



CODED CORRESPONDENCE

DATE:

November 14, 2007

TO:

All Individuals and Groups Interested in the Activities
of the Commission on Teacher Credentialing

NUMBER:

07-14

FROM:

Dale A. Janssen
Executive Director
Commission on Teacher Credentialing

SUBJECT: Approval of Regulations Pertaining to Variable Term Waivers

Summary:

The amendments to 5 Cal Code of Regs. §§80124 and 80125 pertaining to Variable Term Waivers have been approved by the Office of Administrative Law. Section 80124 was amended to remove the option of completing a *Plan to Develop Fully Qualified Educators* to request a subsequent waiver. Section 80125, pertaining to submitting requests for Variable Term Waivers, was updated to modify the submission timeframes and clarify the Commission's evaluation process. The text of the regulations is attached.

Key Provisions:

Section 80124 – *Requirements for a Request for a Subsequent Variable Term Waiver for a Specific Applicant*

In November 1993, the Commission adopted Title 5 Regulations that allowed employing agencies to develop and implement a *Plan to Develop Fully Qualified Educators*. This program was designed as an option to request a subsequent waiver or renew an emergency permit by completing 90 hours of intensive professional development in lieu of completion of six semester units of conventional university course work or taking the appropriate subject matter examination. In January 2003, the Commission implemented a timeline to phase out the *Plan to Develop Fully Qualified Educators* renewal option by January 1, 2004. The amendment to section 80124 deletes the Plan as an option to request a subsequent waiver.

Section 80125 – *Submitting Requests for Variable Term Waivers; Approvals and Denials*

All waiver requests must be received by the Commission within ninety days from the beginning date of service. This new submission guideline will expedite the waiver process to verify that those serving in an assignment on the basis of a credential waiver meet the minimum eligibility requirements within a reasonable amount of time. The timely submission and evaluation of the waiver request to verify eligibility and prompt notification to all interested parties of the outcome is the goal of these regulation changes.

Waiver requests received after the ninety day deadline following the beginning date of service will be denied due to late submission. Waiver requests that are denied based on insufficient information have thirty days to be resubmitted for re-evaluation. A chart of the waiver timeline is included on page 3.

Background:

Credential waivers are an employment option available to employing agencies when there is a shortage of credentialed personnel. The Commission has had the responsibility for granting credential waivers since July 1994. A credential waiver is the option of last resort for employing agencies to employ or assign individuals who are not appropriately credentialed. The criteria for qualifying for a waiver has not changed; application materials and supporting documentation also remain unchanged.

Important Dates:

The changes to the new submission timeline will take effect on January 1, 2008.

Source:

5 Cal Code of Regs. §§80124 and 80125

References:

Waiver Handbook:

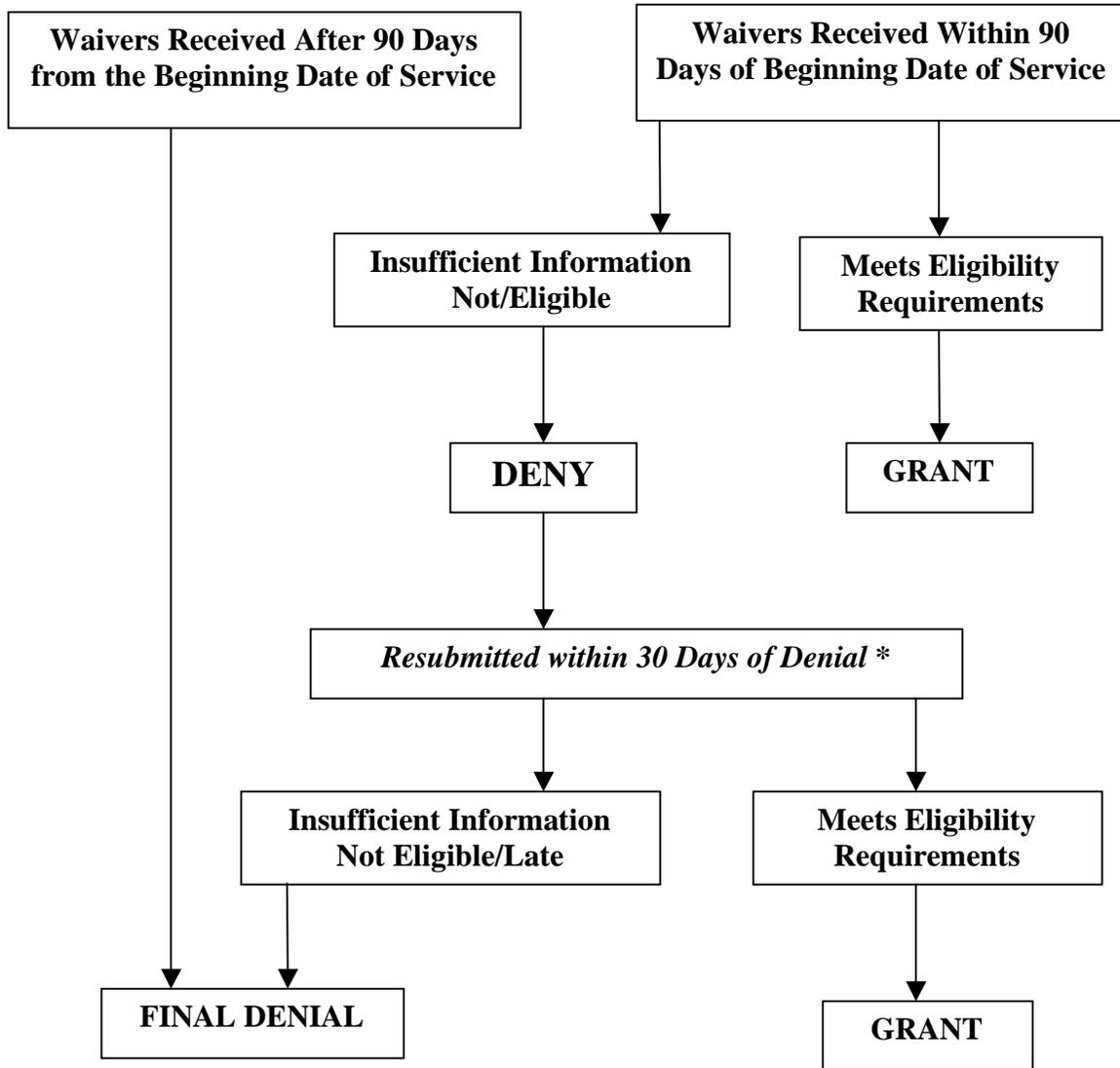
<http://www.ctc.ca.gov/credentials/cig/HANDBOOKS/WaiverHandbook.pdf>

Contact Information:

Commission's Waiver Unit by telephone at (916) 323-7136, or by email:

www.waivers@ctc.ca.gov

WAIVER TIMELINE CHART



* **Must be information not previously submitted and/or not previously available that addresses the issues listed on the denial letter.**



CALIFORNIA CODE OF REGULATIONS
TITLE 5. EDUCATION
DIVISION 8. COMMISSION ON TEACHER CREDENTIALING

§80124. Requirements for a Request for a Subsequent Variable Term Waiver for a Specific Applicant.

- (a) A request for a subsequent variable term waiver for a specific applicant in the same assignment shall meet the requirements of Section 80122 and must include verification that the applicant has fulfilled his or her commitment to pursue the completion of requirements leading toward the credential which authorizes the service.

Note: Authority cited: Section 44225(q), Education Code. Reference: Section 44225, subdivisions (g) and (m), Education Code.

§80125. Submitting Requests for Variable Term Waivers; Approvals and Denials

- (a) Requests for variable term waivers must be submitted on a form developed and provided by the Commission pursuant to Section 80122 and must include written documentation supporting the waiver, including, but not limited to, dated copies of announcements of the vacancy, a job description detailing the specific employment criteria for the position, official transcripts, the original foreign transcript evaluation letter, examination score reports, and verifications of experience.
- (b) A waiver request should be submitted to the Commission prior to the applicant's beginning day of service. The Commission will honor the beginning date of service listed on the waiver request as long as the waiver request is submitted within ninety (90) days of the beginning date of service listed on the waiver request.
- (1) Waiver requests received in the Commission office after the ninety (90) day deadline following the beginning date of service will be denied due to lateness and considered as a final notice of denial.
- (2) The Commission shall promptly mail a notice of denial to the employing agency, the applicant, and the county office of education when applicable. Upon receipt of the notice of denial, the employing agency shall remove the applicant from the assignment at the end of the working day.
- (c) Waiver requests received within the ninety (90) day deadline following the beginning date of service are reviewed by the Commission.
- (1) If the applicant qualifies for a credential or permit that authorizes the service, the waiver request may be returned for an application and fee, as appropriate, for the credential or permit authorizing the service.
- (2) When the applicant meets the requirements as specified in Section 80122, and following the conclusion of a fitness review performed by the Division of Professional Practices, a numbered waiver document will be issued. The waiver document identifies the applicant's credential goal and authorizes the service appropriate to that goal.



- (3) When the applicant does not meet the requirements as specified in Section 80122 or insufficient information is provided by the employing agency, the waiver will be denied. The Commission shall promptly mail a notice of denial to the employing agency, the applicant, and the county office of education when applicable.
- (A) The notice of denial will explain the reasons for the denial and afford the employing agency an opportunity to submit additional information in support of the waiver request that was not available at the time the request was originally submitted. If the employing agency intends to resubmit the waiver request pursuant to (c)(4) of this section, the applicant may remain in the assignment until a final determination on eligibility is made. If the waiver request is not resubmitted pursuant to (c)(4) of this section, upon receipt of the notice of denial, the employing agency shall remove the applicant from the assignment at the end of the working day.
- (4) Waiver requests that are denied for insufficient information or ineligibility that are resubmitted within thirty (30) days of the date on the notice of denial are reviewed by the Commission.
- (A) When the applicant qualifies for a credential or permit that authorizes the service, the waiver request will be returned for an application and fee, as appropriate, for the credential or permit authorizing service.
- (B) When the applicant meets the requirements as specified in 80122, and following the conclusion of a fitness review performed and approval by the Division of Professional Practices, a numbered waiver document will be issued. The waiver document identifies the applicant's credential goal and authorizes the service appropriate to that goal.
- (C) When the applicant does not meet the requirements as specified in Section 80122 or insufficient information is provided by the employing agency, the waiver will be denied. The Commission shall promptly mail a final notice of denial to the employing agency, the applicant, and the county office of education when applicable. Upon receipt of the final notice of denial, the employing agency shall remove the applicant from the assignment at the end of the working day.
- (5) Waiver requests that are denied for insufficient information or ineligibility that are resubmitted after thirty (30) days of the denial, will be denied. The Commission shall promptly mail a final notice of denial to the employing agency, the applicant, and the county office of education when applicable. Upon receipt of the final notice of denial, the employing agency shall remove the applicant from the assignment at the end of the working day.

Note: Authority cited: Section 44225(q), Education Code. Reference: Section 44225, subdivisions (g) and (m), Education Code.