

# **Proposed Changes to Credential Waiver Criteria to Comply with No Child Left Behind**

January 16, 2003

## **Summary**

The Federal *No Child Left Behind Act* of 2001 (NCLB) requires that new teachers hired to teach in Title I schools after July 1, 2002 be “highly qualified.” In addition, all teachers teaching in core academic subjects will be required to be “highly qualified” by the end of the 2005-06 school year. In response to these requirements, staff at the Commission on Teacher Credentialing (CCTC) is proposing changes to the Commission’s credential waiver criteria to align it with the requirements of NCLB.

## **Fiscal Impact**

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

## **Policy Issues to be Resolved**

Should the Commission change its credential waiver criteria to be in alignment with NCLB?

## **Background**

The State Board of Education is responsible for developing California’s plan to comply with all NCLB requirements including the development of a plan to meet the NCLB requirements for “highly qualified” teachers. While these requirements have not been defined completely, it is clear that the definition of “highly qualified” in NCLB does not include teachers serving on credential waivers. It appears that the skill sets in NCLB include the following:

- Bachelor’s Degree;
- Passage of CBEST;
- Subject matter competence;
- Character fitness; and
- Either be credentialed or be enrolled in a program that leads to a credential.

Teachers serving on credential waivers have not completed at least one or more of the skill sets that are defined in NCLB. NCLB requires all new teachers being placed in classrooms receiving Title I funding must be “highly qualified.” School districts may be in jeopardy of losing Title I funding when teachers serve on credential waivers and are providing services in Title I classrooms or schools. During the 2005-06 school year, all elementary, secondary (in core area), and special education teachers serving on credential waivers will not be in compliance with the requirements of NCLB.

Since July 1, 1994, the Commission on Teacher Credentialing has had the authority to issue waiver documents that are expressly for educator preparation and credentialing, and with the ability of employers to employ or assign persons who are not appropriately credentialed for their assignment.

When an employing agency reviews its staffing needs and starts recruiting for various positions, it first attempts to fill a position with an appropriately credentialed employee. If a credentialed individual is not available, the employer searches for an individual who qualifies for an Internship Credential, an Emergency Permit, or under one of the assignment options available to employers including a short-term waiver. When the employer is unable to find an individual who would qualify under one of the above staffing options, it then requests a variable term waiver.

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

The proposal to restrict credential waivers is not unprecedented. In November 1996, the Commission took action to restrict Multiple Subject credential waivers from class size reduction classrooms. The intent of Senate Bill 1777 (Chapter 163, Statutes 1996) (O'Connell) to reduce classes to 20 pupils in grades kindergarten through third was directly related to the public concern about the relatively poor scores achieved by California students on reading proficiency assessments. The Commission adopted the waiver policy based on the fact that it was difficult to make the case that teachers on a credential waiver are well-prepared for the complex task of teaching young children to read.

This proposed plan is the second step in aligning Commission policies with NCLB. During the December 2002 Commission meeting, the Commission approved a plan to design an individualized internship program based on the NCLB skill sets outlined above. The Commission is now being asked to consider proposed changes to the credential waiver criteria to bring the credential waiver process into alignment with NCLB.

### **Proposed Changes in Credential Waiver Criteria**

#### **Waivers issued July 1, 2003 or later**

- No longer initially issue Multiple Subject, Single Subject (in NCLB core areas of English, reading or language arts, mathematics, science, foreign languages, social

science and arts), and Education Specialist credential waivers to individuals serving in Title I funded positions.

- The Commission will continue to issue Multiple Subject, Single Subject (in NCLB core areas) and Education Specialist credential waivers to individuals who are not serving in a Title I position. These waivers will be issued for one year with no subsequent waivers being issued.
- The Commission will no longer waive a bachelor's degree for any type of credential waiver.
- Existing criteria except for the proposed change in the bachelor's degree criteria will continue to apply to all other types of waivers.

A July 1, 2003 implementation date is being proposed to allow school districts sufficient notice of the proposed criteria changes prior to employment decisions for the 2003-2004 school year.

**Waivers issued July 1, 2005 or later**

- The Commission will no longer issue any Multiple Subject, Single Subject (in NCLB core areas: English, reading or language arts, mathematics, science, foreign languages, social science and arts), and Education Specialist credential waivers.
- The Commission will continue to use existing criteria (except for the BA waiver) for single subject (non-core), specialist and services waivers.

If this proposed plan is acceptable to the Commission it will be brought back to the March 2003 meeting for action.

**PROPOSED CHANGES TO CREDENTIAL WAIVER REQUESTS -- CHART OF CRITERIA**

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

Proposed Changes to Credential Waiver Requests--Chart of Criteria

TYPE OF WAIVER	FIRST TIME			SUBSEQUENT		
	CONSENT	CONDITIONS	DENIAL	CONSENT	CONDITIONS	DENIAL
<p><b>DEGREE OR PROGRAM</b></p> <p><i>This includes needing subject matter course work or exam for Emergency Multiple or Single Subject Permit</i></p> <p><i>Bachelor's degree waivers are issued for one year only, except for 30-Day Substitutes</i></p>	<p>-meets all general criteria</p> <p><b>NOTE:</b> <del>Bachelor's degree waiver must have at least 90 sem hrs to go on the consent calendar AND statement from IHE giving date degree will be awarded</del></p> <p><b>NCLB – No subsequent waiver</b></p>	<p>-not a state-wide shortage area (Administrative Service, Pupil Personnel Services, Single Subject in a non-shortage area), but need &amp; qualifications well justified by employer</p> <p><b>CONDITION:</b> <b>DEGREE:</b> <del>12 sem hrs toward degree for SUB-ONLY</del> <i>or</i> <b>PROGRAM:</b> <del>enrollment in credential program &amp; 12-sem hrs</del> <i>or</i> <b>COURSE WORK</b> <del>units needed to qualify for Emergency Multiple or Single Subject Permit</del></p> <p><b>NCLB – No subsequent waiver</b></p>	<p>-did not meet all general criteria</p> <p><i>or</i></p> <p>-denied an appeal because didn't complete renewal requirements</p> <p><i>or</i></p> <p>-validation of service denied for this position</p> <p><i>or</i></p> <p>-identified as misassigned &amp; no other attempt made to correct the problem</p>	<p>-justification, support &amp; public notice/employer &amp; personnel evaluation &amp; <b>SERVICES</b></p> <p>-letter from IHE describing status &amp; <del>admitted to IHE for degree (SUB-ONLY)</del> <i>or</i> enrolled in program and &amp; completed 12 sem hrs for <del>degree or</del> program</p> <p><b>EMERGENCY PERMIT</b> 6 sem hrs toward subject matter program</p> <p>NOTE: For second waiver may have enrollment OR course work; all subsequent waivers need both</p>	<p>-no subsequent <del>degree or</del> program waivers will appear on the conditions calendar</p> <p><i>or</i></p> <p>-did not enroll in a program or complete any course work &amp; has no extenuating circumstances</p> <p><i>or</i></p> <p>-completed fewer than 12 sem hrs for <del>degree or</del> program</p> <p><i>or</i></p> <p>-<del>applying for a subsequent degree waiver for other than SUB regardless of extenuating circumstances</del></p>	<p><del>-for SUB-ONLY: did not gain admission to an IHE for a degree or complete any course work &amp; has no extenuating circumstances</del></p>
<p><b>CBEST &amp; PROGRAM</b></p>	<p>-same as initial CBEST waiver</p>	<p>-same as initial CBEST waiver</p> <p><b>CONDITION:</b> <del>same as CBEST waiver plus take 6 sem hrs toward degree (SUB-ONLY) or 3 sem hrs in program</del></p>	<p>-same as initial CBEST waiver</p>	<p>-same as subsequent CBEST waiver, <del>plus completed 6 sem hrs for degree (SUB-ONLY)</del> <i>or</i> 3 sem hrs in program <del>or 90 clock hours on Plan to Develop</del></p>	<p>-same as subsequent CBEST waiver</p>	<p>-did neither CBEST nor course work &amp; no extenuating circumstances</p>

Proposed Changes to Credential Waiver Requests--Chart of Criteria

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

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

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

**Effective July 1, 2003 the Commission will not initially issue a credential waiver to employing agencies requesting a waiver for a Title I funded position.**