

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

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Coded Correspondence #96-9618

DATE: September 16, 1996

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

FROM: Sam W. Swofford, Ed. D.
Executive Director

SUBJECT: Approved Amendments of Section 80125 of Title 5, California Code of Regulations, Concerning Late or Incomplete Waiver Requests

The Office of Administrative Law has approved amendments to Section 80125 of Title 5, California Code of Regulations, concerning late or incomplete waiver requests. These regulations, which will become effective October 4, 1996, establish a deadline for the submission and resubmission of waiver requests to the Commission and establish the consequences of submitting a waiver request after the deadline.

Many districts are in the process of implementing the Class Size Reduction Program. The Commission is aware of the extra workload this has placed on district personnel offices. The Commission will accept Class Size Reduction as an extenuating circumstance for submitting a variable term waiver request at the fourth Commission meeting following the beginning date of service. This process is explained fully under "Fourth Meeting With Extenuating Circumstances".

THREE MEETING DEADLINE

All waiver requests 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 employer must submit the waiver request in time to be reviewed by the Appeals and Waivers Committee within three Commission meetings of the beginning date of service.

FOURTH MEETING WITH EXTENUATING CIRCUMSTANCES

If extenuating circumstances exist that are beyond the control of the employing agency and/or the applicant, the waiver request may be submitted in time to be reviewed by the Committee by the fourth Commission meeting following the applicants beginning date of service. A full explanation of the extenuating circumstances must accompany the waiver request.

FOURTH MEETING WITHOUT EXTENUATING CIRCUMSTANCES

Waiver requests submitted in time to be reviewed by the fourth Committee meeting following the beginning date of service that have no acceptable explanation of extenuating circumstances are included on the next Committee agenda with a staff recommendation for denial because of lateness. Representatives of the employing agency may appeal the staff recommendation to the Committee, but may not present information that was not available to the staff at the time of their review of the waiver request. If the Committee votes to recommend denial of the waiver request because it is late, the recommendation is presented to the full Commission in general session for action at the same Commission meeting.

FIFTH MEETING

Waiver requests that are submitted after the deadline for the fourth Committee meeting following the beginning date of service are administratively denied by Commission staff. A notice of denial is sent to the employing agency, the applicant, and the county office of education when applicable. Upon receipt of the denial notice, the employing agency must remove the applicant from the assignment at the end of the working day.

INCOMPLETE WAIVER REQUESTS

When a waiver request is submitted within the three-Commission-meeting deadline, but it is incomplete and must be returned for additional information, the request should be resubmitted with the needed information as soon as possible, but must be submitted in time to be reviewed by the Committee at the fourth Commission meeting following the beginning date of service. The deadline date will appear on the information request letter.

Incomplete waiver requests that are submitted within the three meeting deadline, but too late to be returned to the employing agency for additional information and resubmitted in time to be reviewed by the fourth Commission meeting, are included in the next Committee agenda with a staff recommendation for denial because of missing information. The employing agency may present the needed information to the Committee at the meeting. The request is then processed through the normal procedures.

If the waiver is resubmitted too late to be reviewed by the Committee at the fourth Commission meeting it is included in the next Committee agenda with a staff recommendation for denial because of lateness. Representatives of the employing agency may appeal the staff recommendation to the Committee and must include the information requested by staff at the time of their review of the waivers. If the Committee votes to recommend denial of the waiver request because it is late, the recommendation is presented to the full Commission in general session for action at the same Commission meeting.

If the request is not resubmitted until after the deadline for the fifth Commission meeting, the request is administratively denied with no option for appeal. A notice of denial is sent to the employing agency, the applicant, and the county office of education when applicable. Upon receipt of the denial notice, the

employing agency must remove the applicant from the assignment at the end of the working day.

WAIVER SUBMISSION CHART

Attached to this coded correspondence are Waiver Submission Charts for 1996 and 1997. The charts display the beginning date of service, the submission deadline for the third Commission meeting from the original date of service, and the date and location of the Commission meetings.

WAIVER FORM

Waiver requests must be submitted on Variable Term Waiver Request form (WV1) revised 1/96 or 8/96. The new form is available in the Wavier Handbook, the Credential Handbook, or from the Commission. The Waiver Handbook and Waiver Request form can be ordered by calling (916) 445-5941.

QUESTIONS

If you have any questions about the submission time line for waiver requests, please contact our Waiver Message Center at (916) 323-7136 or e-mail us at waivers@ctc.ca.gov.

WAIVER SUBMISSION CHART FOR 1996

This chart displays the dates when a waiver needs to be submitted to meet the three meeting deadline. For example if an individual begins service on January 15, 1996, the waiver request must be submitted by April 12, 1996 to be considered on time. If extenuating circumstances exist the employing agency is given an extra meeting to submit a waiver request. Using the above example, a waiver request with extenuating circumstances could be submitted as late as May 10, 1996 and still be considered on time. A full explanation of the extenuating circumstances must accompany the waiver request.

BEGINNING DATE OF SERVICE	SUBMISSION DEADLINE	MEETING DATES & LOCATION
June 29- August 2, 1996	October 18, 1996	November 7-8 Hyatt Hotel, Sacramento (916) 443-1234
August 3- September 13, 1996	November 15, 1996	December 5-6 Hyatt Hotel, Sacramento (916) 443-1234

WAIVER SUBMISSION CHART FOR 1997

BEGINNING DATE OF SERVICE	SUBMISSION DEADLINE	MEETING DATES & LOCATION
September 14 - October 18, 1996	December 20, 1996	January 9-10, 1997 Viscaya 2019 21st Street, Sacramento (916) 455-5243
October 19- November 15, 1996	January 17, 1997	February 6-7 Hyatt Regency Hotel 1209 L Street, Sacramento (916) 443-1234
November 16- December 20, 1996	February 14, 1997	March 6-7 Viscaya 2019 21st Street, Sacramento (916) 455-5243
December 21, 1996- January 17, 1997	March 14, 1997	April 3-4 Hilton Hotel 2200 Harvard, Sacramento (916) 922-4700
January 18- February 14, 1997	April 11, 1997	May 1-2 Viscaya 2019 21st Street, Sacramento (916) 455-5243
February 15- March 14, 1997	May 16, 1997	June 5-6 Hyatt Regency Hotel 1209 L Street, Sacramento (916) 443-1234

BEGINNING DATE OF SERVICE	SUBMISSION DEADLINE	MEETING DATES & LOCATION
March 15- April 11, 1997	June 27, 1997	July 17-18 Hilton Hotel 2200 Harvard, Sacramento (916) 922-4700
April 12- May 16, 1997	August 1, 1997	August 21-22 Hyatt Regency Hotel 1209 L Street, Sacramento (916) 443-1234
No Meeting in September		
May 17- June 27, 1997	September 12, 1997	October 2-3 Hyatt Regency Hotel 1209 L Street, Sacramento (916) 443-1234
June 28- August 1, 1997	October 17, 1997	November 6-7 Hyatt Regency Hotel 1209 L Street, Sacramento (916) 443-1234
August 2- September 12, 1997	November 14, 1997	December 4-5 Viscaya 2019 21st Street, Sacramento (916) 455-4243

DIVISION VIII OF TITLE 5
CALIFORNIA CODE OF REGULATIONS

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 8/95) 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 received in the Commission office for review by the Appeals and Waivers Committee by the waiver submission deadline for the third Commission meeting following the beginning date of service.
 - (1) If extenuating circumstances exist that are beyond the control of the employing agency and/or the applicant, the waiver request must be received in the Commission office by the waiver submission deadline for the fourth Commission meeting following the applicant's beginning date of service. A full explanation of the extenuating circumstances must accompany the waiver request.
 - (2) Waiver requests that are received in the Commission office after the waiver submission deadline for the third Commission meeting following the beginning date of service and that have no explanation of extenuating circumstances are included in the next Committee agenda with a staff recommendation for denial because of lateness. Representatives of the employing agency may appeal the staff recommendation to the Committee, but may not present information that was not available to the staff at the time of their review of the waiver request. If the Committee votes to recommend denial of the waiver request because it is late, the recommendation is presented to the full Commission in general session for action at the same Commission meeting.
 - (3) Waiver requests that are received in the Commission office after the waiver submission deadline for the fourth Commission meeting following the beginning date of service are administratively denied by Commission staff. 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 denial notice, the employing agency must remove the applicant from the assignment at the end of the working day.
- (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. Such returned requests should be resubmitted with the needed information to the Commission

office as soon as possible, but must be received in the Commission office by the waiver submission deadline for the fourth Commission meeting following the beginning date of service. 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 appropriate credential or permit.

- (1) Waiver requests that are received in the Commission office too late to be returned to the employing agency for additional information and resubmitted in time to be reviewed by the fourth Commission meeting are included in the next Committee agenda with a staff recommendation for denial because of the missing information. New information from the employing agency may be presented to the Committee at the meeting. The request proceeds as described in subsection (d) below.
 - (2) Waiver requests that are resubmitted with additional information after the waiver submission deadline for the fourth Commission meeting following the beginning date of service are included in the next Committee agenda with a staff recommendation for denial because of lateness. Representatives of the employing agency may appeal the staff recommendation to the Committee and must include the additional information requested by staff at the time of their review of the waiver request. If the Committee votes to recommend denial of the waiver request because it is late, the recommendation is presented to the full Commission in general session for action at the same Commission meeting.
 - (3) Waiver requests that are resubmitted with additional information after the waiver submission deadline for the fifth Commission meeting following the beginning date of service are administratively denied by Commission staff. 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 denial notice, the employing agency must remove the applicant from the assignment at the end of the working day.
- (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 Division of Professional Practices, a numbered waiver document is issued. The waiver document 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, except for the reason of failure to meet the specified timelines as

described in subsections (b)(2) and (c)(2) above, 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 vote to confirm denial, to amend the Committee's decision, or to return the request to Committee for further consideration. The Commission shall mail a notice of denial the Monday following the Commission meeting to the employing agency, the applicant, and the county office of education when applicable. Upon receipt of the denial notice, the employing agency must remove the applicant from the assignment at the end of the working day.
- (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) The full Commission may vote to confirm or amend the Committee's decision. If the waiver request is approved, and following the conclusion of any fitness review that may be performed by the Division of Professional Practices, a numbered waiver document is issued. The waiver document identifies the applicant's credential goal and authorizes the service appropriate to that goal. If the full Commission votes to deny the waiver request, it shall mail a notice of denial the Monday following the Commission meeting to the employing agency, the applicant, and the county office of education when applicable. Upon receipt of the denial notice, the employing agency must remove the applicant from the assignment at the end of the working day.

NOTE: Authority Cited: Section 44225(q), Education Code. Reference: Section 44225, subdivision (m), Education Code.