

AMENDED IN ASSEMBLY MARCH 8, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1918

Introduced by Assembly Member O'Donnell

February 11, 2016

An act to amend Sections 44332, 44332.5, and 44332.6 of, and to add and repeal Article 15 (commencing with Section ~~44410~~ 44405) of Chapter 2 of Part 25 of Division 3 of Title 2 of the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1918, as amended, O'Donnell. Teacher credentialing: ~~nonpublic, nonsectarian schools~~; temporary certificates.

~~Existing law authorizes a local educational agency to contract with a nonpublic, nonsectarian school to provide the appropriate special educational facilities, special education, or designated instruction and services required by a pupil with exceptional needs if no appropriate public education program is available.~~

(1) Existing law authorizes a county board of education or city and county boards board of education to issue temporary certificates to a certified-employee employees whose credentials are being processed by the Commission on Teacher Credentialing. *Under existing law, a county board of education or city and county board of education, before issuing a temporary certificate, or a school district, before issuing a temporary certificate of clearance, is required to obtain a criminal record summary about the applicant from the Department of Justice.*

This bill instead would authorize a county board of education or city and county board of education to issue temporary certificates to certified employees, including individuals certified in another state, whose

credentials are being processed by the commission. The bill would require a county board of education or city and county board of education, before issuing a temporary certificate, or a school district, before issuing a temporary certificate of clearance, to instead obtain a certificate of clearance from the commission.

(2) Existing law authorizes certain school districts, at their discretion, to provide for the registration of a valid certification or other document authorizing the holder to serve in a position requiring certification qualifications as an employee of the school district.

This bill would prohibit a school district from exercising that authority until the school district has obtained a certificate of clearance from the commission.

(3) Existing law authorizes a local educational agency to contract with a nonpublic, nonsectarian school to provide the appropriate special educational facilities, special education, or designated instruction and services required by a pupil with exceptional needs if no appropriate public education program is available.

This bill would authorize a county board of education or city and county board of education to issue temporary certificates to certified employees of nonpublic, nonsectarian—schools schools, including individuals certified in another state, whose credentials are being processed by the commission, as provided. The bill would require a county board of education or city and county board of education, before issuing a temporary certificate, to obtain a certificate of clearance from the commission. The bill would provide that the conditions under which a temporary certificate issued pursuant to these provisions may or shall be revoked, issued, or denied, as applicable, are to be the same for nonpublic, nonsectarian schools as for schools operated by local educational agencies.

~~This~~

The bill would require the commission to—permit honor requests to expedite teacher credentialing processing from the State Department of Education on behalf of an applicant employed or seeking employment at a nonpublic, nonsectarian school—to request to expedite teacher credentialing processing to the same degree the commission honors requests to expedite the processing of applications for teacher credentialing received from other employing agencies.

The bill would require the—Sate State Department of Education to recognize all teacher permits, credentials, and certificates issued by the

commission or a county *board of education* or city and county board of education authorized by this bill.

The bill would make these provisions inoperative on July 1, 2024, and would repeal them as of January 1, 2025.

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 44332 of the Education Code is amended
2 to read:

3 44332. (a) Except where that service is provided by a school
4 district authorized to register certification documents pursuant to
5 Section 44332.5, each county *board of education* or city and county
6 board of education may issue temporary certificates for the purpose
7 of authorizing salary payments to certified-employees *employees*,
8 including individuals certified in another state, whose credential
9 applications are being processed or to personnel employed in
10 children’s centers or other preschool educational programs whose
11 permit applications are being processed. However, the individual
12 must have demonstrated proficiency in basic reading, writing, and
13 ~~mathematic~~ *mathematics* skills pursuant to the requirements of
14 Section 44252.5. The applicant for the temporary certificate shall
15 make a statement under oath that he or she has duly filed an
16 application for a credential or permit together with the required
17 fee and that, to the best of his or her knowledge, no reason exists
18 why a certificate or permit should not be issued. The certificate or
19 permit shall be valid for not more than one calendar year from the
20 date of issuance.

21 (b) The county *board of education* or city and county board of
22 education shall cancel the temporary certificate or permit
23 immediately upon receipt of certification in writing from the
24 commission that the applicant apparently does not possess adequate
25 academic qualifications or apparently has a criminal record that
26 would disqualify the applicant.

27 (c) A temporary certificate issued to a permit applicant is not
28 valid beyond the time that the commission either issues or denies
29 the originally requested permit. A temporary certificate issued to
30 a credential applicant is not valid beyond the time that the
31 commission provides written notification to the county *board of*

1 *education* or city and county board of education that the applicant
2 apparently does not possess adequate ~~qualifications~~, *qualifications*
3 or that the commission has received facts that may cause denial
4 of the application, or *beyond the time that the commission either*
5 issues or denies the originally requested credential.

6 (d) A county *board of education* or city and county board of
7 education may not issue a temporary certificate to an applicant
8 whose teaching credential is revoked or suspended.

9 *SEC. 2. Section 44332.5 of the Education Code is amended to*
10 *read:*

11 44332.5. (a) (1) A school district that may issue warrants
12 pursuant to Section 42647 may, at its discretion, provide for the
13 registration of a valid certification or other document authorizing
14 the holder to serve in a position requiring certification
15 qualifications as an employee of the school district.

16 (2) *A school district shall not provide for the registration of a*
17 *valid certification or other document authorizing the holder to*
18 *serve in a position requiring certification qualifications as an*
19 *employee of the school district until the school district has obtained*
20 *a certificate of clearance from the commission.*

21 (b) During any period when summary criminal history
22 information is not available from the Federal Bureau of
23 Investigation, an applicant for an initial credential, certificate, or
24 permit shall not be employed in a position requiring certification
25 qualifications until he or she has met the minimum requirements
26 for a temporary certificate of clearance. A temporary certificate
27 of clearance or a credential, certificate, or permit authorizing
28 service in the public schools shall be issued when the applicant
29 has:

30 (1) Made full disclosure of all facts necessary to establish his
31 or her true identity.

32 (2) Made a statement under penalty of perjury that he or she
33 has not been convicted of a crime which would constitute grounds
34 for the denial of the credential, permit, or certificate applied for.

35 An applicant shall not be required to disclose, and the Committee
36 of Credentials shall not inquire into or consider, any acts or
37 omissions not related to the applicant's fitness to teach or to
38 perform other duties for which he or she is certificated, or that is
39 related to his or her competence to perform the duties authorized
40 by his or her credential.

1 (3) Paid to the ~~Commission on Teacher Credentialing~~
2 *commission* the amount of twelve dollars (\$12) or the fees or costs
3 which have been or will be assessed by the Federal Bureau of
4 Investigation for the issuance of its summary criminal history of
5 the applicant when this information is once again made available
6 to the commission. The fees authorized by this paragraph shall be
7 applicable to all credentials, permits, and certificates which were
8 applied for or issued after October 1, 1981.

9 (c) Upon receipt of a statement from the Federal Bureau of
10 Investigation that it has no summary criminal history information
11 on the applicant, or upon receipt of the summary criminal history
12 information and clearance by the Committee of Credentials, a
13 temporary certificate of clearance shall be converted to a regular
14 certificate of clearance.

15 *SEC. 3. Section 44332.6 of the Education Code is amended to*
16 *read:*

17 44332.6. (a) (1) Before issuing a temporary certificate
18 pursuant to Section 44332, a county *board of education* or city
19 and county board of education shall obtain a ~~criminal record~~
20 ~~summary about the applicant from the Department of Justice~~
21 *certificate of clearance from the commission* and shall not issue a
22 temporary certificate if the applicant has been convicted of a violent
23 or serious felony.

24 (2) Before issuing a temporary certificate of clearance pursuant
25 to Section 44332.5, a school district shall obtain a ~~criminal record~~
26 ~~summary about the applicant from the Department of Justice~~
27 *certificate of clearance from the commission* and shall not issue a
28 temporary certificate of clearance if the applicant has been
29 convicted of a violent or serious felony.

30 (b) This section applies to any violent or serious offense which,
31 if committed in this state would have been punishable as a violent
32 or serious felony.

33 (c) For purposes of this section, a violent felony is any felony
34 listed in subdivision (c) of Section 667.5 of the Penal Code and a
35 serious felony is any felony listed in subdivision (c) of Section
36 1192.7 of the Penal Code.

37 (d) Notwithstanding subdivision (a), a person shall not be denied
38 a temporary certificate or a temporary certificate of clearance solely
39 on the basis that he or she has been convicted of a violent or serious
40 felony if the person has obtained a certificate of rehabilitation and

1 pardon pursuant to Chapter 3.5 (commencing with Section 4852.01)
2 of Title 6 of Part 3 of the Penal Code.

3 (e) Notwithstanding subdivision (a), a person shall not be denied
4 a temporary certificate or a temporary certificate of clearance solely
5 on the basis that the person has been convicted of a serious felony
6 that is not also a violent felony, if that person can prove to the
7 sentencing court of the offense in question, by clear and convincing
8 evidence, that he or she has been rehabilitated for the purposes of
9 school employment for at least one year. If the offense in question
10 occurred outside this state, then the person may seek a finding of
11 rehabilitation from the court in the school district in which he or
12 she is a resident.

13 (f) (1) Notwithstanding paragraph (1) of subdivision (a), a
14 county *board of education* or city and county board of education
15 may issue a temporary certificate to an employee currently and
16 continuously employed by a school district within the county who
17 is serving under a valid credential and has applied for a renewal
18 of that credential or for an additional credential without obtaining
19 a ~~criminal record summary~~ *certificate of clearance from the*
20 *commission* for that employee.

21 (2) Notwithstanding paragraph (2) of subdivision (a), a county
22 *board of education* or city and county board of education may
23 issue a temporary certificate of clearance to an employee currently
24 and continuously employed by a school district within the county
25 who is serving under a valid credential and has applied for a
26 renewal of that credential or for an additional credential without
27 obtaining a ~~criminal record summary~~ *certificate of clearance from*
28 *the commission* for that employee.

29 **SECTION 1.**

30 *SEC. 4.* Article 15 (commencing with Section ~~44410~~) 44405)
31 is added to Chapter 2 of Part 25 of Division 3 of Title 2 of the
32 Education Code, to read:

33
34 Article 15. Nonpublic, Nonsectarian Schools

35
36 ~~44410.~~

37 44405. (a) A county *board of education* or city and county
38 board of education may issue temporary certificates for the purpose
39 of authorizing salary payments to certified employees of nonpublic,
40 nonsectarian ~~schools~~ *schools, including individuals certified in*

1 *another state*, whose credential applications are being processed
2 by the commission. However, the ~~individual~~ *individuals* must have
3 demonstrated proficiency in basic reading, writing, and ~~mathematic~~
4 *mathematics* skills pursuant to the requirements of Section 44252.5.
5 The applicant for the *a* temporary certificate shall make a statement
6 that he or she has duly filed an application with the commission
7 for a credential or permit together with the required fee and that,
8 to the best of his or her knowledge, no reason exists why a
9 certificate or permit should not be issued. The certificate or permit
10 shall be valid for not more than one calendar year from the date
11 of issuance.

12 (b) The county *board of education* or city and county board of
13 education shall cancel the temporary certificate or permit
14 immediately upon receipt of certification in writing from the
15 commission that the applicant apparently does not possess adequate
16 academic qualifications or apparently has a criminal record that
17 would disqualify the applicant.

18 (c) A temporary certificate issued to a permit applicant is not
19 valid beyond the time that the commission either issues or denies
20 the originally requested permit. A temporary certificate issued to
21 a credential applicant is not valid beyond the time that the
22 commission provides written notification to the county *board of*
23 *education* or city and county board of education that the applicant
24 apparently does not possess adequate ~~qualifications~~, *qualifications*
25 *or* that the commission has received facts that may cause denial
26 of the application, or *beyond the time that the commission either*
27 *issues or denies the originally requested credential.*

28 (d) A county *board of education* or city and county board of
29 education may not issue a temporary certificate to an applicant
30 whose teaching credential is revoked or suspended.

31 (e) For purposes of this article, “nonpublic, nonsectarian school”
32 has the same meaning as defined in Section 56034.

33 44406. (a) *Before issuing a temporary certificate pursuant to*
34 *Section 44405, a county board of education or city and county*
35 *board of education shall obtain a certificate of clearance from the*
36 *commission.*

37 (b) *The conditions under which a temporary certificate issued*
38 *pursuant to Section 44405 may or shall be revoked, issued, or*
39 *denied, as applicable, shall be the same for nonpublic,*
40 *nonsectarian schools as for schools operated by local educational*

1 agencies, as provided in Article 8 (commencing with Section
2 44330).

3 ~~44411.~~

4 44407. The commission shall honor requests to expedite the
5 processing of applications for teacher credentialing received from
6 the department on behalf of an applicant employed or seeking
7 employment at a nonpublic, nonsectarian school to the same degree
8 the commission honors requests to expedite the processing of
9 applications for teacher credentialing received from another
10 employing agency.

11 ~~44412.~~

12 44408. The department shall recognize the authority of all
13 teacher permits, credentials, and certificates issued by the
14 commission or a county *board of education* or city and county
15 board of education authorized by this article.

16 ~~44413.~~

17 44409. This article shall become inoperative on July 1, 2024,
18 and, as of January 1, 2025, is repealed, unless a later enacted
19 statute, that becomes operative on or before January 1, 2025,
20 deletes or extends the dates on which it becomes inoperative and
21 is repealed.