

**COMMISSION ON TEACHER CREDENTIALING**

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OFFICE OF THE EXECUTIVE DIRECTOR

95-9517

September 11, 1995

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

FROM: Ruben L. Ingram, Executive Director *RL*

SUBJECT: Approval of Regulations Governing Credential Waivers

The proposed changes to sections 80120, 80121, 80122, 80123 and 80124, and the addition of Section 80125 concerning credential waivers have been approved by the Office of Administrative Law and filed with the Secretary of State. They become effective September 7, 1995. The text of the regulations is attached. The major changes are explained below.

### Overview of Changes

Many of the changes to these regulations are technical or concern the organization of the information. For example, the Commission separated the description of variable-term waivers from that of short-term waivers for clarity. The amended regulations also include the policies and procedures developed by the Commission during the past year. These regulations:

- provide a clearer, more complete definition of a variable-term waiver as a temporary solution to provide employing agencies and/or applicants with additional time to either find a fully-credentialed employee for a position or complete requirements for the needed credential;
- specify the type of information and documentation needed to justify a waiver request;
- describe the information that the applicant must provide and the commitment he or she must make before a subsequent waiver will be submitted for an assignment;
- add a requirement for public notice before a waiver request will be considered; and
- describe the time-line for submitting a waiver request to the Commission and the process the Commission follows to approve or deny the request once it has been placed on their agenda.

## Waiver Request Form

The changes outlined above have been reflected on the revised Waiver Request Form (Form WVI). A copy of that form is attached. **Employing agencies should use the revised form for all waiver requests submitted after receipt of this correspondence.** Employing agencies request waivers on behalf of the individuals who will supply the needed services and are expected to provide the detailed information required on the WVI form. The employer, not the applicant, must complete the form.

Section 4 of the Waiver Request Form has been renamed "Reason for Waiver". It now requires that the employing agency describe the specific employment criteria established for the position. This criteria should be reflected on the job announcements that accompany the form. For example, if the position is for a counselor and the employing agency has determined that they need a Spanish-speaking counselor with middle school teaching experience, that should be clearly stated in the advertisements for the opening and on the waiver request form.

Section 5 now has a separate place to explain what makes the applicant the best candidate for the position. The request should state how the applicant meets the employment criteria and how he or she was selected over other candidates who also met the criteria. Documentation such as transcripts, examination score reports, letters verifying experience, and letters verifying completion of college program requirements may all be included to support the waiver request.

Section 6 reflects the change to the regulations which requires that the responsible SELPA be notified of every waiver for service to special education students.

Section 7 concerns the effective dates of the waiver. A waiver request should be submitted to the Commission prior to the applicant's beginning day of service. In those cases where an employing agency has an unanticipated need, the Commission will honor the beginning date of service listed on the waiver request as long as the request is submitted to the Commission in time to be reviewed within *two* Commission meetings of the beginning date of service. County offices of education that review and submit credential waiver requests on behalf of school districts within their jurisdictions may request such reviews within *three* Commission meetings of the beginning date of service. A copy of the meeting schedule is included in the Guidelines and Instructions for completing the waiver request form.

Section 8 must be completed for every waiver request except those involving educational reform. (Issues of educational reform involve school-wide changes as opposed to the needs of a single teacher or a single class.) If the credential for which a waiver is requested requires completion of a professional preparation program, the applicant must contact a California college or university with the appropriate Commission-approved program and determine what requirements he or she must complete to earn the credential.

Section 10 now allows the employing agency to indicate if the request is for a subsequent waiver by checking a box. There is space provided to list the

requirements that the applicant has completed since making a commitment to pursue the credential the previous year. While the regulations do not specify a number of units that must be completed or examinations that must be passed before the Commission will consider a request for a subsequent waiver, the Commissioners expect the applicant to have made substantial progress toward his or her credential goal.

Section 11 has been added to the form to verify that public notice has been given for each waiver request. This requirement appears in Title 5 Section 80122(j). Please note that the form of the public notice is not specified. That is an internal policy decision for the employing agency. The Commission only requires that a copy of the public notice be included and that the responsible individual verifies that the public notice was either acted upon favorably by the district school board or not opposed if posted by a county office, nonpublic school or agency, or state agency.

Finally, sections 12 and 13 require the certification of the applicant and the representative of the employing agency that the information in the waiver request is understood, accurate, and complete. Optional Section 14 allows the County Office of Education to indicate that they have reviewed the waiver requests. The county review assures the employing agency of the additional month of processing time provided for in the Title 5 regulations.

### **Questions**

If you have questions about the changes to the regulations or the process for submitting a waiver request, contact our Information Services Office at (916) 445-7256 any workday afternoon between 12:30 and 4:30.

State of California  
**COMMISSION ON TEACHER CREDENTIALING**  
 Box 944270 (1812 9th Street)  
 Sacramento, CA 94244-2700  
 (916) 445-7254

Commission Use Only

Waiver requests must be typewritten. All materials submitted must be of sufficient clarity to make clear copies when sent to the printer. Instruction sheet enclosed for more information.

### VARIABLE TERM WAIVER REQUEST

The Commission reviews requests for waivers that have expressly to do with educator preparation and credentialing, and with the ability of employers to employ or assign persons who are not appropriately credentialed for their assignment. All other waivers remain under the legal authority of the State Board of Education or Superintendent of Public Instruction, who may not issue credential waivers on or after July 1, 1994.

Requests for Variable Term Waivers may be submitted by employing agencies, including school districts, county offices of education, and nonpublic, nonsectarian schools or agencies, and by postsecondary institutions and individual applicants, to solve a temporary certification or assignment problem, when the employing agency finds there is an insufficient number of certificated persons who meet the specified employment criteria for a position, or for the purposes of educational reform, or other compelling reasons. The Commission may grant a waiver upon its finding that professional preparation equivalent to that prescribed under the provision or provisions to be waived will be completed by the applicant affected. Variable term waivers may be requested for any length of time depending on the circumstances; most waivers are issued for one year or less.

If the Legal and Professional Standards Division of the Commission must conduct a fitness review for an applicant for a waiver, his or her waiver may be reviewed by the Commission, although no approval letter will be issued until the review has been concluded.

1. <b>Employing Agency</b> (include mailing address)  <input type="checkbox"/> NPS/NPA (list county code _____)	County/District CDS Code	Contact Person   Telephone Number
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2. **Applicant for the Waiver**

Full Legal Name \_\_\_\_\_

Former Name(s) \_\_\_\_\_ Birth date \_\_\_\_\_

Social Security Number \_\_\_\_\_

Applicant's Mailing Address \_\_\_\_\_

California Credential or Permit Held (if any) \_\_\_\_\_

Assignment \_\_\_\_\_

Fingerprint Clearance  
 on file at CTC

Application for Certificate  
 of Clearance Included

3. **Education Code or Title 5 Section to be Waived: EC §44830(a)**  
"A governing board of a school district shall employ for positions requiring certification qualifications, only person who possess the qualifications therefor prescribed by law..."

Applicant's Credential Goal: \_\_\_\_\_  
(Title of the credential which authorizes the service needed)

Specific section(s) covering requirements the applicant must meet to reach his or her Credential Goal: \_\_\_\_\_

(See Section IV of the Waiver Guidelines for examples)

Brief Description of Section(s):

4. **Reason for Waiver**

Summarize the reason the waiver is being requested, including, but not limited to, the specific employment criteria for the position that must be filled, a description of your efforts to locate and recruit individuals who hold the appropriate credential or who can be assigned under one of the available assignment options (i.e.: job announcements, IHE placement centers, newspaper, etc.), and a description of your efforts to establish alternative training options such as internships.

5. **Proposed Solution**

A. Describe how the requested waiver will remedy the situation, including any negative effects that are likely to occur if the waiver is not granted.

B. Explain what makes the applicant the best candidate for the position. Include detailed information on the individual's professional preparation and expertise in the subject/area requested and include appropriate documentation such as transcripts, examination score reports, and verifications of experience.

6. **Special Education Assignment**

This waiver request is for service to special education children. The Special Education Local Planning Area (SELPA) has been notified of our intent to request this waiver.

7. **Effective Dates of the Waiver**

____/____/____ to ____/____/____
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Waivers should be dated effective the beginning date of service; not prior to actual service. If the waiver request is for longer than one year, provide a compelling reason why it should extend beyond the end of the school term or year.

8. **Requests for Additional Time to Complete Requirements**

A. List the requirements that the applicant must complete to be eligible for the document named above as his or her credential goal and a target date by which he or she plans to complete those requirements. If the applicant must complete an entire program, just name the program (e.g., Resource Specialist Program); if he or she has completed some requirements for the credential, list the specific requirements which still must be completed (e.g., three years of experience for Resource Specialist Certificate).

B. List the name and position of the person assigned to provide support and assistance during the term of the waiver. By assigning this individual, the employing agency makes a commitment to support and assist the applicant, as feasible, in completing the requirement(s).

Name \_\_\_\_\_ Position \_\_\_\_\_

9. **Requests from Geographically Isolated Regions**

Plan to Develop Fully Qualified Educators attached.

Plan previously submitted to CTC.

If the plan is not attached or has not been previously submitted, write a brief explanation as to why such a plan is not feasible.

10. **Requests for Subsequent Waivers**

This applicant has previously been issued a waiver for this assignment. Below is a description of the progress that he or she has made toward completion of the requirements for the credential that authorizes the service covered by this waiver request. Include official transcripts or grade reports, examination score reports, verifications of appropriate course work from a college or university with a Commission-approved program, and other documentation, as appropriate.

**11. Public Notice – check the box that applies**

Public School District: Attached is a copy of the agenda item presented to the governing board of the district in public meeting. With the signature of the Superintendent or his or her designee in item #13 below, the person signing verifies that the item was acted upon favorably by the board.

County Office of Education, State Agency, or Nonpublic, Nonsectarian School or Agency: Attached is a dated copy of the notice that was posted at least 72 hours before the position was filled. With the signature of the Superintendent or Administrator or his or her designee in item #13 below, the person signing verifies that there were no objections to the waiver request.

**12. Applicant's Certification**

I understand that in order to receive a subsequent waiver for this assignment I must pursue the completion of requirements to obtain full certification in the subject or area covered by this waiver request as specified in #7 above.

\_\_\_\_\_  
*Signature of Applicant*  
*(Sign full legal name as listed in #2 above)*

\_\_\_\_\_  
*Date*

**13. Employing Agency Certification**

I certify under penalty of perjury that the information provided in this report is accurate and complete.

District/County Superintendent, Personnel Administrator, NPS/NPA Administrator, or Designee:

Signature \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

**14. OPTIONAL County Certification**

The County Office of Education has reviewed this waiver request on behalf of the school district in our jurisdiction and finds it is accurate and complete. This optional review allows the waiver request to be submitted in time to be reviewed within *three* Commission meetings of the beginning date of service, rather than in *two* Commission meetings as is required when the request comes directly from the district. If there are questions, please contact:

Name of Person to Contact \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_

Use additional sheets as necessary to provide complete information about any section of this waiver request form. This form may be duplicated or may be reproduced on computer as long as the printed image is clear enough to photocopy and the order of the information remains the same.

## Commission on Teacher Credentialing

### VARIABLE-TERM WAIVERS: GUIDELINES AND INSTRUCTIONS

The Commission reviews, and either approves or denies, requests for variable-term waivers that have expressly to do with educator preparation and credentialing, and with the ability of employers to employ or assign persons who are not appropriately credentialed for their assignment. All other waivers are under the legal authority of the State Board of Education or Superintendent of Public Instruction, who may not issue credential waivers on or after July 1, 1994.

**DEFINITION:** Variable term waivers provide applicants with additional time to complete the requirements for the credential that authorizes the service or provide employing agencies with time to fill the assignment with an individual who either holds an appropriate credential or qualifies under one of the available assignment options. This includes:

- (1) waivers to facilitate assignment in school programs addressing issues of educational reform;
- (2) waivers to employ or assign identified individuals when the employing agency finds there is an insufficient number of certificated persons who meet the specified employment criteria for the position;
- (3) waivers to temporarily exempt geographically isolated regions, which have severely limited ability to develop personnel, from specific state requirements for educator preparation, licensing or assignment; or
- (4) other temporary waivers approved at the discretion of the Commission.

**WAIVER APPLICATION PROCESS:** Each waiver request must be submitted on form WVI (revised 9/95 or later). The request is to be completed by the employing agency on behalf of a specific individual, and all supporting materials must accompany the request.

Waiver requests should be submitted in time to receive Commission approval prior to the applicant's first day of service, whenever possible. In those cases when an employing agency has an unanticipated need, the Commission will honor the beginning date of service listed on the waiver request as long as the request is submitted to the Commission in time to be reviewed within *two* Commission meetings of the beginning date of service. County offices of education that review and submit credential waiver requests on behalf of school districts within their jurisdictions may submit those requests in time to be reviewed within *three* Commission meetings of the beginning date of service. The following chart shows the meeting dates and the submission deadlines for having a waiver reviewed at each meeting

Commission Meeting Date	Submission Deadline for Waivers
October 5-6, 1995	September 15, 1995
November 2-3, 1995	October 13, 1995
December 7-8, 1995	November 17, 1995
January 4-5, 1996	December 15, 1995

CTC VARIABLE-TERM WAIVERS: GUIDELINES AND INSTRUCTIONS

February 1-2, 1996	January 12, 1996
March 7-8, 1996	February 16, 1996
April 4-5, 1996	March 15, 1996
May 2-3, 1996	April 12, 1996
June 6-7, 1996	May 10, 1996
July 18-19, 1996	June 28, 1996
August 22-23, 1996	August 2, 1996
October 3-4, 1996	September 13, 1996
November 7-8, 1996	October 18, 1996
December 5-6, 1996	November 15, 1996

Waiver requests are reviewed by Commission staff when they arrive and any questions are resolved before the request are scheduled for the Commission agenda. In some cases Commission staff may call the employing agency to obtain the information needed to complete the waiver request. In most cases, the waiver request will be mailed back to the employing agency with a written request for the needed information. The waiver request must be resubmitted within 15 working days; however, the two-month or three-month overall time limit continues to apply if it was not already used prior to original submission of the waiver request. If the employer cannot provide the needed information within 15 working days, he or she may call the Commission and ask for an extension. The maximum length of the extension is to the deadline date for the Commission meeting two months after the applicant's beginning date of service. If the employing agency has filed the waiver request through the county office, the deadline is three months after the beginning date of service. If the information is not submitted within this period of time, the waiver request will be recommended for denial. Please note that if the applicant qualifies for a credential, certificate, or permit which authorizes the service needed, the request is returned to the employing agency with instruction to submit an application and fee.

Once a waiver request has been approved by the Commission, staff will issue a numbered Waiver Approval Letter that will identify the applicant's "Credential Goal" and the appropriate authorization. *No other document will be required for the service that is covered by the waiver.*

If the Legal and Professional Standards Division of the Commission must conduct a fitness review for an applicant, his or her waiver will not be granted until the review has been concluded.

**COMPLETING FORM WVI:** Each section is described below. Note: the employer, not the applicant, is to complete the waiver request form.

**1. Employing Agency**

Enter the name and mailing address of the school district, county office of education, nonpublic school or agency (NPS/NPA), or state agency preparing the request. County offices and school districts—enter the CDS code. Nonpublic schools or agencies—put a check in the NPS/NPA box and provide the county code number or name the county in which the NPS/NPA is located. Enter the name and telephone

number of the individual the Commission may contact if there are questions about the waiver request.

School Districts and NPS/NPAs should discuss with their county offices of education what information the county would like to have submitted to them concerning waiver requests, such as a copy of the request form or a memo stating that the form has been submitted.

## 2. Applicant for the Waiver

Use one Waiver Request form per applicant. Enter the *applicant's* full legal name, social security number, and mailing address; the titles of credentials or permits the applicant holds (if any); and a brief description of the assignment for which this waiver is being requested (e.g., sixth grade bilingual classroom, Adapted Physical Education, etc.). Also indicate whether the applicant already has fingerprint clearance on file with the Commission or an application for a Certificate of Clearance is included.

## 3. Education Code or Title 5 Section to be Waived

First, indicate the applicant's credential goal. This is the credential, permit, or certificate that authorizes the service the applicant is being employed to perform. The Commission does recognize that not every applicant for a waiver will complete the requirements for his or her "Credential Goal". It is possible that a fully-credentialed educator may be hired to fill the position or the applicant may qualify for the position under one of the available assignment options. (Please see the *Administrator's Assignment Manual* for a description of the options.) However, a "Credential Goal" will be listed on each Waiver Approval Letter so that the authorization can be clearly stated.

Because the Waiver Approval Letter will authorize service for the applicant's stated credential goal, every waiver essentially waives Education Code §44830(a). This is the section that states: "A governing board of a school district shall employ for positions requiring certification qualifications, only person who possess the qualifications therefor prescribed by law...". That code is pre-printed on the form.

Identify the Education Code or Title 5 section(s) for the specific requirements the applicant needs to complete to reach his or her credential goal. Most waiver requests have been for the credential requirements listed below. The Education Code or Title 5 Regulation sections which state these requirements are provided for the convenience of employing agencies requesting these waivers.

<i>Section Number</i>	<i>Brief Description of Section</i>
EC §44252(b)	CBEST for a Credential or Permit
T5 §80025 (a)(1)	Bachelor's Degree for Emergency 30-Day Substitute Teaching Permit
T5 §80024.1(a)(1)	Bachelor's Degree for Emergency Multiple or Single Subject Teaching Permit

T5 §80024.1	Requirements for Initial Issuance of an Emergency Multiple or Single Subject Teaching Credential
EC §44265	Professional Preparation Program for a Specialist Instruction Credentials in Special Education, Reading, etc.
EC §56362.5	Professional Preparation Program for a Resource Specialist Certificate
T5 §80070.3(a)(2)	Experience for a Resource Specialist Certificate
EC §44268	Professional Preparation Program for the Clinical or Rehabilitative Services Credential
T5 §80046.1	Professional Preparation Program for an Adapted Physical Education Credential
EC §44266	Professional Preparation Program for a Pupil Personnel Services Credential
EC §44269	Professional Preparation Program for a Library Media Teacher Services Credential
EC §44270	Professional Preparation Program for a Preliminary Administrative Services Credential
EC §44253.3	Certificate or Credential to Provide Instruction to Limited English Proficient (LEP) Students
EC §44256(a)	Single Subject Teaching Credential Needed for Assignment in School Programs Addressing Issues of Educational Reform
EC §44256(b)	Multiple Subject Teaching Credential Needed for Assignment in School Programs Addressing Issues of Educational Reform
EC 44260(a)	Experience Requirements for the Designated Subjects Vocational Education Teaching Credential
EC §44260.4	Course Work Requirements for a Designated Subjects Credential in Driver's Education and Training

#### 4. Reason for Waiver

The answers to at least four questions should comprise the reason the employing agency is requesting this waiver. First, what is the specific employment criteria for the position that must be filled? The criteria should be reflected on the job announcements. For example, if the position is for a counselor and the employing agency has determined that they need a Spanish-speaking counselor with middle school teaching experience, that should be clearly stated in the advertisements for the opening and in this section of the waiver request form.

Second, what makes it difficult to find someone who qualifies under the established criteria? To explain why finding someone is difficult, the employing agency may want to describe the location of the employing agency, or the population of students served by that agency, or even agency policies such how salaries compare to those offered in neighboring employing agencies. The agency may also want to refer to the Declaration of Need for Fully Qualified Educators for Emergency Permits, if they submitted one, to show that there is a publicly acknowledged shortage of people to fill this type of position.

Third, what has the employing agency done to locate and recruit individuals who meet the employment criteria and who either hold the appropriate credential or who qualify under one of the available assignment options? The employing agency should include copies of newspaper advertisements and job bulletins, descriptions of job fairs attended and other methods used to hire an appropriately certificated individual.

Finally, what has the employing agency done to establish alternative training options such as cooperating with a college or university on an internship program or designing its own District Intern Program? The location of the employing agency and the availability of appropriate programs and resources should be part of this answer.

### **5. Proposed Solution**

A waiver should be requested only when there is no appropriately credentialed individual available who meets the employment criteria. There may be alternatives to hiring someone who has not met the minimum qualifications established in statute and regulation, such as redistributing the workload, discontinuing a program or class, or employing a substitute while further recruitment is completed. In part A, describe the negative consequences of the alternatives that might be available to the employing agency.

In part B, for all waiver requests, but especially in areas where there is not a significant shortage of qualified applicants, the employing agency must explain what makes this individual the a best candidate for the position. Include appropriate college or university transcripts, examination score reports, letters verifying previous experience, reports of staff development completed, and other documentation of expertise specifically for the position. This section might include a description of how the employing agency plans to support and assist the applicant in completing the requirements, such as the assignment of a mentor who serves in the same capacity or the employer's attempt to establish a Plan to Develop Fully Qualified Educators.

### **6. Special Education Assignment**

Check the box if the assignment is for service to special education students. For every special education assignment, the employing agency *must* include their Special Education Local Plan Area (SELPA) among those receiving notice of the intent to request a waiver.

### **7. Effective Dates of the Waiver**

A variable term waiver may be issued for any length of time depending on the circumstances; however, most waivers are issued for one year or less because applicants are expected to verify progress toward their credential goal at least once a year. The issuance date is the beginning date of service. In general, the expiration date should be the last day the waiver will be needed either because the term/school year will end or because the requirements for the credential will be complete. If this request is for a period longer than one year, provide a detailed explanation of why

additional time is needed. For example, school programs that address issues of educational reform often require more than one school year to implement; include an explanation of what the employing agency expects to accomplish during each year of the waiver request. Another example is a waiver request for an individual who will complete all requirements for the credential in 14 months and has a schedule of classes approved by the college or university to verify that.

#### **8. Requests for Additional Time to Complete Requirements**

All waiver requests, except those involving educational reform, must include this information.

In part A, identify the requirements the applicant must complete in order to qualify for the document listed as his or her credential goal and a target date by which he or she plans to complete them. If the credential for which the waiver is requested requires completion of a professional preparation program (for example: Multiple Subject, Single Subject, Specialist in Special Education, Administrative Service), the applicant must contact a California college or university with the appropriate Commission-approved program and determine what requirements he or she must complete to earn the credential. If the credential, permit or certificate listed as the credential goal does NOT require a program (such as a 30-Day Substitute Emergency Permit or a BCLAD Certificate), it is not necessary for the applicant to contact a college or university.

If the applicant must complete one or more entire programs, list the program or programs that must be completed. For example, if the applicant holds only an Emergency 30-Day Substitute Teaching Permit and will be serving on this waiver in a Resource Specialist position, list

- the basic teaching credential (Multiple or Single Subject) and completion date,
- the Specialist Instruction Credential (LH, SH, CH, etc.) and completion date, and
- the Resource Specialist Certificate and completion date.

If the applicant has completed part of a program, list the specific credential requirements which he or she must still complete. For example, if the applicant for the waiver to serve in a Resource Specialist position has both a basic credential and a specialist credential, but has not completed the Resource Specialist program and does not have sufficient experience in special education to qualify for the preliminary Resource Specialist Certificate, list

- specific class title or titles and completion dates, and
- xxx years of special education teaching experience and completion date.

In part B, give the name and position of the person assigned to provide support and assistance to the applicant during the term of the waiver. By assigning this individual, the employing agency makes a commitment to support and assist the applicant, as feasible, in completing the requirement(s).

### 9. Requests from Geographically Isolated Regions

Check the appropriate box concerning the Plan to Develop Fully Qualified Educators. If the employing agency has not established a Plan to Develop, please explain why such a plan has not been completed or is not feasible. As part of the Reason for Waiver, an explanation of the difficulties involved in reaching the nearest college or university that offers appropriate approved course work and the attempts that have been made to access special programs should be included.

### 10. Requests for Subsequent Waivers

Check this box if this applicant has previously been issued a waiver for this assignment, then describe the applicant's progress toward fulfilling the commitment he or she made to complete requirements toward the credential goal. In particular, address any specific requirements listed on the previous waiver approval letters. Also include:

- a personnel evaluation or other written confirmation by a supervising administrator that the individual has performed satisfactorily,
- examination score reports for applicable examinations,
- official transcripts of course work completed since the waiver was approved,
- letters of verification that any course work taken was appropriate to the credential from a college or university with the Commission-approved program,
- letters of verification of applicable staff development received (such as the 90 hours under an approved Plan to Develop Fully Qualified Educators), and
- other documentation as appropriate.

### 11. Public Notice

Check the appropriate box. *EVERY waiver request must include verification that a notice of intent to employ the named applicant in the identified position has been made public.* By checking the appropriate box and signing the waiver request, the superintendent of a school district states, under penalty of perjury, that a copy of the agenda item that was presented to the governing board of the district in a public meeting is attached to this waiver request and that it was acted upon favorably by the board. By checking the appropriate box and signing the waiver request, the superintendent of a county office of education, or the administrator of a nonpublic school or state agency, states, under penalty of perjury, that a dated copy of the notice that was posted 72 hours before the position was filled is attached and there were no objections to the waiver request.

### 12. Applicant's Certification

The applicant must sign that he or she understands that in order to receive a subsequent waiver for this assignment he or she must pursue the completion of requirements to obtain full certification in the subject or area covered by this waiver request as specified in #7 above. This must be an original signature, photocopies are not acceptable.

### 13. Employing Agency Certification

The superintendent or personnel administrator of the district or county, or the administrator of the state agency or non-public school, or that person's designee,

must sign the request to verify that the information is accurate and complete. The certification also assures the Commission that the employing agency will support and assist the applicant, as feasible, in completing the requirements for the appropriate credential and that the intent to employ the applicant in the position identified has been made public. This must be either an original signature or a reproduction that is initialed by the designee.

#### 14. OPTIONAL County Certification

If a school district submits the waiver request to the County Office of Education for review before it is submitted to the Commission, the County Office must complete this section of the waiver request form to be assured of the additional month of processing time guaranteed by the Title 5 Regulations.

#### REQUIREMENTS FOR SPECIFIC TYPES OF WAIVER REQUESTS

When completing Section 4B (why the applicant is the best candidate) or Section 10 (request for subsequent waiver) of the waiver request form, address the issues described below for the specific type of waiver being requested, in addition to providing all other information requested on the form.

##### *CBEST for an Emergency 30-Day Substitute Teaching Permit--Initial Request*

- (1) whether the applicant is aware of the CBEST requirement;
- (2) whether he or she has taken the CBEST and the results; and
- (3) when the applicant plans to take the CBEST during the term of the waiver.

##### *CBEST for an Emergency 30-Day Substitute Teaching Permit--Subsequent Request*

- (1) whether the applicant has passed any section of the exam;
- (2) whether the applicant has participated in college courses, staff development, or tutoring for remediation;
- (3) when the applicant plans to take the CBEST during the term of the waiver;
- (4) whether the applicant was effective as a substitute teacher; and
- (5) whether the employing agency would consider hiring the applicant for a third and final year if he or she still fails to pass the CBEST during the term of the waiver.

##### *CBEST for full-time educator--Initial Request*

- (1) whether the applicant is aware of the CBEST requirement;
- (2) whether he or she has taken the CBEST and the results; passage of the mathematics section of the test is expected of an individual who applies to teach mathematics in a departmentalized setting and passage of both the reading and writing sections of the test is expected of an individual who applies to teach English in a departmentalized setting;
- (3) for applicants who have failed CBEST, whether the applicant is attempting to remediate under a reasonable plan developed specifically for the purpose of increasing the likelihood of his or her passing the exam, and
- (4) when the applicant plans to take the CBEST during the term of the waiver.

##### *CBEST for full-time educator--Subsequent Request*

- (1) whether the applicant has passed any section of the exam and how often he or she took the exam; if the applicant took the exam fewer than two times, include

an explanation of why he or she did not take advantage of other administrations;

- (2) whether the applicant has participated in college courses, staff development, or tutoring for remediation;
- (3) whether the employing agency would consider hiring the applicant for a third and final year if he or she still fails to pass the CBEST during the term of the waiver; and
- (4) when the applicant plans to take the CBEST during the term of the waiver.

*Bachelor's Degree--Initial or Subsequent Request*

- (1) when the applicant is scheduled to complete degree requirements--supporting documentation might include a letter from the Office of Admissions and Records at the candidate's college or university; and
- (2) whether the applicant has passed the CBEST.

*Professional Preparation Program for the Specialist Instruction Credential in Special Education or the Resource Specialist Certificate:*

- (1) whether the applicant has related experience with children with disabilities, including volunteer work or experience with a family member who is handicapped, or has special skills, such as the ability to use sign language, that apply to the position that must be filled.

*Professional Preparation Program for a Services Credential:*

- (1) whether there is written documentation of a shortage of persons holding the specific type of service credential in the geographic area in which the employing agency is located--for example, although there are shortages of person holding Library Media Teacher Services Credentials and Clinical or Rehabilitative Services Credentials in a number of geographic areas in California, few, if any, geographic areas are experiencing shortages of persons holding Administrative Services or Pupil Personnel Services Credentials; and
- (2) whether the individual possesses special skills or can provide special services to the pupils served by the employing agency--for example, does the individual hold a state license or advanced degree in a field directly related to the proposed assignment.

*To Facilitate Assignment in School Programs Addressing Issues of Educational Reform:*

- (1) an explanation of the type of reform being pursued, such as "Caught in the Middle", "Second to None", "It's Elementary", or the science teachers' "Scope, Sequence and Coordination" program; and
- (2) verification that the applicants are voluntary participants in the educational reform program.

## **DENIALS OF WAIVER REQUESTS**

If the Appeals and Waivers Committee of the Commission votes to recommend denial of a waiver request, the following procedure is initiated:

The employing agency is sent a letter explaining the reasons for the Committee's recommendation to deny and affording the employing agency an opportunity to submit additional written information in support of the waiver request that was not available at the time the request was originally submitted. Resubmission must be received in the Commission office by the printed agenda cut-off date for the next Commission meeting (approximately two weeks following the mailing of the letter) or no reconsideration will be presented to the Committee.

If no timely reconsideration request is received, the recommendation for denial is presented to the full Commission in general session for action at the next scheduled Commission meeting. The full Commission may either vote to confirm denial which becomes effective immediately or vote to return the request to Committee for further consideration.

If timely reconsideration is requested, the request appears again in the Appeals and Waivers Committee agenda. The Committee may vote to recommend approval or may vote to sustain its recommendation of denial. The Committee's recommendation is presented to the full Commission in general session during that meeting for final vote.

A final notice of denial is mailed to the employing agency, the applicant, and the county office of education, if applicable. The applicant must be removed from the position immediately.

#### **ADDITIONAL INFORMATION**

Contact the Commission's Information Services Office any workday afternoon between 12:30 and 4:30 at (916) 445-7256 for additional information.

**DIVISION VIII OF TITLE 5  
CALIFORNIA CODE OF REGULATIONS**

**CREDENTIAL WAIVERS**

**80120. Purpose and Categories of Waivers.**

The following categories of waivers will be considered under the provisions of Education Code Section 44225 (m):

- (a) Short-Term Waivers: Waivers to give local agencies one semester or less to address unanticipated, immediate, short-term organizational needs by assigning teachers who hold a basic credential to teach outside of their credential authorization, with the teacher's consent.
- (b) Variable Term Waivers: Waivers to provide applicants with additional time to complete the requirements for the credential that authorizes the service or to provide employing agencies time to fill the assignment with an individual who either holds an appropriate credential or qualifies under one of the available assignment options. This includes:
  - (1) Waivers to facilitate assignment in school programs addressing issues of educational reform;
  - (2) Waivers to employ or assign identified individuals when the employing agency finds there is an insufficient number of certificated persons who meet the specified employment criteria for the position;
  - (3) Waivers to temporarily exempt geographically isolated regions, which have severely limited ability to develop personnel, from specific state requirements for educator preparation, licensing or assignment; or
  - (4) Other temporary waivers granted at the discretion of the Commission.

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

**80121. General Provisions Governing Waivers.**

- (a) Definition of Terms. Terms that are used in Sections 80120 through 80124, inclusive, shall have the following meanings.
  - (1) The term "employing agency" means the school district; county office of education; private school; nonpublic, nonsectarian school or agency as defined in Education Code Sections 56365 and 56366; or postsecondary institution that submits a waiver application.
  - (2) "Applicant" means the individual for whom a waiver application is submitted.
  - (3) "SELPA" means a Special Education Local Planning Area.
  - (4) A "short-term waiver" is a temporary waiver with a term of one semester or less as described under Section 80120(a).
  - (5) A "variable term waiver" is a temporary waiver with a term as specified by the Commission.
- (b) Waiver Service Restrictions. Except as specified by the Commission, service authorized by a waiver shall be restricted to the employing agency that

submitted the waiver application and to the assignment specified on the waiver document.

- (c) **Authorization to Apply for Waivers.** Each application for a variable term waiver shall be submitted to the Commission on behalf of the individual identified in the application. The following may submit applications for variable term waivers:
- (1) public school districts in California;
  - (2) county offices of education or county superintendents of schools in California;
  - (3) postsecondary institutions;
  - (4) private schools in California (in particular, nonpublic, nonsectarian schools and agencies as defined in Education Code Sections 56365 and 56366); and
  - (5) individuals.

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

#### **80122. Requirements for Variable Term Waivers.**

The application for a variable term waivers shall include all of the following:

- (a) **Name of Employing Agency.** The application shall identify the employing agency seeking a waiver.
- (b) **Section Number.** The application shall cite the specific Education Code or Title 5 section number(s) for which a waiver is being requested. In the case of waivers for the purpose of assignment in school programs addressing issues of educational reform, the application may instead identify the plan under which the reform will take place and, if applicable, the date when the plan was approved by the employing agency or the appropriate state agency, whichever came later.
- (c) **Reason for Waiver.** The application shall summarize the reason the waiver is being requested, including, but not limited to, the specific employment criteria for the position that must be filled, a description of the efforts to locate and recruit individuals who hold the appropriate credential or who can be assigned under one of the available assignment options, and a description of the efforts the employing agency has made to establish alternative training options such as co-sponsoring internships with institutions of higher education or establishing a District Intern program.
- (d) **Proposed Solution.** The application shall describe how the waiver will remedy the situation, give the rationale for the request including what makes the applicant the best candidate to fill the position, and describe any negative effect(s) that are likely to occur if the request is not granted.
- (e) **Identification of Applicant.** The application shall identify, by name, date of birth and Social Security number, the applicant for whom the waiver is requested.
- (f) If the applicant does not already have fingerprint clearance on file with the Commission, the application must include two fingerprint cards and the

completed Application for Character and Identification Clearance (form 41-CIC, rev 11-93), and appropriate fee(s).

- (g) Requirements and Commitment. The request shall:
- (1) list the requirement(s) that the applicant must complete to be eligible for the credential which authorizes the service being requested and the anticipated date(s) of completion of those requirement(s),
  - (2) include a commitment by the applicant, in the form of an original signature, to pursue a course of study leading to full certification, with the understanding that no subsequent waiver will be requested should the applicant fail to verify completion of requirement(s) leading toward the credential or completion of the alternative requirement(s) specified in the employing agency's approved Plan to Develop Fully Qualified Educators,
  - (3) list the name and/or position of any person assigned to provide support and assistance to the applicant while he or she is serving on the waiver, and
  - (4) state that the employing agency has made a commitment to support and assist the applicant, as feasible, in completing the credentialing requirement(s).
- (h) Additional Requirements
- (1) To fill a position to serve special education students, the employing agency must include the SELPA among those receiving notice of the intent to request a waiver.
  - (2) Waiver requests from geographically isolated regions with severely limited ability to develop personnel shall include a Plan to Develop Fully Qualified Educators pursuant to Section 80026.4, or an explanation as to why such a plan is not feasible.
- (i) Effective Date and Proposed Duration. The application shall specify the beginning date of service on the waiver and the date when the waiver will cease to be needed.
- (j) Public Notice. The request shall include verification that a notice of intent to employ the applicant in the position identified has been made public as follows:
- (1) If the waiver request is being submitted by a public school district, it must include a copy of the agenda item presented to the governing board of the district in public meeting with a signed statement from the superintendent, or his or her designee, that the item was acted upon favorably.
  - (2) If the waiver request is being submitted by a county office of education, state operated school, or nonpublic, nonsectarian school or agency, it must include a dated copy of the notice that was posted at least 72 hours before the position was filled and a signed statement from the superintendent or administrator or his or her designee that there were no objections to the waiver request.
- (k) Signatures. The application shall include the signature of the district personnel administrator or superintendent or the county superintendent if service will be provided in a county-operated school or the administrator of the state-operated

school or of the nonpublic, nonsectarian school or agency, or his or her designee certifying that the information provided is accurate and complete.

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

**80123. Requirements for Short-Term Waivers.**

- (a) **Local Approval of Short-Term Waivers.** Employing agencies may grant a short-term waiver as described under Section 80120(a) without prior approval by the Commission, provided that a short-term waiver may be issued one time only for any individual, and one time only for a given class.
- (b) **Notification of County Offices.** Pursuant to Education Code Section 44258.9, school districts using a short-term waiver shall provide the following information to the county office of education:
  - (1) **Identification of the Applicant.** The notification shall identify, by name and Social Security number, the individual for whom the short-term waiver was issued.
  - (2) **Authorization and Assignment.** The notification shall specify the credential that the individual holds and the assignment that the individual is filling as a result of the short-term waiver.
  - (3) **Reason for Waiver.** The notification shall explain the situation that led to the need for the short-term waiver.
  - (4) **Effective Date and Proposed Duration.** The notification shall specify the beginning and ending dates of service on the waiver.
  - (5) **Other.** The county office of education may require other information as necessary.
- (c) **Notification of the Commission.** Pursuant to Education Code Section 44258.9(d), county offices of education shall report the use of short-term waivers as described in subsection (b) above in school districts and in county-operated schools to the Commission annually. In addition, the Commission may request information concerning the use of short-term waivers from other employing agencies.
- (d) The Commission may rescind the authority of any employing agency to grant a short-term waiver upon a finding that the agency has intentionally violated any provision of Sections 80120 or 80123.

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

**80124. Requirements for a Request for a Subsequent Variable Term Waivers 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 or has completed the alternative requirements specified in the employing agency's approved Plan to Develop Fully Qualified Educators

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 provided by the Commission (form WV1) and must include written documentation supporting the waiver, including such items as 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. In those cases where an employing agency has an unanticipated need, the Commission will honor the beginning date of service listed on the waiver request as long as the request is submitted to the Commission in time to be reviewed within two Commission meetings of the beginning date of service. County offices of education that review and submit credential waiver requests on behalf of school districts within their jurisdictions may request such reviews within three Commission meetings of the beginning date of service.
- (c) Waiver requests are reviewed by Commission staff and may be returned for additional information or clarification before the request is scheduled for the Appeals and Waivers Committee agenda. If the applicant qualifies for a credential or permit that authorizes the service, the waiver request may be returned for an application and fee for the credential or permit.
- (d) The Appeals and Waivers Committee may vote to recommend either approval or denial of a waiver request, or may postpone the decision until the next meeting if additional information is needed.
  - (1) If the Committee votes to recommend approval of a waiver request, the recommendation is presented to the full Commission in general session during that meeting for final vote. The full Commission may either vote to confirm approval which becomes effective immediately or vote to return the request to the Committee for further consideration.
    - (A) After the waiver is approved, and following the conclusion of any fitness review that may be performed by the Legal and Professional Standards Division, a numbered Waiver Approval Letter is issued. The Waiver Approval Letter identifies the applicant's credential goal and authorizes the service appropriate to that goal.
  - (2) If the Committee votes to recommend denial of a waiver request, the following procedure is initiated:
    - (A) The employing agency is sent a letter explaining the reasons for the Committee's recommendation to deny and affording the employing agency an opportunity to submit additional written information in support of the waiver request that was not available at the time the request was originally submitted. Resubmission must be received in the Commission office by the

- printed agenda cut-off date for the next Commission meeting (approximately two weeks following the mailing of the letter) or no reconsideration will be presented to the Committee.
- (B) If no timely reconsideration request is received, the recommendation for denial is presented to the full Commission in general session for action at the next scheduled Commission meeting. The full Commission may either vote to confirm denial which becomes effective immediately or vote to return the request to Committee for further consideration.
  - (C) If timely reconsideration is requested, the request appears again in the Appeals and Waivers Committee agenda. The Committee may vote to recommend approval or may vote to sustain its recommendation of denial. The Committee's recommendation is presented to the full Commission in general session during that meeting for final vote.
  - (D) A final notice of denial is mailed to the employing agency, the applicant, and the county office of education, if applicable.

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