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Activity Supervisor Clearance Certificate Requirements Expanded

Governor Arnold Schwarzenegger has signed legislation that will require noncertificated employees paid by affiliated school groups and volunteers engaged in pupil activity programs to obtain an *Activity Supervisor Clearance Certificate* (ASCC) from the Commission on Teacher Credentialing (CTC) prior to assuming a paid or voluntary position.

Assembly Bill (AB) 1025 (Chapter 379/2009) defines a pupil activity program as sponsored by, or affiliated with, a school district as including, but as not being 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." The bill specifically exempts volunteer supervisors for breakfast, lunch, or other nutritional periods pursuant to Education Code Sections (E.C.) 44814 and 44815, and nonteaching volunteer aides under the immediate supervision and direction of certificated personnel of the district pursuant to E.C. section 35021.

In addition to amending E.C. 44258.7 to include issuance of the ASCC, AB 1025 provides that candidates for the certificate will need to meet the character and fitness requirements of the CTC.

There has been some confusion in the field that the ASCC would also require professional requirements beyond meeting character and fitness. In a conversation, Mary Armstrong, General Counsel for the CTC, made it clear that there would be no professional requirements per se. Beyond being a person of good moral character, possessing an identification card, and submitting to state and federal criminal record checks, candidates for the ASCC will not be subject to any other professional standards or requirements by the CTC.

There continue to be many questions regarding implementation. We are pleased to announce that the Commission's *Coded Correspondence* should be coming within the next few weeks. Additionally, local educational agencies (LEAs) can expect the CTC to host a webinar in January that will address implementation questions. Keep in mind that while the effective date of this new law is January 1, 2010, the effective date for the ASCC is July 1, 2010. The bill also calls on the CTC to establish a fee, which is estimated by legislative committee staff to be in the range of \$106 per applicant. This estimate is based on a \$55 fee for the permit and \$51 in fees for the fingerprint check by the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI).

For now, while implementation will be costly to coaches and volunteers, the application process is expected to be efficient and timely, with applications for the ASCC submitted electronically. Once a candidate's fingerprints have cleared the DOJ and FBI, it is expected that the application to the CTC will clear in approximately five days. Of course, any delay in fingerprint clearance will delay the CTC issuing the certificate. Once a candidate's fingerprints have cleared, a temporary county certificate may be issued in cases where the coach or volunteer needs to begin working prior to the ASCC being issued by the CTC.

In addition to specifics related to implementation of AB 1025, there are still some unanswered questions. While the bill explicitly exempts volunteer breakfast and lunch supervisors, it is unclear if there are other groups of classified employees or volunteers working with, coaching, and supervising students that will also be exempt. We would hope to have clarity around other exemptions and will keep you posted on this important question.

In the meantime, LEAs are advised to consider the following planning steps as they prepare for implementation:

- Review and revise as appropriate current board policies and administrative regulations relating to the supervision of student activity programs.
- Be prepared to modify job descriptions of positions subject to the requirements of AB1025 and modify hiring procedures as appropriate.
- Identify employees and/or volunteers serving in positions that will be subject to the requirements of AB 1025. You can begin assisting them in the processing of their certificate application in early 2010, once the CTC announces that it is accepting applications.
- Document and track ASCC in your employee data management system in a manner consistent with credential tracking. Be prepared to audit annually and to notify employees and volunteers of certificate expirations and renewal requirements.

Finally, similar to the LEA's responsibility to report the misconduct of certificated employees to the CTC, be prepared to report any cases of misconduct on the part of coaches and volunteers. Update your personnel protocols to ensure compliance with this critical requirement of the bill. As much as this rule protects your district, your duty to report misconduct protects your neighbors and, more importantly your students.

—*Suzanne Speck and Nancy LaCasse*

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