for Teacher Credentialing:" must not be changed. If the job title line is modified in any manner, the FBI will not review the scan. The 41-LS is coded for Commission use and the information must not be altered in any manner.

5. If an applicant holds an ASCC, will the individual need to be re-fingerprinted to apply for a permit or credential?

No, not as long as the ASCC is currently valid.

6. If the ASCC expires and individuals apply to renew it, will they have to be fingerprinted again?

At this time if the ASCC expires, the individual may not need to be fingerprinted again if only a short period of time has passed since the expiration date. If fingerprints are necessary, the individual will be notified by the Commission when the new ASCC Direct Online Application is submitted.

7. If an individual moves from one district to another, must a new fingerprint check (DOJ and FBI) be completed for the person?

If the individual did not apply through a consortium, new fingerprints for both DOJ and FBI will be needed if the local employing agency is doing the DOJ/FBI clearance option. If an individual holds an ASCC, changing districts will not affect the ASCC.

8. If an individual does not earn an ASCC but uses the option of the local DOJ/FBI clearance, will the individual need to submit new fingerprints if they apply for a Commission-issued credential, authorization or permit?

Yes.

Miscellaneous

1. Will the ASCC be included on the weekly download to the county offices of education?

Yes, they will be included and the codes used will be sent to the county offices when they are available.

2. Since the ASCC is a "certificate," will the holders be considered certificated or classified employees?

The determination whether the ASCC holders will be considered certificated or classified is a local employment issue and is not within the purview of the Commission.

3. Is the ASCC an employment requirement or is it part of assignment monitoring?

The ASCC is one of the options for an employment requirement and does not fall within the parameters of the assignment monitoring process.

4. Can individuals be issued a Temporary County Certificate (TCC) while the ASCC application is in process or will the individual need to wait for issuance of the Certificate before serving?

The law states that individuals applying for the ASCC may be issued a TCC through their employing LEA in accordance with Sections 44332 and 44332.5 while the application is being processed. The issuance of a TCC is not within the purview of the Commission.

5. Does the certificate have to be registered with the county office?

Please refer to Education Code section 44330. This is an employment issue and is not within the purview of the Commission.

6. If an individual is issued an ASCC while serving in one local employing agency and then moves to another, will the individual need to go through the ASCC process in the new local employing agency?

No, as long as the ASCC remains valid. The ASCC is not restricted to any specific employer; all employers statewide will be able to review the document using the online web look-up site.

Professional Fitness

1. If the Commission is informed that an ASCC applicant has a criminal conviction on his/her record that is not a serious or violent felony (such as driving under the influence of alcohol or a controlled substance), will the Commission share this information with the district?

If a case is opened and reaches the final stage of review then the school district will be informed of the review and the reason for it.

2. What is the timeline to earn the ASCC if an individual answers ‘yes’ to a professional fitness question on the application form?

It will depend on the case and the seriousness of the misconduct.

3. Do misdemeanors for traffic violations need to be disclosed?

Yes.

4. What if an employee is not truthful on the online application? Is the Commission going to take all answers at face value or will the Commission investigate?

All responses are reviewed and investigated as necessary.

5. If there is a question concerning a professional fitness issue, can the applicant contact the Commission or does the employing agency have to do it on their behalf?

The applicant is required to apply directly and can contact the Commission’s Division of Professional Practice. See page four of this correspondence for contact information.

6. Will local employing agencies be getting a form or a process by which we have to report when an ASCC employee leaves our employment?

No, it is the same reporting requirement as any certificated employee who leaves because of or as the result of an allegation of misconduct.

7. If an individual with an ASCC is asked to leave because of/due to misconduct, how will future school employers know if there is no documentation of the event?

If discipline is taken against the ASCC holder, it will be reported in the All Points Bulletin.

8. What are the guidelines for denial of an ASCC based on fingerprint results? Is it only if the individual has a serious or violent felony?

No, the guidelines are the same as for credential holders and are not limited to only serious and violent felonies.

9. If there is a subsequent arrest record, what is the timeline when the local employing agency will be notified?

The statute does not require notification of arrests or convictions by the Commission to local employing agencies. The Commission will notify agencies of adverse action taken or recommended.