

July 27, 2006

Leslie Peterson Schwarze, Chairperson
California Commission on Teacher Credentialing
1900 Capitol Ave.
Sacramento CA 94244-2700
Fax # (916) 445-0800

Dear Chair Schwarze,

My organization, the Credential Counselors and Analysts of California, is still extremely concerned about AB 950, even though it has been amended to address the issue of out-of-state violations. CCAC is composed of more than 850 credential professionals working in colleges, universities, county offices of education and school districts throughout the state and its main purpose is to provide accurate technical information about how the California credentialing system actually works in the field to government agencies. CCAC does not normally take positions on legislation; however we feel that our professional knowledge gives a special perspective to identify the dangers that AB 950 poses to the school children of California.

The teacher moral fitness or fingerprinting process is the most important protection the school children of California have to prevent their being harmed by the individuals that society has placed in authority over them. For more than a generation California has been a leader in developing and maintaining the strongest and best moral fitness process in the nation.

Those not familiar with field might assume that it is either easy to identify those not fit to be in the classroom with children and/or that everyone in our society is solidly united in the effort to prevent such people from entering the classroom and in removing those who do harm as quickly as possible. In fact, constant vigilance is required at every level of the process to protect our children as best we can as those who intend them harm are not always truthful and do not faithfully follow all the rules we may establish.

It is absolutely essential that the credential moral fitness process remain under one, single, centralized authority. That authority needs to receive the initial reports on every credentialed individual in the state from the DOJ and the FBI and maintain ongoing lifetime files on each individual. It also must be the sole authority to which each and every subsequent arrest, disciplinary action or other necessary information throughout the individual's career is reported. Based on those reports, that sole central body, to protect the children of California, must have the authority and the legal resources to remove all identified threats from the school setting, following appropriate legal procedures and safeguards.

The staff of the Division of Professional Practices (DPP) has preformed these functions with great dedication and diligence since the California Commission on Teacher Credentialing was established. The division's case load has steadily increased every year and there is not reason to assume that it will not continue to do so. Even the author of AB 950 has not claimed that there are any problems with the work the lawyers and investigators of the DPP do.

It is also important to note that the DPP's activities are funded not by any specific fees collected from school personnel, but because protecting the school children of California is a clear responsibility of the profession of teaching, it is funded from the fees credentialed school personnel pay for their license to serve the public schools.

AB 950 proposes to dismantle this efficient and vitally important system that protects our school children because of a concern about the so-called burden that allegedly “duplicative” fingerprinting places upon some individual credential holders.

It is vital that the legislature understand that the credentialing moral fitness process has never been and is not now duplicative in any sense of the word. Credential holders are fingerprinted ONCE in their careers for credentialing purposes and once ONLY.

The so-called duplicative printing was introduced as a condition of employment, not credentialing. It was introduced by the legislature in 1997 under the provisions of AB 1610 and AB 1612 in reaction to a serious and violent crime preformed by a classified (non-credentialed) employee of a school district. The legislature felt that an additional level of fitness protection was necessary to protect children of California and as a result, all new employees of school districts must be fingerprinted by that school district or county office of education, whatever their status with the DPP might be.

The provisions of AB 1610 and AB 1612 increased the moral fitness standards and processes for classified school district personnel and those provisions do provide additional protection to the school children of California. However the simple check with the DOJ that AB 1610 and AB 1612 mandate for already credentialed personnel is a far lower and far less effective standard than the processes used by the DPP to monitor credentialed personnel. In addition, this secondary process only applies to credential holders who have been employed by a new district since 1997.

Should the legislature now wish to reconsider the action it took in 1997 in order to reduce fingerprinting “duplication”, the most effective step would be to exempt those under the active fingerprint monitoring of the DPP from the “duplicative” process mandated by AB 1610 and AB 1612.

It is illogical and fundamentally dangerous to the school children of this state to dismantle the current centralized system and to replace it with fifty-eight separate county office of education fitness authorities, a process which would guarantee that the “duplication” factor would only increase, not decrease. Each of the fifty-eight county offices of education would have to find the resources, including lawyers and investigators, to replicate the centralized evaluation role now played by the DPP staff. Since the county offices of education cannot access the fees paid to the CCTC, new fees (or one might call them taxes) would have to be imposed on already underpaid school district credentialed personnel or on our cash-strapped public school districts.

Additional problems will be caused for university teacher preparation programs throughout the state because AB 950 links the moral fitness process to employment. Teacher candidates participating in student teaching are not employees of any district or the county office, yet state regulations stipulate rightly that each prospective teacher complete the moral fitness process before assuming full student teaching responsibilities. This task is now efficiently handled by the DPP, but AB 950 makes no provision for this important group.

By limiting the fitness process to employed credential holders, AB 950 also short circuits the role the DPP plays in disciplining the tens of thousands credential holders who are either not actively serving or serve in private schools. It is far better to revoke or suspend a document as soon as possible following misconduct rather than to wait to some indeterminate time when the individual seeks employment. Under AB 950, such people could simply leave California and take their still active credential to another state, which could be unaware of their record in California.

If these issues are not enough to reject AB 950 out-of-hand, then the least consideration the children of California deserve is that any reforms in the moral fitness process be preceded by a careful and in-depth study of the level of additional risk any "reforms" might expose them to. As it happens, just such a study is mandated by the 2006-2007 state budget to be completed by December 2006.

Surely the burden of the so-called "duplicative" fingerprint process is not so great that any change in the moral fitness process cannot wait a few months until the study is completed and we can be sure that any action taken will not expose the children of this state to increased danger.

Please take an oppose position on AB 950.

Sincerely,

Tedi Kostka
President
Credential Counselors and Analysts of California
(619) 260-4821 Fax (619) 260-7485
tkostka@sandiego.edu

address:
Credential Analyst
University of San Diego
5998 Alcala Park
San Diego CA 92110-2492