



CODED CORRESPONDENCE

DATE: August 28, 2012	NUMBER: 12-10
TO: All Individuals and Groups Interested in the Activities of the Commission on Teacher Credentialing	FROM: Mary Vixie Sandy Executive Director Commission on Teacher Credentialing
SUBJECT: Approval of Amendments to Title 5 of the California Code of Regulations Pertaining to Fingerprint Submissions	

Summary:

The amendments to Title 5 of the California Code of Regulations pertaining to fingerprint submissions were approved by the Office of Administrative Law and will be implemented on September 1, 2012. The amendments address recommendations made by the Bureau of State Audits in April 2011.

Key Provisions:

The approved regulation amendments require the Commission to invalidate the fingerprint information for individuals who have not held a valid document for eighteen months or more. The sections below explain the implementation of the approved regulation amendments.

Certificate of Clearance

The "Note" section of 5 California Code of Regulations (CCR) §80028 was amended to reference the correct Education Code (EC) subsection that pertains to the issuance of a Certificate of Clearance (COC). In addition, EC §44350 stating that all documents issued by the Commission must have expiration dates was added. As announced in [Coded Correspondence 11-15](#), expiration dates have been added to all COCs by Commission staff, regardless of the initial issuance date of the certificate.

If a COC expires before the holder is issued another type of credential, certificate, permit, or waiver by the Commission, the holder will have eighteen months from the expiration date to apply for a new COC or other document without being required to resubmit fingerprint information. If the individual is not issued a new COC or other type of document by the Commission in the eighteen months, the fingerprint information will be invalidated.

COC Fee Credit

Since January 1, 2007, the fee credit associated with the COC may only be applied toward the issuance of an individual's initial *credential* (reference [Coded Correspondence 06-0013](#)). To

ensure the proper application of COC fee credits, the new CTC Online program was designed to automatically apply an available fee credit at the time an individual is recommended for his/her initial credential. To facilitate this automatic process, Commission staff recently deleted all unused fee credits associated with expired COCs and/or for individuals who have already been issued an initial credential.

Fee credits not used prior to the expiration date of the COC or not applied to the issuance of an initial credential are considered ‘used.’

Character and Identification Clearance

The language pertaining to the application form required when an individual submits fingerprint information with an application packet was amended to reference the *Application for Credential Authorizing Public School Service* form (41-4) due to the discontinuation of the *Application for Character and Identification Clearance* form (41-CIC) several years ago.

In addition, the Activity Supervisor Clearance Certificate (ASCC) was added to the list of documents requiring character and identification clearance and EC §49024 pertaining to the issuance of ASCCs was added to the Reference section of the Note.

Fingerprints

Amendments to 5 CCR §80442 require submission of fingerprint information via Livescan for individuals who reside in California. The amendments clarify that fingerprint cards will only be accepted from individuals who reside outside California.

Expired Documents

The amendments to subsection (c) of 5 CCR §80442 require individuals to resubmit their fingerprint information if all documents held have been expired for eighteen months or more when applying for a new document, renewal of an expired document, or when specifically requested by the Commission.

Livescan Clearance for Individuals Who Do Not Hold a Document

The Commission routinely receives fingerprint clearance via the Livescan process for individuals who have not yet applied for a credential, certificate, permit, waiver, or other document. The addition of subsection (d) to 5 CCR §80442 states that fingerprint information for an individual who does not subsequently apply for a document within eighteen months from the date the Commission receives the clearance will be invalidated. An individual whose fingerprint information is invalidated will be required to repeat the fingerprint process prior to submission of an application to the Commission for a credential, certificate, permit, waiver, or other document.

CTC Online

Completion of the fingerprint process is now displayed on the CTC Online system that was launched on May 29, 2012 for each individual in the Commission’s computer system. Completion of the fingerprint process should not to be confused with fingerprint clearance; the “Fingerprint Process Complete” section provided on the CTC Online system only indicates whether or not an individual must submit fingerprint information with his/her next application. Samples of how the fingerprint process status for each look-up system will be displayed are provided below.

Public Search

An individual's fingerprint information status is not provided via the Public Search system.

Secured Search

The status of an individual's fingerprint information is provided via the Secured Search system at the top of the page. An "N" next to "Fingerprint Process Complete:" indicates that the individual needs to submit or resubmit fingerprint information with his/her next application. A "Y" next to "Fingerprint Process Complete:" indicates that the individual's fingerprint information is on file at the Commission and submission/resubmission of fingerprint information is not required unless specifically requested by Commission staff.

Educator Page

The status of an individual's fingerprint information is provided on the Educator Page as described above for the Secured Search.

Reissuance of Expired Documents

Currently, an educator's documents are not displayed as "renewable" when their fingerprint information has been invalidated. Commission staff is modifying the system to align the online application process with our paper application process to allow the display and submission of reissuance applications. The applicant will be instructed to resubmit his/her fingerprint information before the reissuance application can be processed if fingerprint information is not on file at the Commission.

Important Dates:

September 1, 2012 – Implementation date for Title 5 Regulations

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 Department of Justice (DOJ) when it no longer needs reports of arrest and prosecution (RAP) sheets on an individual for misconduct perpetrated in California. The audit report determined that the Commission spends between one week and five weeks of staff time each year needlessly reviewing RAP sheets for individuals who do not hold valid documents. The regulation amendments were designed to reduce the number of RAP sheets reviewed by Commission staff each year by invalidating the fingerprint information for individuals who have not held valid documents for more than eighteen months. Penal Code §11105.2(d) states that "Any agency which submits the fingerprints of applicants for licensing, employment, certification, ... shall immediately notify the department ... when the applicant's license or certificate is revoked, [or] when the applicant may no longer renew or reinstate the license or certificate..." Notifying the DOJ that fingerprint information is not needed will allow the DOJ to discontinue the notification of subsequent arrest reports process for the affected individuals.

The Federal Bureau of Investigation (FBI) does not provide subsequent RAP sheets to the Commission; arrest information from the FBI is only provided at the time an individual's fingerprints are submitted through the DOJ for clearance. Requiring individuals to resubmit fingerprints when they have not held a valid document in California for more than eighteen

months will allow the Commission to receive updated arrest information from the FBI for misconduct that may have occurred in other states. This is especially important because individuals with expired documents may have resided outside California during the lapse in their certification.

The regulation amendments pertaining to fingerprint submissions became effective on May 25, 2012. However, implementation has been delayed until September 1, 2012 to allow the DOJ time to develop processes to receive information electronically from the Commission.

Source:

Education Code §§44339, 44340, and 44350

Penal Code §11105.2

References:

Coded Correspondence 06-0013: Certificate of Clearance Fee:

<http://www.ctc.ca.gov/notices/coded/060013/060013.pdf>

Coded Correspondence 11-15: Certificate of Clearance Validity and Fingerprint Retention:

<http://www.ctc.ca.gov/notices/coded/2011/1115.pdf>

Fingerprint Information:

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

Contact Information:

Commission's Information Services Unit by email at: credentials@ctc.ca.gov.

**CALIFORNIA CODE OF REGULATIONS
TITLE 5. EDUCATION
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING**

§80028. Certificate of Clearance.

A Certificate of Clearance is a document, issued by the Commission, which verifies that the holder meets personal qualifications necessary to obtain a regular California teaching or services credential. 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. No less than 60 working days prior to admission to student teaching, the candidate shall submit the following materials to the Commission:

- (a) A completed application via the online application system.
- (b) One-half of the credential issuance/reissuance or renewal fee specified in Section 80487(a)(1) unless otherwise established by law. The fee shall apply toward the initial credential.
- (c) Verification of completion of livescan.

The Certificate of Clearance shall be issued for a period of five years when the Commission has verified that the candidate meets personal qualifications necessary to obtain a regular California teaching or services credential.

Note: Authority cited: Section 44225(b), Education Code. Reference: Section 44320(d) and 44350, Education Code.

§80301. Notice to Applicants for Issuance or Renewal of Credentials; Character and Identification Clearance.

- (a) An applicant for issuance or renewal of a credential shall not be required to disclose, and the Committee of Credentials shall not inquire into or consider, any acts or omissions not related to his or her fitness or competence to perform the duties authorized by his or her credential.
- (b) Each applicant for initial issuance of a credential shall submit a completed Application for Credential Authorizing Public School Service form as specified in §80001 on which he or she will set forth evidence of identification and good moral character which shall be used for the sole purpose of determining the applicant's eligibility for a credential, Certificate of Clearance, or Activity Supervisor Clearance Certificate.
- (c) The Application for Credential Authorizing Public School Service as specified in §80001 shall include, but not be limited to, the following information for applicants:
 - (1) that the Commission is prohibited from issuing to or renewing the credential of any person convicted of any sex offense listed under Education Code Section 44010; or any narcotics offense listed under Education Code Section 44011; or who has been determined to be a mentally disordered sex offender; or that if a person holds a credential and has been convicted of any offense listed in Education Code Section 44424, such credential must be revoked.

Note: Authority cited: Section 44225(q), Education Code. Reference: Sections 44339, 44346, 44425 and 49024, Education Code.

§80442. Fingerprints.

- (a) Except as provided in subsection (c), each applicant for a credential shall submit with the application verification of livescan. Individuals who reside outside California may submit duplicate personal identification cards provided by the Commission or obtained from the Bureau of Identification of the Department of Justice. Such identification cards shall be completed in the manner required by the instructions on the card.
- (b) The fingerprints of the applicant shall be taken by a qualified officer or employee of the state, or of any political subdivision thereof, or by a person designated by the Commission.
- (c) Where an applicant is seeking an additional credential and has filed fingerprints in connection with a previous credential, or renewal thereof, said applicant need not subsequently submit fingerprints except upon express request by the Commission or when a valid credential, certificate, permit, waiver, or other document issued by the Commission has not been held for more than eighteen months.

- (d) Fingerprints submitted to the Commission electronically via livescan prior to the filing of an application form by the individual will be valid for eighteen months. If an application form is subsequently filed after the eighteen month validity period, the individual will be required to resubmit fingerprints.

Note: Authority cited: Section 44225, Education Code. Reference: Section 44340, Education Code.