



CODED CORRESPONDENCE

DATE: December 2, 2009	NUMBER: 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: Implementation of Assembly Bill 1025 Concerning the Activity Supervisor Clearance Certificate (ASCC)	

Summary:

Assembly Bill (AB) 1025 (Chap. 379, Stats. 2009) was signed by the Governor on October 11, 2009. The legislation requires non-certificated employees and volunteers who supervise pupil activity programs to obtain an *Activity Supervisor Clearance Certificate* (ASCC) from the Commission. Candidates for the certificate must complete the fingerprint process and meet the character and professional fitness requirements of the Commission by submitting to state and federal criminal record checks. The ASCC is not limited to one employing agency but may be used in all California public school districts.

AB 1025 becomes effective on January 1, 2010, however it does not become mandatory for employment until July 1, 2010. The Commission plans to make the certificate application process available by Spring 2010.

Key Provisions:

The provisions of AB 1025 make specific employees and volunteers subject to uniform fingerprinting and Commission character and fitness. The ASCC is meant to reduce the risk that individuals can move from one school district to another with past misconduct or criminal history. Prior to the enactment of this statute, when a coach or supervisor of an extra-curricular activity was asked to leave because of allegations of (non-criminal) misconduct there was no oversight or resource 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.

Who Must Apply and Who is Exempt

AB 1025 requires noncertificated individuals, prior to starting a paid or non-paid position, supervising, directing, or coaching a student activity program sponsored by, or affiliated with, a school district or county office of education to obtain an ASCC. AB

1025 defines a pupil activity program as “one sponsored by, or affiliated with, a school district including, but not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by a school district or school booster club, including, but not limited to, cheer team, drill team, dance team, and marching band.” These positions may be paid by the local employing agency, by another source such as a booster club, or the individual may be a volunteer.

The ASCC does not apply to all volunteers at school sites. There is no existing law that requires volunteers to be fingerprinted, although many employing agencies do require volunteers to undergo the employer fingerprint review. Positions that require the ASCC are those where an individual will supervise, direct or coach a student activity program. Although existing law requires persons employed in classified positions that do not require certification to be fingerprinted at the district level, AB 1025 requires classified employees who supervise, direct or coach a student activity program to apply for the ASCC.

The bill specifically exempts 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. In addition, the ASCC does not apply if the individual 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.

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. The website is currently being updated to include the ASCC and the expected completion is Spring 2010. The Commission will announce when the website is ready to accept applications for the ASCC. Within the Direct Application Process, the individual will verify their 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 \$106.00 which includes the \$55.00 application fee and \$51.00 for the fingerprint check by the DOJ/FBI.

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.

Webinar

The Commission has scheduled a Webinar on Tuesday, February 9, 2010, from 9:30 to 11:30. Information regarding registration will be available on the Commission webpage at a later time. Individuals will be asked to send in questions that will be answered during the two-hour presentation. Due to the limited number of connections available for the Webinar, we encourage district and county offices to host groups to watch the Webinar.

Frequently Asked Questions (FAQs)

FAQs are attached to this correspondence. Additional FAQs will be added following the Webinar or as the situation provides.

Important Dates:

Effective - January 1, 2010; *ASCC Application Process Available* - Spring 2010;
Mandatory for Employment - July 1, 2010

Webinar – February 9, 2010

Background:

The Education Code allows school districts to employ on a part-time basis “walk-on” coaches and supervisors of other student activities such as yearbook, band, chorus and cheerleading. In some cases, because of severe budget shortfalls the “walk-on” coaches are volunteers or are paid by parent or booster clubs. If the “walk-on” coaches are paid classified employees, they are currently required to be fingerprinted pursuant to EC §§35021, 45125 and 45125.1. Some, but not all, school districts extend the fingerprint requirements to volunteers. Similarly, those personnel paid by parent or booster clubs would not be subject to existing law. Under current law there is no provision requiring a character and fitness review of non-criminal misconduct.

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 §§ 44258.7, 44346.6, 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 to 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.

Frequently Asked Questions Concerning AB 1025

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

Yes.

2. *If an employing agency already requires DOJ fingerprint clearance for an individual that falls within this new law, why does the individual have to do the process again?*

The individual has only completed the employment DOJ fingerprint clearance. The clearance required for the ASCC is statewide, broader, and includes FBI clearance.

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. *Do people who are already classified employees – i.e. those who have passed clearance as classified employees need to do this?*

Yes, if they are in a position that falls within the provisions of this law.

5. *Are people who are already serving in positions grandfathered in?*

There is no grandfathering clause for individuals who are currently or have previously held positions that fall within the provisions of this law.

6. *Do parents driving on field trips or chaperoning field trips need an ASCC?*

No, in most cases these individuals are not supervising, directing, or coaching a student activity program. However, individual circumstances may vary or the local employer may choose to have these individuals apply for the ASCC.

7. *If the head coach holds a valid teaching or services credential, do the assistant coaches need an ASCC?*

In most cases, the assistant coaches will not need to apply for the ASCC as they are not considered the supervisor or coach of the student activity. However, individual circumstances may vary or the local employer may choose to have these individuals apply for the ASCC.

8. *If the walk-on coach works under the direction of an Activity/Athletic Director?*

The local level will need to determine if the Activity/Athletic Director and/or the walk-on coach is responsible for supervising, directing, or coaching the specific student activity program.

9. *Can the school district request to be notified of issuance or denial?*

If the individual lists a county office of education on an 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.

10. *Will the employing agency be able to apply on behalf of the applicant?*

No, the individual must complete the electronic application including answering the personal and professional fitness and submit the appropriate fee.

11. *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.

12. *Should the ASCC be included in the county school's assignment monitoring reviews?*

The ASCC does not fall within the parameters of the assignment monitoring process. It is the local agency's responsibility to ensure that individuals who fall within the provisions of this statute obtain the ASCC.

13. *Should the individual complete the LiveScan process prior to applying for the ASCC?*

Yes. This will allow the fingerprint clearance review to start.

14. *If the ASCC is denied, can the person still work in a classified position or does this mean that they cannot be around kids even in a classified position?*

The individual may continue to work in a classified position that does not require an ASCC. If the ASCC is required for the classified position, the denial of the ASCC would preclude continuing in the position.

15. *Will a credit of \$27.50 be issued? If so, what can it be used for?*

The ASCC requires the full application fee of \$55.00 and there is no fee credit for the ASCC as there is for the Certificate of Clearance.