



## CODED CORRESPONDENCE

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| <b>DATE:</b><br>September 15, 2011                                                                                  | <b>NUMBER:</b><br>11-15                                                                                 |
| <b>TO:</b><br>All Individuals and Groups Interested in the Activities<br>of the Commission on Teacher Credentialing | <b>FROM:</b><br>Elizabeth Graybill<br>Interim Executive Director<br>Commission on Teacher Credentialing |
| <b>SUBJECT: Certificate of Clearance Validity and Fingerprint Retention</b>                                         |                                                                                                         |

### **Summary:**

This coded correspondence explains changes to the validity of Certificates of Clearance (COC) and the retention of fingerprint information by the Commission's Division of Professional Practices (DPP) as recommended by the Bureau of State Audits (BSA).

### **Key Provisions:**

#### *Certificates of Clearance*

Amendments to 5 California Code of Regulations §80028 took effect on July 1, 2007 and limit the validity period of a COC to five years. A link to Coded Correspondence 07-07 is available in the References section of this correspondence. At the time the amendments were implemented, the five-year validity period only applied to COCs issued on or after July 1, 2007. However, closer review of Education Code §44350 revealed that every document issued by the Commission is required to bear an expiration date. Thus it has been determined that the five-year validity period applies to all COCs regardless of issuance date.

Beginning the month of October 2011 and through to the end of the year, the Commission will manually add a five-year expiration date to all COCs issued prior to July 1, 2007. The five-year validity period will be calculated from the original issue date of a COC. The associated fee credit will no longer be available after a COC expiration date. In addition, the fingerprint information will be invalidated for individuals who have not held any other type of valid document for three or more years after the expiration date of a COC. The fingerprint process will need to be repeated when individuals whose fingerprints have been invalidated subsequently apply for certification, including applications for new COCs.

#### *Livescan Submissions*

The Commission routinely receives electronic fingerprint information from the Department of Justice (DOJ) for individuals who do not subsequently file an application

for a credential, certificate, permit, or waiver. The tracking of the fingerprint information for these individuals creates an unnecessary workload for DPP, especially when Reports of Arrest and Prosecution (RAP) sheets are received for individuals who do not hold a valid document or do not have an application pending at the Commission.

Beginning in the month of October 2011, the fingerprint information will be invalidated for individuals who complete the Livescan process but do not subsequently file an application with the Commission for a document in three or more years.

#### *Expired Teaching or Services Documents*

Currently, RAP sheets are provided by the DOJ for individuals issued a document by the Commission, even if their documents have been expired for many years. At the beginning of August 2011, there were approximately 270,000 individuals in our database who have not held a valid document for more than three years. Beginning in the month of October 2011, the fingerprint information will be invalidated for individuals whose teaching or services documents (credential, certificate, permit, or waiver) have been expired for three or more years. New fingerprint information will be required if an individual subsequently elects to reactivate a document or apply for a new type of document.

#### *Invalidated Fingerprint Information*

The BSA report found that DPP spends between one and five weeks yearly handling RAP sheets for individuals who do not hold valid documents. Invalidating fingerprint information in the situations described in this coded correspondence will allow DPP to notify the DOJ that we are no longer interested in receiving RAP sheets for the affected individuals. New fingerprint information (Livescan for California residents; two fingerprint cards and the fingerprint processing fee for out-of-state residents) will be required with the next application for a new document or renewal of a previously issued document from individuals with invalidated fingerprint information. Links to the *Fee Information* leaflet and the *Request for Livescan Service (41-LS)* form are available in the References section.

#### **Background:**

The Joint Legislative Audit Committee requested that the Bureau of State Audits within the California State Auditor's office conduct an audit of the Commission's educator discipline process. The audit report, completed in April 2011, included a recommendation that the Commission notify the DOJ when it no longer needs RAP sheets on an individual for misconduct that occurs in California. A link to the audit report is available in the References section.

Since a credential, certificate, permit, or waiver issued by the Commission is required for employment of certificated individuals in California's public schools, the assumption may be made that an individual who has not held a valid document issued by the Commission for three or more years is no longer employed in the public schools. The resubmission of fingerprint information by the individuals affected by this coded correspondence will trigger a new check of the DOJ and FBI criminal records, as well as reestablish the reporting of subsequent RAP sheets by the DOJ.

Commission staff has proposed regulation amendments that will reduce the timeframe for invalidation of fingerprint information from three years to 18 months. It is anticipated that the public hearing for the proposed regulations will be held at the Commission meeting in December 2011. A coded correspondence announcing the public hearing will be posted to the Commission's website at least 45 days prior to the meeting date.

**Source:**

Education Code §§44339, 44340, and 44350

Penal Code §11105.2

Title 5 §80028

**References:**

Bureau of State Audits Report: <http://www.ctc.ca.gov/audit/2010-119-BSA-report.pdf>

Coded Correspondence 07-07 – Approval of Regulations Pertaining to the Certificate of Clearance and Fees: <http://www.ctc.ca.gov/notices/coded/0707/0707.pdf>

Fee Information Leaflet CL 659:

<http://www.ctc.ca.gov/credentials/fee-and-fingerprint.html>

Request for Live Scan Service (41-LS):

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

**Contact Information:**

Commission's Information Services Unit by telephone at 1-888-921-2682, Monday through Friday from 12:00 pm to 4:45 pm or by email at [credentials@ctc.ca.gov](mailto:credentials@ctc.ca.gov).