

COMMISSION ON TEACHER CREDENTIALING

1812 Ninth Street
Sacramento, California 95814-7000
(916)445-7254



95-9522

DATE: December 15, 1995

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

FROM: Ruben L. Ingram, Ed. D. *RI*
Executive Director

SUBJECT: Proposed Amendment of Section 80122 of Title 5, California
Code of Regulations, Pertaining to Waiver Fees

Notice of Public Hearing is Hereby Given:

In accordance with Commission policy, proposed Title 5 Regulations are being distributed prior to the public hearing. A copy of the proposed regulations is attached. The added text is underlined, while the ~~deleted~~ is lined-through. The public hearing is scheduled on:

February 1, 1996
2:00 p.m.
Clarion Hotel
700 16th Street
Sacramento, California

Statement of Reasons

The purpose of this proposed amendment is to require that a fee, currently \$70, be submitted with each application for a variable term waiver. If approved, this would become effective July 1, 1996. Variable term waivers are requested when there are insufficient certificated personnel available to fill specific positions needed by local schools. The employer must justify the request by submitting information regarding the efforts made to recruit certified personnel and a description of why the applicant is the best candidate for the position. The waiver is available to individuals who do not meet the minimum requirements for any credential, certificate or permit that would authorize the needed service and are generally valid for the school year.

On June 30, 1994, the Commission became solely responsible for reviewing requests for the waiver of credential requirements. Prior to that, credential waivers were processed by the State Board of Education and, in some special education situations, by the State Superintendent of Public Instruction. Prior to assuming this authority, the Commission created the Task Force on Waiver and Emergency Permits, comprised of teachers, school administrators, school board members, university faculty and others, to develop a cohesive waiver structure and create an integrated approach to emergency permits and waivers. The Task Force proposed changes to the emergency permit requirements to allow what was thought to be a significant number of individuals to shift from waivers to emergency permits. Also proposed were short term waivers, available for credentialed teachers placed in positions outside of their credential area for one semester or less. These would be reviewed by the employers rather than by the Commission. It was projected that the Task Force recommendations would significantly decrease the number of waivers requested. The Commission had hoped that, with the anticipated decrease in waiver requests, the costs could be absorbed by the revenues received from credential applications and a possible General Fund appropriation. Unfortunately that is not the case. The General Fund appropriation never materialized, and the number of waivers requested has increased rather than decreased. In 1992-93, the Board of Education and Superintendent of Public Instruction reviewed 4,517 waivers and in 1994-95, the Commission reviewed 5,211.

After accepting the responsibility for waivers in 1994, the evident impact to the Commission was the increased staff time required to establish policies and procedures for processing the waiver requests. The Commission continuously reassesses the policies, guidelines and procedures that govern the waiver structure. Examples of this are the September 1995 amendments to the waiver regulations, a current proposal to amend §80125, creating clearer and better organized methods of presenting the waiver requests to the Commission members, reviewing the waiver request flow through the Commission, and establishing and updating the communication system with the employer regarding needed information.

Also felt was the increased staff time required to evaluate individual waiver requests. The Commission is responsible for evaluating each of these requests based on the employing agency's needs and the qualifications of the individual. The justification of the employer's needs and the academic background and probability of meeting credential requirements for each individual is subject to an in-depth evaluation. Waiver reviews require the equivalent in time and

knowledge to that required in reviewing a difficult credential application by a veteran evaluator. Initially, one Associate Governmental Program Analyst (AGPA) and one office technician were re-assigned from non-waiver duties to perform these functions. This forced the AGPA to work hundreds of hours of overtime to meet the needed deadlines established within the waiver regulations. Later a Certification Officer II (CO II) was re-assigned half time to assist the AGPA. Currently, it is requiring the following: one AGPA-100%, one AGPA-50%, one AGPA-25%, one CO III-25%, one CO II-50% to 75%, and one office technician-100%.

As with any added responsibility of this type and magnitude, there have also been increases to operational costs such as printing waiver documents, requests for additional information (reject letters), agenda items presenting the waiver request to the Commission Members, and denial letters; postage to mail the printed materials; and communication charges for telephone calls and faxes to individuals and employers.

In addition to this, the waivers have had an impact on other sections of the Commission. The following are examples of this.

- Certification Division Director: developing policies and preparing agenda items for the Commission's review.
- Commission Members: determining policies and standards for the waiver structure and reviewing waiver cases.
- Information Management Section: changing the Commission's computer system (CAS) to process and monitor waiver requests, and creating programs to generate data on waivers issued by category.
- Microfilm/Fingerprint Unit: submitting fingerprint cards to the Department of Justice and the Federal Bureau of Investigations and tracking unclassifiable cards for waiver applicants who hold no other type of document.
- Division of Professional Practices: reviewing the background of individuals whose moral fitness or professional conduct is in question.
- Information Services: responding to questions regarding general waiver policies and procedures, and to concerns regarding specific waiver requests from employers and individuals.
- Quality Control Section: reviewing letters sent requesting additional information, granted waiver documents and denial letters for clarity and accuracy.
- Cashiering Section: inputting each waiver request into the computer system.
- Certification Support Section: tracking waiver requests.

The Commission received 5,211 waiver requests for the 1994-95 fiscal year. Recent amendments to Title 5, Sections 80023 through 80026.6 created emergency permits for resource specialists and teachers of limited English proficient (LEP) pupils. The Commission processed over 800 waiver requests for these types of authorizations. All would not have qualified for an emergency permit but assuming that they had and that waiver requests in other credential areas will remain relatively constant, the anticipated annual revenue from waiver fees would equal \$308,770 (4,411 requests x \$70).

Documents Relied Upon in Making Determination to Change These Regulations

1. Survey of Waiver Requests
2. Budget Change Proposal for 1994-95: Implement the Legislative Mandates to Review Requests for the Waiver of Credential Requirements and Issue Emergency Permits
3. An Integrated System of Waivers and Emergency Permits: Proposed Regulations to Govern Waivers, Proposed Regulations to Govern Emergency Permits, and Advisory to Local Educational Agencies
4. Budget Change Proposal for 1996-97: Staffing for the effective Implementation of the Waiver Authority
5. Governor's Budget for 1995-1996

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments on the proposed actions. The written comment period closes at 5:00 p.m. on January 31, 1996.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

Submission of Written Comments

A response form is attached for your use when submitting written comments to the Commission. Please send it to the Commission at 1812 9th Street, Sacramento, CA 95814-7000, so it is received at least one day prior to the date of the public hearing.

Public Hearing

Oral comments on the proposed action will be taken at the public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda. Please contact Dr. Ruben L. Ingram at (916) 445-0184 regarding this.

Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide twenty-five copies. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

Modification of Proposed Actions

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

Contact Person/Further Information

Inquiries concerning the proposed action may be directed to Linda Bond, telephone (916) 327-0586. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. Also available upon request is a copy of the proposed action written in plain English, at the eighth grade level. In addition, all the information upon which this proposal is based is available for inspection and copying.

Attachments

COMMISSION ON TEACHER CREDENTIALING

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

**PROPOSED AMENDMENT TO SECTION 80122
PERTAINING TO WAIVER FEES**

SECTION 80122. Requirements for Variable Term Waivers.

The application for a ~~variable-term~~ waiver document 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.
- (l) Fee(s). Effective July 1, 1996, the waiver request shall include payment of the fee(s) required by Section 80487.

NOTE: Authority Cited: Section 44225(q), Education Code. Reference: Section 44225, subdivisions (g) and (m) and 44235, Education Code.

COMMISSION ON TEACHER CREDENTIALING

1812 Ninth Street
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(916) 445-0184
FAX (916) 327-3166



Attn.: Ruben L. Ingram, Ed.D.
Executive Director

Title: *Waiver Fees*
Section No.: 80122

Response to the Attached Title 5 Regulations

So that the Commission on Teacher Credentialing can more clearly estimate the general field response to the attached Title 5 regulations, please return this response form to the Commission office at the above address by 5 pm on January 31, 1996, in order that the material can be presented at the February 1, 1996 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 side of this sheet.)

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

Signature: _____ Date: _____

Printed Name: _____

Title: _____ Phone: _____

Employer/Organization: _____

Mailing Address: _____