

Introduced by Senator HarmanFebruary 23, 2007

An act to amend Sections 44340 and 44341 of, and to add Section 44340.1 to, the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

SB 882, as introduced, Harman. Teacher credentialing: criminal history: fingerprint clearance.

Existing law requires each applicant for a credential or for the renewal of a credential to submit duplicate personal identification cards, including legible fingerprints, to the Commission on Teacher Credentialing in conjunction with his or her application. Existing law authorizes the commission to require the production of information, records, reports, and other data from any public agency, as provided, for the purpose of ascertaining the moral character and true identity of the holder of a credential or an applicant for a credential or the renewal of a credential.

This bill would instead require each applicant for a credential or for the renewal of a credential to, as directed by the commission, submit legible fingerprints and a personal description.

The bill would require the commission to submit to the Department of Justice fingerprint images and related information required by the department of all applicants for an initial credential or for the renewal of a credential for purposes of obtaining certain information relating to convictions, arrests, and bail. Upon receipt of the fingerprints, the department would be required to forward to the Federal Bureau of Investigation (FBI) requests for federal summary criminal history information. The bill would require the department to review the information received from the FBI and compile and disseminate a

response to the commission. The bill would require the department to charge the commission a fee to cover the cost of processing a criminal history request.

This bill would require the commission to obtain a fingerprint clearance from the FBI of an applicant for a credential renewal before renewing the credential.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44340 of the Education Code is amended
 2 to read:

3 44340. (a) Each applicant for a credential, or for the renewal
 4 of a credential, shall ~~submit with his application duplicate personal~~
 5 ~~identification cards provided, as directed by the commission upon~~
 6 ~~which shall appear the, submit~~ legible fingerprints and a personal
 7 description ~~of the applicant.~~

8 The

9 (b) The commission is authorized to, and shall adopt ~~such~~
 10 regulations as may in its judgment be necessary for the
 11 administration of this section.

12 SEC. 2. Section 44340.1 is added to the Education Code, to
 13 read:

14 44340.1. (a) The commission shall submit to the Department
 15 of Justice fingerprint images and related information required by
 16 the Department of Justice of all applicants for an initial credential
 17 or for the renewal of a credential for the purposes of obtaining
 18 information as to the existence and content of a record of state or
 19 federal convictions and state or federal arrests and also information
 20 as to the existence and content of a record of state or federal arrests
 21 for which the Department of Justice establishes that the person is
 22 free on bail or on his or her recognizance pending trial or appeal.

23 (b) Upon receipt of the fingerprints and related information
 24 from the commission, the Department of Justice shall forward to
 25 the Federal Bureau of Investigation requests for federal summary
 26 criminal history information. The Department of Justice shall
 27 review the information returned from the Federal Bureau of
 28 Investigation and compile and disseminate a response to the

1 commission. The response shall be pursuant to subdivision (p) of
2 Section 11105 of the Penal Code.

3 (c) The commission shall request from the Department of Justice
4 subsequent arrest notification service, as provided pursuant to
5 Section 11105.2 of the Penal Code, for persons described in
6 subdivision (a).

7 (d) The Department of Justice shall charge the commission a
8 fee sufficient to cover the cost of processing a request as described
9 in this section.

10 SEC. 3. Section 44341 of the Education Code is amended to
11 read:

12 44341. (a) (1) For the purpose of ascertaining the moral
13 character and true identity of the holder of a credential or an
14 applicant for a credential or the renewal of a credential after
15 jurisdiction to commence an initial review pursuant to subdivision
16 (b) of Section 44242.5 has been established, the commission is
17 authorized to require the production of information, records,
18 reports, and other data from any public agency. For the purposes
19 of determining whether jurisdiction exists, the commission is also
20 authorized to require the limited production of records as set forth
21 in subdivision (f) of Section 44242.5.

22 (2) This information shall be provided to the commission within
23 30 days of the request.

24 (3) The commission shall maintain the confidentiality of this
25 information in accordance with Chapter 1 (commencing with
26 Section 1798) of Title 1.8 of the Civil Code.

27 (b) Except for the situation prescribed in subdivision (d), every
28 applicant for a credential or for the renewal of a credential shall
29 be deemed to have given his or her consent for the securing of,
30 and disclosure of, information to the commission for the sole
31 purpose of ascertaining the moral character and true identity of
32 the holder of a credential, the applicant for a credential, or a
33 credential holder applying for the renewal of the credential.

34 (c) The Department of Justice shall furnish, upon application
35 of the commission or its authorized representative, all information
36 pertaining to any applicant of whom there is a record in its office
37 except that information which may compromise or prejudice an
38 ongoing criminal investigative matter may be withheld until the
39 matter is completed.

1 (d) With the written consent of an applicant for a credential or
2 a credential holder, the commission upon written request of any
3 private school authority, shall release to that private school
4 authority information and other data relative to the identification
5 or fitness of any applicant for a teaching position in the private
6 school so long as not otherwise prohibited by any other provision
7 of law.

8 (e) Each application for a credential shall contain notice that
9 the information provided by the applicant is subject to investigation
10 for, and verification of, the applicant’s moral character and true
11 identity by means of review of information, records, reports, and
12 other data from any agency or department of the state or any
13 political subdivision of the state, whether chartered by the state or
14 not, secured by the commission for these purposes.

15 (f) *The commission shall obtain a fingerprint clearance of an*
16 *applicant for the renewal of a credential from the Federal Bureau*
17 *of Investigation before renewing the credential of the applicant.*