

Assembly Bill No. 1918

CHAPTER 127

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

[Approved by Governor August 17, 2016. Filed with
Secretary of State August 17, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1918, O'Donnell. Teacher credentialing: temporary certificates.

(1) Existing law authorizes a county board of education or city and county board of education to issue temporary certificates to certified 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, 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.

The bill would require the commission to 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 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 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.

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

SECTION 1. Section 44332 of the Education Code is amended to read:

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

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

(c) A temporary certificate issued to a permit applicant is not valid beyond the time that the commission either issues or denies the originally requested

permit. A temporary certificate issued to a credential applicant is not valid beyond the time that the commission provides written notification to the county board of education or city and county board of education that the applicant apparently does not possess adequate qualifications or that the commission has received facts that may cause denial of the application, or beyond the time that the commission either issues or denies the originally requested credential.

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

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

44332.5. (a) (1) A school district that may issue warrants pursuant to Section 42647 may, at its discretion, 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.

(2) A school district shall not 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 until the school district has obtained a certificate of clearance from the commission.

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

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

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

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

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

(c) Upon receipt of a statement from the Federal Bureau of Investigation that it has no summary criminal history information on the applicant, or upon receipt of the summary criminal history information and clearance by

the Committee of Credentials, a temporary certificate of clearance shall be converted to a regular certificate of clearance.

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

44332.6. (a) (1) Before issuing a temporary certificate pursuant to Section 44332, a county board of education or city and county board of education shall obtain a certificate of clearance from the commission and shall not issue a temporary certificate if the applicant has been convicted of a violent or serious felony.

(2) Before issuing a temporary certificate of clearance pursuant to Section 44332.5, a school district shall obtain a certificate of clearance from the commission and shall not issue a temporary certificate of clearance if the applicant has been convicted of a violent or serious felony.

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

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

(d) Notwithstanding subdivision (a), a person shall not be denied a temporary certificate or a temporary certificate of clearance solely on the basis that he or she has been convicted of a violent or serious felony if the person has obtained a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

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

(f) (1) Notwithstanding paragraph (1) of subdivision (a), a county board of education or city and county board of education may issue a temporary certificate to an employee currently and continuously employed by a school district within the county who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential without obtaining a certificate of clearance from the commission for that employee.

(2) Notwithstanding paragraph (2) of subdivision (a), a county board of education or city and county board of education may issue a temporary certificate of clearance to an employee currently and continuously employed by a school district within the county who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential without obtaining a certificate of clearance from the commission for that employee.

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

Article 15. Nonpublic, Nonsectarian Schools

44405. (a) A county board of education or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees of nonpublic, nonsectarian schools, including individuals certified in another state, whose credential applications are being processed by the commission. However, the individuals must have demonstrated proficiency in basic reading, writing, and mathematics skills pursuant to the requirements of Section 44252.5. The applicant for a temporary certificate shall make a statement that he or she has duly filed an application with the commission for a credential or permit together with the required fee and that, to the best of his or her knowledge, no reason exists why a certificate or permit should not be issued. The certificate or permit shall be valid for not more than one calendar year from the date of issuance.

(b) The county board of education or city and county board of education shall cancel the temporary certificate or permit, providing notification to the applicant and the nonpublic, nonsectarian school specified on the temporary certificate or permit, immediately upon receipt of certification in writing from the commission that the applicant apparently does not possess adequate academic qualifications or apparently has a criminal record that would disqualify the applicant.

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

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

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

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

(b) The conditions under which a temporary certificate issued pursuant to Section 44405 may or shall be revoked, issued, or denied, as applicable, shall be the same for nonpublic, nonsectarian schools as for schools operated

by local educational agencies, as provided in Article 8 (commencing with Section 44330).

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

44408. The department shall recognize the authority of 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 article.

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