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Action

Credentialing and Certificated Assignments Committee

Policy Issues Pertaining to the Variable Term Waiver for the Speech-Language Pathology Services Credential

Executive Summary: This agenda item presents proposed criteria for the initial issuance and reissuance of a Variable Term Waiver (VTW) for the Speech-Language Pathology (SLP) Services Credential and requests that the Commission delegate authority to staff to approve or deny requests for these waivers based on the adopted criteria.

Policy Questions: Do the proposed criteria establish appropriate minimum standards of competency for an SLP providing services under a VTW?

Does the Commission wish to delegate authority to staff to grant or deny such waivers?

Recommended Action: That the Commission adopt the proposed criteria for the initial issuance and reissuance of a Variable Term Waiver for the Speech-Language Pathology Services Credential, and authorize staff to approve or deny VTWs that meet adopted criteria.

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Strategic Plan Goal:

I. Educator Quality

- ◆ Effectively, efficiently, and fairly monitor the fitness of all applicants and credential holders to work with California students.

Policy Issues Pertaining to the Variable Term Waiver for the Speech-Language Pathology Services Credential

Introduction

The Speech-Language Pathology (SLP) Services Credential allows an individual to provide services as a speech-language pathologist in California public schools. This agenda item presents proposed criteria for the Variable Term Waiver (VTW) for the SLP Services Credential and requests that the Commission delegate authority to staff to approve or deny requests for these waivers based on the adopted criteria.

Staff proposes that the current criteria be strengthened for both initial issuance and reissuance of the VTW for the SLP Services Credential. In brief, the following criteria are proposed for the issuance and reissuance of a VTW for the SLP Services Credential:

- a) require a bachelor's degree in Speech-Language Pathology, Communicative Disorders or a closely aligned field or hold a valid Multiple Subject Teaching or Education Specialist Instruction Credential;
- b) require specific criteria for reissuance of the VTW that include clear definitions for the terms "progress toward the credential" and "inability to enroll" in a Commission-approved SLP Services Credential program; and
- c) establish a limit on the total number of VTWs for the SLP Services Credential to a maximum of five (or seven) if specified criteria are met for reissuance.

If the Commission were to adopt the proposed criteria, and authorize staff to approve or deny VTWs that meet the adopted criteria, staff would then approve or deny employer requests for VTWs for the SLP Services Credential based on the adopted criteria.

Background

Credential waivers are an employment option available to local education 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 legally assign individuals who are not appropriately credentialed. The current regulations pertaining to the issuance and subsequent reissuance of a VTW are provided in *Appendix A*.

The VTW allows the employing agency to fill the assignment while searching for a fully credentialed educator and gives the waiver holder additional time to complete the requirements for the associated credential. Waiver Criteria are set by the Commission and include specific requirements including verification of recruitment efforts, evidence of qualifications for the assignment and a commitment by the educator to meet the credential

goals. Variable Term Waivers are restricted to service with the local education agency that is granted the Waiver and are generally issued for one school year with specific criteria set for the reissuance of a subsequent Waiver.

While the VTW for the SLP Services Credential is a document restricted to service with the employing agency that requested the waiver, the authorization of the SLP VTW is the same as the SLP Services Credential.

The Speech-Language Pathology Services Credential authorizes the holder to conduct Language, Speech, and Hearing Assessments and provide Educational Services, provide specific learning disability area services related to speech and language, and special education services to individuals with language and speech impairments across the special education disability areas, to students from birth through age 22 in services across the continuum of program options available.

Terms and Definitions:

Language, Speech, and Hearing Assessments: Assessments includes procedures, techniques, and instrumentation, both formal and informal, used to assess the speech and language status of children and the implications of speech/language disorders in a school or educational setting. The assessment includes the screening, evaluation, and interpretation of test results and referrals for further evaluation for treatment.

Educational Services: Educational Services include the development of speech and language goals and objectives and the delivery of speech and language services as determined by an Individual Education Program (IEP), Individual Family Service Program (IFSP), and/or Individual Transition Plan (ITP) developed by the educational team that directly result from the student's speech and language disability. The goals and objectives are driven by the specific speech and language disorder needs of the student in accordance with state and federal laws and regulations. Educational services include the use of information and strategies that measure student progress on goals, effectiveness of accommodations/modifications, and the need for any changes in speech and language support and services. Consultation, collaboration, and speech/language academic support with teachers in the student's speech and language-based academic success is included.

Educational Assessment: Assessment of students in a comprehensive manner within the authorization of the added authorization using multiple sources of information and a variety of strategies that directly measure a student's performance to meet goals in areas of grade-level academic curriculum and/or functional goals designed to meet the Individualized Education Program (IEP), Individualized Family Service Program (IFSP), and/or Individualized Transition Plan (ITP) goals and objectives regarding eligibility and services that directly result from the student's disability according to state and federal accountability systems. The assessment process may include both formal and informal assessments to evaluate students' educational instruction needs and strengths for the purpose of making accommodations, modifications, and instructional decisions.

Special Education Support: Support includes participation in the IEP, IFSP, and/or ITP process including planning and implementation of the student’s IEP, Individualized Family Service Program, and/or Individualized Transition Plan; providing consultative, collaborative, and coordinating instruction with students, parents, teachers, and other community and school personnel; planning, developing, and implementing instructional program plans relative and within the authorization of the credential or added authorization. Special Education Support does not include providing speech, language and hearing, orientation and mobility, or audiology services.

Speech-Language Pathology Services Credentials

Current law, Education Code Section 44265.3, establishes the Speech-Language Pathology (SLP) Services Credential as a two-tiered credential, Preliminary and Clear. The two-year Preliminary Credential is the first document issued after an individual completes a Commission-approved program and meets additional specific requirements. Individuals issued the preliminary credential are making a commitment to complete the additional requirements to earn a clear credential.

There are currently 16 Commission-approved program sponsors that offer SLP credential programs. *Table A* shows a steady increase in the number of SLP credentials issued in the past five years for both California and out-of-state prepared individuals. Institutions of Higher Education (IHE) recommendations had a 41.6 percent increase and Direct (out-of-state) applications increased by 55.9 percent. Overall, the number of SLP Services Credentials issued increased by 44.8 percent between 2008-09 and 2012-13.

Table A. Speech-Language Pathology Services Credentials Issued, 2008-09 to 2012-13

	2008-09	2009-10	2010-11	2011-12	2012-13	5-year Change (%) from 2008-09 and 2012-13
Direct Applications	102	114	125	130	159	55.9%
IHE Recommendations	344	395	379	428	487	41.6%
Totals	446	509	504	558	646	44.8%

Note: Data include new credentials only; do not include renewals. SLP authorization became effective 1/1/2007. Prior to 2007 SLPs were issued a Clinical and Rehabilitative Services Credential in Language, Speech and Hearing.

Despite the significant increase in new SLP credentials, the number of VTWs for positions requiring these authorizations continues to be relatively high in comparison with other VTWs issued by the Commission. *Table B* reports the number of SLP Waivers issued between 2008-09 and 2012-13. The number of Waivers increased slightly between 2008-09 and 2009-10 and then declined in the past three years. Overall, there was a decrease of Waivers by 19.1 percent in the past five years. There are no emergency permits issued for SLP.

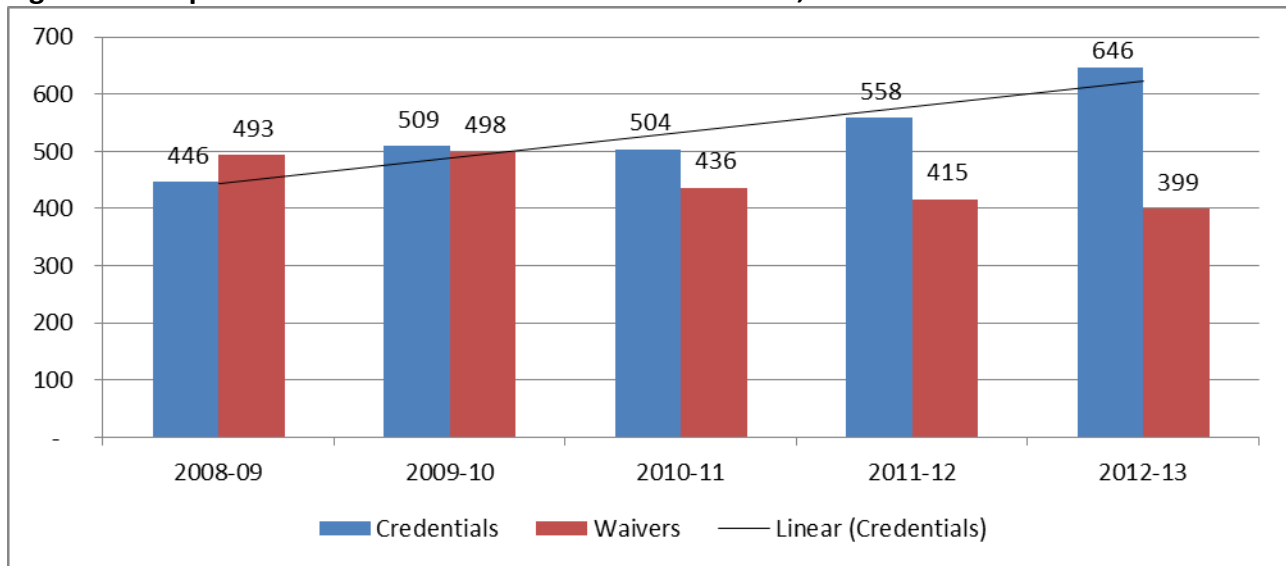
Table B. Speech-Language Pathology Services Credential Waivers Issued, 2008-09 to 2012-13

	2008-09	2009-10	2010-11	2011-12	2012-13	5-year Change (%) from 2008-09 to 2012-13
Waivers	493	498	436	415	399	-19.1%

Note – Waiver data include both initial issuance and subsequent reissuances. Data include previously issued Clinical and Rehabilitative Services Credential Waivers in Language, Speech and Hearing.

Figure 1 shows that the total number of SLP Services Credentials issued increased steadily in the past five years while there was a downward trend in the number of SLP waivers issued.

Figure 1. Comparison of SLP Credentials and Waivers Issued, 2008-09 to 2012-13



Policy Issues Pertaining to the Issuance of a Variable Term Waiver for Speech-Language Pathology Services Credentials

In reviewing the most recent full year of Commission data from 2013, the VTW for the SLP Services Credential represents the largest population of waivers issued (38%). Concerns have been expressed by stakeholders during meetings held by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (SLPAHADB) that the Speech-Language Pathologist providing services under a VTW may not be practicing based on a minimal level of competency. Currently, the SLP VTW holder is not required to hold a bachelor’s or master’s degree specifically aligned with Speech-Language Pathology or Communicative Disorders, pass the associated Praxis exam, or complete any clinical practice under the supervision of a licensed SLP.

At issue is the disparity in preparation and qualification for a SLP VTW holder and that of a fully credentialed SLP. As the SLP provides a clinical service with evaluation and treatment, the primary concern is that all individuals providing this service meet some minimum standards of competency in order to protect the health, safety, and welfare of California students.

Staff developed a concept paper with data about the number of SLP credentials awarded annually and the number of SLP VTWs. The document was shared widely—with key stakeholder groups, the programs that prepare Speech-Language Pathologists, and the California Speech Language and Hearing Association (CSHA). The need to revise the criteria for the VTW for the SLP Services Credential was supported by all who provided feedback. The specific criteria have been modified slightly from the concept paper based on the feedback received.

Proposed Changes and Rationale for the VTW for the SLP Services Credential

Staff proposes that the criteria be strengthened for both initial issuance and reissuance of the VTW for the SLP Services Credential. The options identified would increase assurance that individuals in the schools who hold VTWs for the SLP Services Credential meet appropriate minimum standards of competency to be an SLP and are on the preparation pathway towards becoming a fully certified SLP.

Current Criteria 1: Degree Requirement for Initial Issuance

Issuance of an initial VTW for the SLP Services Credential requires a bachelor’s degree or higher in any subject area from a regionally accredited college or university.

In reviewing data from May 2004 to May 2014, a total of 1,851 educators were issued one or more SLP VTWs for a total of 4,295 SLP VTW documents issued. Further analysis of the data for these 1,851 individuals illustrates several key points regarding their qualifications at the issuance of their initial VTW as well as the average number of waivers issued per person during this time period.

Table C provides data on the number of educators issued a first-time SLP VTW with an allied degree in Speech-Language Pathology, Communicative Disorders, or a closely related field during the 10 year period. This table also provides a distribution by degree type for allied degree holders. Approximately 45% of individuals issued a first-time VTW in SLP do not have an allied degree. For the 55% of individuals who hold an allied degree, 90% hold a Bachelor’s degree, without an advanced degree.

Table C. Number of Persons Issued First-Time SLP VTW with Allied and Non-Allied Degrees and Distribution by Degree Type for Allied Degree Holders, 2004-2014

	#	%	Distribution by Degree*			
			B	F	M	D
Number of persons with an allied degree at time of first waiver	1,020	55.1%	914	2	102	2
Number of persons without an allied degree at time of first waiver	831	44.9%	89.6%	0.2%	10.0%	0.2%
Total number of persons to whom SLP waivers were issued during period	1,851					

*Degree Codes: B=Bachelor’s; F=Fifth Year of Study Beyond Bachelor’s; M=Master’s; D=Doctorate

Stakeholders provided feedback that transitioning current Multiple Subject and Education Specialist teachers into vacant Speech-Language Pathology positions has served as a successful recruitment pipeline when they were unable to fill the vacancy with a fully credentialed or licensed Speech-Language Pathologist. They report smoother transitions for these credential holders as their background in phonetics, instructional strategies, special populations, and the Individualized Education Program (IEP) provide complementary background in conjunction with their experience in providing instruction in public school settings. Additionally, stakeholders report that educators recruited via this pipeline often elect to continue serving in the public schools following completion of their program rather leaving for other employing agencies.

Proposed Criteria 1: Degree Requirement for Initial Issuance

Require initial applications for a VTW for the SLP Services Credential to hold one of the following:

- a. Bachelor's degree in Speech-Language Pathology, Communicative Disorders or a closely aligned field for the initial issuance of a VTW for the SLP Services Credential; or
- b. Valid Multiple Subject Teaching or Education Specialist Instruction Credential.

Current Criteria 2: Program Enrollment Required for Initial Issuance

Prior to issuance of an initial VTW for the SLP Services Credential, the individual is required to enroll in a Commission-approved SLP Services Credential program or verify an 'inability to enroll' in a program. The option of attempted enrollment in a program was initially identified in the criteria because SLP Services Credential programs admit a limited number of candidates each year.

However, an individual applying for the VTW for the SLP Services Credential may provide verification from an approved program that planned enrollment was denied for failing to meet minimum program admission criteria (e.g., lack of appropriate prerequisite degree or coursework, GPA below required minimum, or low Graduate Record Exam score). The VTW may be issued based on a degree in any field but entry into a Commission-approved SLP Services Credential program usually requires either an undergraduate degree in Speech-Language Pathology or Communicative Disorders or appropriate equivalent prerequisite coursework.

Proposed Criteria 2: Program Enrollment Required for Initial Issuance

Individuals applying for an initial VTW for the SLP Services Credential must satisfy one of the following criteria:

- a. Verify enrollment in a Commission-approved SLP Services Credential program; or
- b. Verify an 'inability to enroll' in a Commission-approved SLP Services Credential program. Verification of an 'inability to enroll' must include confirmation that all minimum admission requirements for a Commission-approved SLP Services Credential program were satisfied but the individual is unable to enroll due specifically to limitations of space in all accessible Commission-approved programs (i.e., within 100 miles or available online) or due to a mismatch

between the requested initial employment date and the program enrollment date; or

- c. Hold a valid Multiple Subject Teaching or Education Specialist Instruction Credential and verify intent to enroll in a minimum of six semester units of coursework in Speech-Language Pathology or Communicative Disorders appropriate for admission to a Commission-approved SLP Services Credential program.

Current Criteria 3: Requirements for Reissuance

Currently, in order to qualify for a reissuance of the VTW for the SLP Services Credential, applicants must demonstrate 'adequate progress' toward earning the credential or verify their inability to enroll in a Commission-approved SLP Services Credential program. In some cases, applicants continue to verify their 'inability to enroll' in a Commission-approved SLP Services Credential program in order to satisfy the criteria for reissuance.

Proposed Criteria 3: Requirements for Reissuance

- a. Demonstrate adequate progress toward earning the SLP Services Credential by providing verification of a minimum of 6 semester units toward completion of a Commission-approved SLP Services Credential program; or
- b. For individuals who hold a valid Multiple Subject Teaching or Education Specialist Instruction Credential, verify completion of 6 semester units of coursework in Speech-Language Pathology or Communicative Disorders necessary for admission in a Commission-approved SLP Services Credential program; or
- c. For individuals with a Bachelor's degree in Speech-Language Pathology, Communicative Disorders or a closely aligned field who request reissuance but verify an 'Inability to enroll' in a Commission-approved SLP Services Credential program, reissuance will be dependent on confirmation that all minimum admission requirements for a Commission-approved SLP Services Credential program were satisfied but the individual is unable to enroll due specifically to limitations of space in all accessible Commission-approved programs (i.e., within a 100 miles or available online).

Current Criteria 4: Number of Reissuances

Individuals are eligible for an unlimited number of issuances of SLP VTW if they continue to complete either 6 semester units in a Commission-approved SLP Services Credential program or verify their 'inability to enroll' in a Commission-approved program. No distinction is made for the reason individuals are unable to enroll in the program including not meeting minimum program requirements for admission. During the ten year period of data reviewed, a limited number of individuals held up to 10 reissued VTWs for the SLP Services Credential. However, a large majority (80%) hold a VTW for the SLP Services Credential for 3 years or less.

Analysis of 10 years of data (2004-2014) indicates that approximately 63% of the individuals issued VTWs for the SLP Services Credential during this period have yet to earn a Preliminary SLP Services Credential. This suggests that the majority of individuals serving on an SLP VTW

either do not qualify to enter a program, do not complete a program, and/or may not intend to enter the profession long-term. During this same 10 year period there were 5,991 SLP Services Credentials issued and approximately 91% of those individuals did not previously hold a VTW for the SLP Services Credential. These data suggest that the VTW for the SLP does not serve as a common pathway into the profession and that individuals serving on these documents may not be completing additional preparation for the credential while continuing to serve.

Proposed Criteria 4: Number of Reissuances

Limit the number of VTWs for the SLP Services Credential to no more than five total issuances, with the option for an employer to request up to two more reissuances for the following specific circumstances:

- a. Hold a valid Multiple Subject Teaching Credential or Education Specialist Instruction Credential and verify active enrollment in a Commission-approved SLP Services Credential program. A minimum of six semester units in the approved program must be completed for each of the two subsequent reissuances; or
- b. Individual qualified for one or more reissuances based on a valid medical appeal as outlined in Credential Leaflet AL-3 in the *References of Appendix B* and verifies active enrollment in a Commission-approved SLP Services Credential program.

Stakeholders indicate that completion of this graduate program within five years may be challenging for individuals who hold a valid Multiple Subject Teaching or Education Specialist Instruction Credential and must complete program prerequisite coursework equivalent to an undergraduate degree major in Speech-Language Pathology or Communicative Disorders prior to admission into the program. Additionally, five years would be a challenging completion timeframe for individuals with valid medical appeal(s) during the five years.

Comparison of Proposed and Current Criteria for the Issuance of the Variable Term Waiver for the Speech-Language Pathology Services Credential

The following tables represent a summary of the proposed criteria for the issuance and reissuance of the Variable Term Waiver (VTW) for the Speech-Language Pathology (SLP) Services Credential.

All requests for the initial issuance of a VTW based on completion of a Commission-approved program for the SLP Services Credential must currently meet the criteria in the left hand column. The proposed criteria are provided in the right column.

Current Criteria for Initial Issuance	Proposed Criteria for Initial Issuance
Hold a bachelor’s degree in any area	Hold a bachelor’s degree in Speech-Language Pathology, Communicative Disorders or a closely aligned field; <u>or</u> Hold a valid Multiple Subject Teaching or Education Specialist Instruction Credential.

Current Criteria for Initial Issuance	Proposed Criteria for Initial Issuance
<p>Verify enrollment in a Commission-approved SLP Services Credential program</p> <p><u>or</u></p> <p>Verify inability to enroll in a Commission-approved SLP Services Credential program</p>	<p>Verify enrollment in a Commission-approved SLP Services Credential program;</p> <p><u>or</u></p> <p>Verify 'inability to enroll' in a Commission-approved SLP Services Credential program. Verification must include confirmation that all admission requirements for the program were satisfied. Individual is unable to enroll due to limitations of space in all accessible programs or based on a mismatch between employment date and program enrollment date;</p> <p><u>or</u></p> <p>Hold a valid Multiple Subject or Education Specialist Instruction Credential and verify intent to enroll in a minimum of 6 semester units of coursework in Speech-Language Pathology or Communicative Disorders appropriate for admission into a Commission-approved program.</p>
Satisfy the Basic Skills Requirement	Satisfy the Basic Skills Requirement

All requests for the subsequent reissuance of a VTW based on completion of a Commission-approved program for the SLP Services Credential must currently meet the criteria in the left hand column. The proposed criteria are provided in the right column.

Current Criteria for Reissuance	Proposed Criteria for Reissuance
<p>Demonstrate 'adequate progress' toward earning the credential</p> <p><u>or</u></p> <p>Verify 'inability to enroll' in a Commission-approved SLP program and completion of 6 semester units of coursework in Speech-Language Pathology or Communicative Disorders</p>	<p>Demonstrate 'adequate progress' toward earning the credential by providing verification of a minimum of 6 semester units toward completion of a Commission-approved SLP Services Credential program;</p> <p><u>or</u></p> <p>For individuals holding a valid Multiple Subject Teaching or Education Specialist Instruction Credential, verify completion of 6 semester units of coursework in Speech-Language Pathology or Communicative Disorders necessary for admission in a Commission-approved SLP Services Credential program;</p> <p><u>or</u></p> <p>For individuals who hold a Bachelor's degree in Speech-Language Pathology or Communicative Disorders, verification of an 'inability to enroll' must include confirmation that all minimum admission requirements for all accessible Commission-approved program were satisfied but the individual is unable to enroll due to limitations of space in the programs</p>
No limit on number of issuances of the VTW for the SLP Services Credential	Limit the total number of issuances of the VTW for the SLP Services Credential to five, with an option under specific circumstances for two additional VTW requests

Staff Recommendation

Staff recommends that the Commission adopt the proposed criteria identified in this item for the initial issuance and reissuance of the Variable Term Waiver for the Speech-Language Pathology Services Credential. In addition, staff recommends that the Commission delegate

authority to staff to approve or deny VTW requests for the SLP Services Credential based on the criteria adopted by the Commission.

Next Steps

If the Commission were to adopt the proposed criteria, and authorize staff to approve or deny VTWs that meet the adopted criteria, staff would then approve or deny employer requests for VTWs for the SLP Services Credential based on the adopted criteria for those applications submitted with an effective issuance date of January 1, 2015 or later.

Appendix A

California Code of Regulations, Title 5 Sections 80121, 80122, 80124 and 80125 Pertaining to Variable Term Waivers

§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 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,
 - (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.
- (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. The agenda item must state the name of the applicant, the assignment in which the applicant will be employed including the subject(s) and grade level(s) that he or she will be teaching and that the applicant will be employed on the basis of a credential waiver.

(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. The notice must state the name of the applicant, the assignment in which the applicant will be employed including the subject(s) and grade level(s) that he or she will be teaching and that the applicant will be employed on the basis of a credential waiver.

(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. Waiver requests for individuals who hold a valid non-emergency teaching credential based on possession of a baccalaureate degree from a regionally accredited institution and completion of a professional preparation program that includes student teaching shall include payment of the fee(s) required by all sub-sections of Section 80487, as appropriate, except 80487(a)(1).

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

§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.

Appendix B

References

1. Credential Information Leaflet CL-879
Speech-Language Pathology Services Credentials
<http://www.ctc.ca.gov/credentials/leaflets/cl879.pdf>
2. Credential Information Leaflet AL-3
Extensions by Appeal for Credentials and Permits
<http://www.ctc.ca.gov/credentials/leaflets/al3.pdf>
3. *Waiver Requests Guidebook, Edition 2014*
<http://www.ctc.ca.gov/credentials/manuals-handbooks/WaiverHandbook.pdf>