

*California
Commission on Teacher Credentialing*

*Meeting of
August 13 - 14, 2003*

AGENDA ITEM NUMBER: GS - 10-D

COMMITTEE: General Session

TITLE: **Proposed Options to Align Emergency Permits and
Credential Waivers with No Child Left Behind**

Action

Information

Strategic Plan Goal(s):

Provide leadership in exploring multiple, high quality routes to prepare professional educators for California's schools.

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Proposed Options to Align Emergency Permits and Credential Waivers with No Child Left Behind

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Summary

The Federal *No Child Left Behind Act* of 2001 (NCLB) requires teachers in NCLB core areas hired to teach in Title I schools after July 1, 2002 and for all teachers in NCLB core areas by July 1, 2006 to be “highly qualified”. This agenda item offers options the Commission may wish to consider to align emergency permits and credential waivers with the “highly qualified” teacher requirement of NCLB.

Fiscal Impact

Funding for this work is provided in the Commission’s baseline budget.

Policy Issues to be Resolved

Should the Commission change emergency permit requirements and credential waiver criteria to be in alignment with the “highly qualified” teacher requirement of NCLB?

Background

Teachers serving on emergency permits and credential waivers do not meet the State Board of Education’s (SBE) “highly qualified” definition, consequently teachers serving on these documents are not NCLB compliant. As of the first day of school for the 2002-03 school year NCLB required all teachers being placed in classrooms receiving Title I funding to be “highly qualified.” School districts may be in jeopardy of losing Title I funding when teachers serve on emergency permits and credential waivers and are providing services in Title I classrooms or schools. By the end of the 2005-06 school year, all elementary and secondary teachers (in the core areas of English, reading, language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography) serving on emergency permits and credential waivers will not be in compliance with the requirements of NCLB.

There are a several options the Commission may wish to consider to determine if the emergency permits and credential waivers should be aligned with the “highly qualified” teacher requirement of NCLB. The various options for both documents consider the NCLB requirement that all teachers must be “highly qualified” by the 2006 school year. The issuance of education specialist emergency permits and credential waivers have been excluded from all of the options outlined below. Currently the U.S. Congress is in the process of reauthorizing the Individuals with Disabilities Education Act (IDEA), which is intended to define a “highly qualified” special education teacher. Options pertaining to education specialist emergency permits and credential waivers will be presented to the Commission after the reauthorization of IDEA.

Current Emergency Permit Requirements

The overall goal of NCLB is to have a “highly qualified” teacher in every classroom in the country. However the use of non-credentialed teachers is not a new phenomenon. Prior to the origins of the California Commission on Teacher Credentialing, the State Department of Education issued Provisional Credentials to persons who met minimum qualifications, but had not completed a teacher preparation program. This was the pre-1970 antecedent to the emergency credential or permit, which the state has issued regularly for over 30 years. In 2001-02, the most current data available, the Commission issued 29,083 emergency permits, of which 12,610 were for multiple subject and 9,546 were for single subject. (See Appendix A for all emergency permits issued in 2001-02.)

The Education Code authorizes the Commission to issue emergency permits based upon the request of employing agencies. All districts must have a Declaration of Need on file prior to the Commission issuing emergency permits. The Declaration of Need is an annual declaration a public school district makes stating the number of teachers the district anticipates hiring on emergency permits. The general requirements for emergency permits are:

- Bachelor’s or higher degree from a regionally accredited institution;
- Passage of the California Basic Educational Skills Test;
- Subject matter requirement;
 - for the Emergency Multiple Subject Teaching Permit, at least ten semester units of course work in each of at least four of the following subject areas or at least ten semester units of course work in each of three subject areas and an additional ten semester units in a combination of two of the remaining subject areas. The subject areas are as follows: language studies, literature, history, humanities, human development, mathematics, physical education, science, social science and the arts;

for the Emergency Single Subject Teaching Permit, at least eighteen semester units, or nine upper division or graduate semester units of course work in the subject to be taught (For an emergency permit in one of the science subjects, at least nine units must be in the specific area of concentration. For an emergency permit in one of the specialized science areas, all units must be completed in the area of specialization.)

Proposed Options for Emergency Permits

OPTION 1E The Commission would no longer issue any emergency permits in any subject area after September 1, 2003. This option is NCLB compliant.

OPTION 2E The Commission would no longer issue emergency permits in the NCLB core areas of arts, English, mathematics, science, foreign language and social science, in Title 1 classrooms after September 1, 2003 and no longer issue emergency permits after July 1, 2005. The Commission would continue to issue emergency permits in non-core subjects. This option is NCLB compliant.

OPTION 3E The three internship documents the Commission issues (university, district and individualized) meet the SBE's definition of a "highly qualified" teacher. Starting with the 2003-04 school year the focus of the emergency permit could be changed from emphasis on enrollment in a credential program to subject matter competency. This shift to subject matter would focus the permit holder on completing the subject matter requirement; once met the permit holder would qualify for an intern document.

Under this option the Commission may wish to increase the unit requirement for the multiple subject emergency permit from 40-semester units in four subject areas to 60 semester units and the 18-semester unit requirement for the single subject permit to a degree in the subject of the emergency permit. The unit requirement change follows the findings of the pre-intern program that candidates with 60 semester units were more likely to pass the liberal studies subject matter exam (MSAT & CSET) and the candidate with a major is more likely to pass the appropriate subject matter examination. The document would be issued for one year only. Once the candidate meets subject matter competency, the candidate would qualify for one of the internship documents, which are NCLB compliant. The emergency permits issued under this option would not be NCLB compliant. A statement on the document would indicate this. This option would be evaluated annually to determine the continuing need.

OPTION 4E The Commission would not change the requirements for emergency permits and would continue to offer them as needed by employers. This option would not be NCLB compliant. A statement on the document would indicate this.

Current Credential Waiver Process

When an employing agency reviews its staffing needs and starts recruiting for various positions, it first attempts to fill a position with an appropriately credentialed employee per Education Code Section 44225.7. If a credentialed individual is not available, the employer searches for an individual who qualifies for an internship credential or certificate, an emergency permit, or under one of the assignment options available to employers. When the employer is unable to find an individual who would qualify under one of the above staffing options, it then requests a variable term waiver.

Once an employing agency determines it has a need for a variable-term waiver, it must then check to see if the individual will meet the criteria approved by the Commission. (See attached chart for Commission Waiver Criteria.) Commission staff reviews each waiver request and determines if it should be placed on the consent calendar, conditions calendar, or the denial calendar. These determinations are based on the Commission's criteria and other factors, such as the employing agency's continuing need; the support the employer will provide to the applicant; or extenuating, extraordinary, and unanticipated circumstances. The Commission has amended the credential waiver criteria over the years. In 2001-02 the Commission issued 5,776 credential waivers of which 149 were for multiple subject and 444 were for single subject. (See Appendix A for all credential waivers issued in 2001-02.)

Proposed Options for Credential Waiver Criteria

OPTION 1W No longer initially issue multiple subject and single subject credential waivers in NCLB core areas of English, mathematics, science, foreign languages, social science and arts in Title 1 classrooms after September 1, 2003 and all classrooms after July 1, 2005. The Commission would continue to issue credential waivers for all other with no phase out date. This option is NCLB compliant.

OPTION 2W The Commission would no longer issue credential waivers in any subject after July 1, 2006. This option would not be NCLB compliant during the 2003-04, 2004-05, and 2005-06 school years. A statement on the document would indicate this.

OPTION 3W This option allows the continued issuance of credential waivers on a “case-by-case” basis for employers who are unable to recruit teachers who are NCLB compliant. New criteria could be established that required recruitment documentation, a specific number of units in the subject to be taught and the expectation that the subject matter examination would be taken during the year. This option is not NCLB compliant. A statement on the document would indicate this.

OPTION 4W The Commission would continue to issue credential waivers under existing criteria. This option is not NCLB compliant. A statement on the document would indicate this.

The chart below summarizes the options outlined in this agenda item.

Summary of Options to Align Emergency Permits and Credential Waivers With NCLB

Option	Emergency Permits	Consistent with SBE State Plan
1E	No longer issue emergency permits after September 1, 2003	Yes
2E	No longer issue emergency permits in NCLB core area Title 1 classrooms after September 1, 2003 and all emergency permits after July 1, 2005	Yes
3E	Continue to issue emergency permits with emphasis on subject matter	No
4E	No change	No

Option	Waivers	Consistent with SBE State Plan
1W	No longer issue credential waivers in NCLB core area in Title 1 classrooms after September 1, 2003 and all credential waivers after September 1, 2005	Yes
2W	No longer issue credential waivers after July 1, 2006	Yes after July 1, 2006
3W	Continued issuance of credential waivers with new criteria	No
4W	No change	No

Appendix A

Credential Type	Emergency Permits	Waivers
30-Day Substitute	N/A	2,973
Multiple Subject	12,610	149
Single Subject	9,546	444
Special Education	5,970	1,185
Resource Specialist	153	0
Reading Specialist	N/A	241
Adapted PE	*	141
Clinical or Rehabilitative	53	380
Administrative Services	N/A	34
Pupil Personnel Services	N/A	74
Library Media	232	49
Other	519	106
Total	29,083	5,776

* Adapted PE emergency permits are included in the total of special education emergency permits.

CREDENTIAL WAIVER REQUESTS -- CHART OF CRITERIA

<p>Waiver requests are first reviewed to see if they meet the Commission approved general criteria for placement on a consent calendar:</p> <ul style="list-style-type: none"> Recruitment verified Credential goal in shortage area Explanation of why person is the best qualified for the position Not just correcting a misassignment Person will have ongoing support and assistance by the district <p>In addition, requests for services credentials are reviewed for:</p> <ul style="list-style-type: none"> The position is in a shortage area The person has special skills or experience in the area The person is enrolled in the appropriate program 	<p>In addition, each evaluation for a subsequent waiver includes the following:</p> <ul style="list-style-type: none"> Employing agency's continuing need Evaluation of the applicant's performance Support the employer provided to the applicant Applicant's efforts to either pass an examination or take appropriate course work How far the applicant is from the credential goal Extenuating/extraordinary/unanticipated circumstances
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TYPE OF WAIVER	FIRST TIME			SUBSEQUENT			#3
	CONSENT	CONDITIONS	DENIAL	CONSENT	CONDITIONS	DENIAL	
CBEST <i>Applicant who held a One-Year Nonrenewable/or credential based on an out-of-state program must meet same criteria, but receives only two years on the CBEST waiver.</i>	-meets all general criteria & -no opportunity to take CBEST or passed one or more sections & -employer will provide access to remediation or if taken, evidence of plan to remediate & -if taken for Single Subject in English, passed reading & writing sections or -if taken for Single Subject in Math or Science, passed math section	-meets all general criteria & -failed all three sections & -evidence of plan to remediate & -employer will provide access to remediation CONDITION: Take CBEST twice and pass at least one section.	-Single Subject in Math or Science failed math section or -Single Subject in English failed reading and/or writing sections	-meets all general criteria & -justification, support & public notice from employer & -personnel evaluation & -took test twice and passed one section since last waiver issued & -evidence of remediation or employer will provide access to remediation	-no subsequent CBEST waivers will appear on the conditions calendar	-did not take test twice regardless of extenuating circumstances or -did not pass at least one section or -Single Subject in Math or Science failed math section or -Single Subject in English failed reading and/or writing sections	For third waiver the criteria is the same as for the second, but all third CBEST waivers are approved with conditions that say NO SUBSEQUENT WAIVER. No one can have more than three years to pass CBEST

Credential Waiver Requests--Chart of Criteria

TYPE OF WAIVER	FIRST TIME			SUBSEQUENT		
	CONSENT	CONDITIONS	DENIAL	CONSENT	CONDITIONS	DENIAL
<p>PROGRAM</p> <p><i>This includes needing subject matter course work or exam for Emergency Multiple or Single Subject Permit</i></p>	-meets all general criteria	<p>-not a state-wide shortage area (Administrative Service, Pupil Personnel Services, Single Subject in a non-shortage area), but need & qualifications well justified by employer</p> <p>CONDITION: PROGRAM: <i>enrollment in credential program & 12 sem hrs</i> <i>or</i> COURSE WORK <i>units needed to qualify for Emergency Multiple or Single Subject Permit</i></p>	<p>-did not meet all general criteria</p> <p>or</p> <p>-denied an appeal because didn't complete renewal requirements</p> <p>or</p> <p>-validation of service denied for this position</p> <p>or</p> <p>-identified as misassigned & no other attempt made to correct the problem</p>	<p>-justification, support & public notice/employer & personnel evaluation</p> <p>SERVICES -letter from IHE describing status & enrolled in program and & completed 12 sem hrs for program</p> <p>EMERGENCY PERMIT 6 sem hrs toward subject matter program</p> <p>NOTE: For second waiver may have enrollment OR course work; all subsequent waivers need both</p>	-no subsequent program waivers will appear on the conditions calendar	<p>-did not enroll in a program or complete any course work & has no extenuating circumstances</p> <p>or</p> <p>-completed fewer than 12 sem hrs for program</p>
CBEST & PROGRAM	-same as initial CBEST waiver	<p>-same as initial CBEST waiver</p> <p>CONDITION: <i>same as CBEST waiver plus take 6 sem hrs toward program</i></p>	-same as initial CBEST waiver	-same as subsequent CBEST waiver, <u>plus</u> completed 3 sem hrs in program	-same as subsequent CBEST waiver	-did neither CBEST nor course work & no extenuating circumstances

Credential Waiver Requests--Chart of Criteria

TYPE OF WAIVER	FIRST TIME			SUBSEQUENT			NOTE
	CONSENT	CONDITIONS	DENIAL	CONSENT	CONDITIONS	DENIAL	
EXPERIENCE	-meets all general criteria -has letter from IHE describing status as needing only experience to qualify for credential goal	n/a	n/a	-completed one full year of experience required for credential goal	n/a	-did not complete any experience toward credential goal & no extenuating circumstances	-for Admin. Services, four summers equal one year -for Resource Specialist, two summers equal one semester in regular classroom -can also cumulate part-time experience

The Commission reserves the right to review a subsequent waiver request, even when the previous waiver indicated that the Commission would not approve a subsequent waiver. Subsequent waivers may be considered by the Commission when the following apply:

- The employing agency has completed the waiver request form, including a persuasive justification, evidence of support of the applicant, and verification of public notice.
- The applicant has received a personnel evaluation or written confirmation (30-Day Substitute Permit only) by a supervising administrator that he or she has performed satisfactorily during the waiver period.
- The applicant has failed to meet any one or all of the specified conditions, but offers verification of extenuating circumstances, such as are accepted for a credential appeal (e.g., serious illness of self or close family member).