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Action

Public Hearing

**Proposed Amendments to California Code of Regulations,
Title 5 Section 80121 Pertaining to General Provisions
Governing Waivers, Section 80124 Pertaining to Requirements
for a Request for a Subsequent Variable Term Waiver for a
Specific Applicant, and Section 80125 Pertaining to Submitting
Requests for Variable Term Waivers; Approvals and Denials**

AGENDA INSERT

Executive Summary: The proposed amendments to California Code of Regulations, Title 5 Sections 80121, 80124 and 80125 Pertaining to Variable Term Waivers are being presented for public hearing.

Recommended Action: Staff recommends that the Commission adopt the proposed amendments to California Code of Regulations, Title 5 Sections 80121, 80124 and 80125 Pertaining to Variable Term Waivers.

Presenter: Rhonda Brown, Program Analyst, Certification, Assignment and Waivers Division

Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators

- ◆ Sustain high quality standards for the preparation of professional educators

April 2007

**Proposed Amendments to California Code of Regulations,
Title 5 Section 80121 Pertaining to General Provisions
Governing Waivers, Section 80124 Pertaining to
Requirements for a Request for a Subsequent Variable Term
Waiver for a Specific Applicant, and Section 80125
Pertaining to Submitting Requests for Variable Term
Waivers; Approvals and Denials**

Updated Tally of Responses

Tally of All Responses

<i>In Support</i>	<i>In Opposition</i>
1 personal opinion	0 personal opinions
1 organizational opinion	2 organizational opinions

Total Responses: 4

Response Representing Personal Opinion in Support

1. Susana Fernandez, Special Services Manager, Orange County Department of Education

Response Representing Organizational Opinion in Support

2. Touro University: Marina Fata, Executive Assistant/Credential Analyst

Responses Representing Organizations Not in Support

1. Tulare County Office of Education: Sharie D. Ortega, Credentials Analyst

Comment: 80125(b) - It takes as much time to assimilate a complete waiver packet as a regular teaching credential. There is also the added requirement to get board approval after a required time period of the public notice. The waiver submission timeline should correlate with other types of certification applications – 4 months.

The employing agency does a preliminary evaluation of the waiver applicant's qualifications. A temporary county certificate would not be issued for an application of any type of certification that an employer did not feel met the minimum requirements. The evaluation can be a subjective process where the Commission does not agree with the employer's evaluation, but not to the extent that the applicant is a detriment to the student being served during a four month assignment.

Response: The purpose of a variable term waiver is to assist employing agencies with hiring needs when there is a shortage of credentialed personnel. The submission

timeframe for a waiver request should not mirror other certification applications because individuals who serve on the basis of a credential waiver do not have the same level of experience and/or educational background of those who hold a credential, internship credential or emergency teaching permit. The ninety (90) day submission timeframe will expedite the waiver process, thus verifying those serving in an assignment on the basis of a waiver meet the minimum eligibility requirements within a reasonable amount of time. In the case where an individual does not demonstrate the waiver eligibility requirements, the shortened period of time would only allow the individual to possibly be in the classroom without an authorization to serve for ninety (90) days instead of 4 months/120 days.

An employing agency must make sure to the best of their ability that the individual meets the academic requirements for certification prior to placing them in a position and submitting an application to the Commission. The Commission has created eligibility requirements for variable term waivers to assist staff and stakeholders to determine the outcome of a waiver request. Education Code Sections 44332 and 44332.5 authorize county offices of education to issue Temporary County Certificates (TCC) for the purpose of authorizing the payment of warrants to individuals who serve in a school while an application is being processed by the Commission. The issuance of a TCC is not within the purview of the Commission. The employing agency is responsible for determining if an individual will be placed in a position pending the outcome of the application evaluation by the Commission.

Comment: 80125(c)(3) - A thirty (30) day resubmission will not always be enough time. We have had instances where the applicant received the notice of denial over two weeks after the date of the notice. Will the Commission make any allowances for applicants having to get documentation from agencies outside of California? Not all documentation can be garnered electronically, which means we have the added burden of mailing time for the request for documentation, mailing of documentation to the applicant, and resubmission to the Commission.

Response: The purpose of a waiver is to allow individuals with no teaching experience/training or limited knowledge in the subject to be taught to serve in a position that could not be filled with a credentialed teacher. Waivers received at the Commission are evaluated on a priority basis so that all interested parties can be notified of the outcome of the waiver request in an expedited timeframe. Waiver requests can only be submitted by an employing agency. When it is determined that the individual does not meet the waiver eligibility requirements, a denial notice is mailed directly to the employer and a copy is sent to the county office of education when applicable.

The employing agency has the option to resubmit the waiver only if additional information (i.e. transcripts) can be provided that was not previously available. The verification of eligibility for a waiver that has been denied must be established within a shorter timeframe because these individuals are providing services to students based on limited training, experience or academic background. With most institutions using electronic transcripts, a thirty (30) day resubmission timeframe is an adequate amount of time. At this time there are no allowances for applicants

having to get documentation from agencies outside California, however the Commission is willing to review requests for additional time on a case by case basis.

Comment: 80125(c)(2)(A), 80125(c)(3)(C), and 80125(c)(4) - All end with the blanket statement, "...applicant must be removed from the assignment". This statement would appear to block an applicant and employer from resubmitting any type of certification application based on qualifications the applicant completed during the time period the waiver request was being reviewed by the Commission. The employer is already obligated to remove an individual from a certificated position when the individual does not hold or qualify for proper authorization. The verbiage would be redundant and possibly counterproductive.

Response: The proposed amendments to these sections are not a change to the current regulations. A denial notice/final notice of denial is mailed to notify the employing agency that the documentation submitted with the waiver request did not verify completion of the waiver eligibility requirements. The applicant must be removed from the assignment when the only option for the person to serve in the position is a variable term waiver that the Commission has determined will not be issued. This does not prevent the employing agency from reapplying for the proper certification based on additional requirements that are completed by the applicant while the waiver request is pending evaluation at the Commission.

Comment: 80125(c)(3)(A) – I do agree that applicants should be allowed to use their initial application fee when the Commission determines they qualify for a credential authorizing the service. There are times when one applicant will be allowed to use a class to satisfy a requirement, when another applicant was not allowed to use a similar course because they didn't have as strong a background in other coursework. The Commission does not have the resources to consult with each employer on an applicant's qualifications to be placed in a position, which means the employer must decide whether to submit as a regular application or waiver request. Allowing an applicant to resubmit as a regular credential/permit application, with the Commission's determination of qualification, would nullify some of the negative affects of a subjective evaluation.

2. Tulare County Office of Education: Enid Brinkman, Credentials & Retirement Supervisor

Comment: I agree with the changes with the exceptions of 80125(b), (c), 80125(3) & (4):

§80125(b)(c) - The timeline should correlate with other types of certification applications, which is four months. It often takes longer to gather documentation for waivers than it does for other certification applications, because a board agenda/board approval are required.

Response: The purpose of a variable term waiver is to assist employing agencies with hiring needs when there is a shortage of credentialed personnel. The submission

timeframe for a waiver request should not correlate with other certification applications because individuals who serve on the basis of a credential waiver do not have the same level of experience and/or educational background of those who hold a credential, internship credential or emergency teaching permit. The ninety (90) day submission timeframe will expedite the waiver process, thus verifying those serving in an assignment on the basis of a waiver meet the minimum eligibility requirements within a reasonable amount of time. In the cases where the individual does not demonstrate the waiver eligibility requirements, the shortened period of time would only allow the individual to possibly be in the classroom without an authorization to serve for ninety (90) days instead of 4 months/120 days.

§80125(c)(3)(4) - A month is not an adequate amount of time to return waiver denials. Quite often, we, as a county office, do not see the denial notice, or the copy is not received in this office for approximately two weeks after the denial notice. The applicants and district personnel are often confused by the denial and rely on us for assistance. It may take up to a month to obtain additional documentation to resubmit the packet. Keep in mind that not everything can be obtained electronically, & it may take up to a month to obtain documents from colleges and other agencies.

Response: The purpose of a waiver is to allow individuals with no teaching experience/training or limited knowledge in the subject to be taught to serve in a position that could not be filled with a credentialed teacher. Waivers received at the Commission are evaluated on a priority basis so that all interested parties can be notified of the outcome of the waiver request in an expedited timeframe. Waiver requests can only be submitted by an employing agency. When it is determined that the individual does not meet the waiver eligibility requirements, a denial notice is mailed directly to the employer and a copy is sent to the county office of education when applicable.

District personnel must use their own discretion when contacting the county office of education for assistance with interpreting a denial notice. The employing agency has the option to resubmit the waiver only if additional information (i.e. transcripts) can be provided that was not previously available. The verification of eligibility for a waiver that has been denied must be established within a shorter timeframe because these individuals are providing services to students based on limited training, experience or academic background. With most institutions using electronic transcripts, a thirty (30) day resubmission timeframe is an adequate amount of time. At this time there are no allowances for applicants having to get documentation from agencies outside California, however the Commission is willing to review requests for additional time on a case by case basis.

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

Box 944270 (1900 Capitol Avenue)
Sacramento, California 94244-2700



Attn: Rhonda Brown, CAW Division

Title: *Variable Term Waivers*

Section: *Proposed Amendments to Sections 80121, 80124 and 80125*

Response to the Attached Title 5 Regulations

To allow the California Commission on Teacher Credentialing to more clearly estimate the general field response to the attached Title 5 Regulations, please return this response form to the Commission office, attention Rhonda Brown, at the above address or fax to her attention at (916) 322-0048. The response must arrive at the Commission by 5:00 pm April 23, 2007, for the material to be presented at the April 26, 2007, public hearing.

1. **Yes**, I agree with the proposed Title 5 Regulations. Please count me in favor of these regulations.
2. **No**, I do not agree with the proposed Title 5 Regulations for the following reasons:
(If additional space is needed, use the reverse of this sheet or additional page.)

3. Personal opinion of the undersigned and/or
 Organizational opinion representing: (Circle One)
School District, County Schools, College/University, Professional Organization, Other _____
4. I shall be at the public hearing. Place my name on the list for making a presentation to the Commission.
 No, I will not make a presentation to the Commission at the public hearing.

Signature: Susana Fernandez Date: 3/21/07

Printed Name: Susana Fernandez

Title: Special Services Manager Phone: (714) 966-4457

Employer/Organization: Orange County Department of Education

Mailing Address: 200 Kalmus Drive, Costa Mesa, CA 92628

Route to REB

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Signature: Marina Fata Date: 3-27-07

Printed Name: Marina Fata

Title: Executive Assistant / Credential Analyst Phone: 707-638-5971

Employer/Organization: Touro University

Mailing Address: 1310 Johnson Lane, Vallejo CA 94592

Route to REB

STATE OF CALIFORNIA
CALIFORNIA COMMISSION ON TEACHER CREDENTIALING
Box 944270 (1900 Capitol Avenue)
Sacramento, California 94244-2700

ARNOLD SCHWARZENEGGER, Governor



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 - No, I will not make a presentation to the Commission at the public hearing.

Signature: Sharie D. Ortega Date: 04/18/07

Printed Name: SHARIE D. ORTEGA

Title: Credentials Analyst Phone: 559 733-6308

Employer/Organization: Tulare County Office of Education

Mailing Address: P.O. Box 5091, Visalia CA 93278-5091

Route to RFB

- *80125(b)* It takes as much time to assimilate a complete waiver packet as a regular teaching credential. There is also the added requirement to get board approval after a required time period of the public notice. The waiver submission timeline should correlate with other types of certification applications—4 months.
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STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

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- No, I will not make a presentation to the Commission at the public hearing.

Signature: _____

Date: 04/19/07

Printed Name: _____

Enid Brinkman

Title: Credentials & Retirement SupervisorPhone: 559/733-6327

Employer/Organization: _____

Tulare County Office of Education

Mailing Address: P. O. Box 5091, Visalia CA 93278-5091

Route to REB