

WAIVER REQUESTS GUIDEBOOK



Commission on Teacher Credentialing
Ensuring Teacher Quality

Edition 2024

The purpose of this handbook is to give employing agencies a single resource that includes all of the current information about the waiver process, when to submit a waiver, criteria for all waivers, the denial process and all forms that are necessary for a waiver request.

2024 Revision

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This guidebook is available on the Credential Information Guide (CIG) <http://www.ctc.ca.gov/credentials/cig2/manuals/WaiverHandbook.pdf>

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GLOSSARY OF TERMS

Variable Term Waiver – The Variable Term Waiver is a document issued for employers who meet the waiver criteria when a fully credentialed teacher is not available for the assignment. It allows the employer to fill the assignment while searching for a fully credentialed teacher in the subject area of the assignment and gives the waiver holder additional time to complete requirements.

Short-Term Waiver – The Short-Term Waiver gives local employing agencies the ability to cover unanticipated, immediate and short-term needs. The waiver allows employers to assign teachers who hold a basic credential to teach outside of their credential authorization for one semester or less with the teachers' consent.

Waiver Criteria – Terms for the Waiver Criteria are set by the Commission and include specific requirements for designated high and low incidence credentialing areas including verification of recruitment efforts, evidence of qualifications to teach in the assignment and a commitment to meet the credentialing goals.

High and Low Incidence Areas – Periodically the Commission conducts statistics on which credential types are in high need. Waiver requests in predominantly high need areas require less documentation and do not require submission of recruitment efforts verification.

Waiver Conditions – These are the conditions set by the Commission that the waiver holder must meet in order to qualify for a permit, credential or a subsequent waiver. These conditions are written directly on the waiver document.

Denial Letter – Letter to notify the employer that a teacher applicant does not meet the waiver criteria and must be removed from the classroom. If there is new information to support the waiver request, the employer may resubmit a request for re-evaluation.

Request for Re-Evaluation – This process allows the employer to respond to a denial letter. The Commission will reconsider the waiver request only if new information has been submitted to support the waiver. The new information submitted must respond to concerns addressed in the denial letter. All supporting coursework or experience must have been completed prior to the timeframe of the waiver request.

Precedential Decisions – Record of decisions made on cases that set precedence on waiver criteria.

INTRODUCTION

Since July 1994, the Commission on Teacher Credentialing has had the authority to issue waiver documents 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 the Superintendent of Public Instruction.

Waivers are issued or denied based upon the Commission's established criteria and factors such as an employer's continuing needs; the support the employer will provide to the applicant; or extenuating, extraordinary and unanticipated circumstances.

As of July 1, 2006, the Commission granted staff the authority to issue or deny waivers. Waivers are processed in date order of receipt. Commission staff no longer presents waivers to the Committee of Credentials for approval. See Coded Correspondence 06-0010 for details at the following link: <http://www.ctc.ca.gov/notices/coded/060010/060010.pdf>

When an employing agency reviews its staffing needs and starts recruiting for various positions, all attempts must be made to fill a position with an appropriately credentialed employee. Employing agencies are required to first recruit a candidate who is qualified to participate in and enrolls in an approved internship program in the region of the employing agency and secondly a candidate who is scheduled to complete preliminary credential requirements within six months.

If a fully credentialed candidate is not available employing agencies must recruit candidates in this order:

- A candidate who is qualified to participate and to enroll in an intern program
- A candidate who is scheduled to complete his or her preliminary credential requirements within six months
- A candidate who qualifies to use a local assignment option
- A candidate who qualifies for the Provisional Internship Permit (PIP) or the Short Term Staff Permit (STSP)

If the employer is unable to find an individual who qualifies for one of the staffing options listed above, the Variable Term Waiver may be requested for the most qualified candidate.

The Commission has divided the waiver process into two types of waivers; short-term and variable term. Short-Term Waivers give local agencies the ability to cover unanticipated, immediate and short-term needs. This waiver allows employers to assign teachers who hold a basic credential to teach outside of their credential authorization for one semester or less with the teachers' consent. For a full description and a copy of the county reporting form refer to the section under Short-Term Waivers starting on page 27.

Variable Term Waivers give the employer the ability to cover assignments when a fully qualified credentialed employee cannot be found. Waivers allow employers to meet staffing needs while searching for an individual who either holds an appropriate credential or qualifies for one of the available assignment options for the assignment. It also allows the individuals holding waivers to complete their credential requirements while serving in the classroom.

Variable Term Waivers:

- Allows the employing agency to assign identified individuals when there is an insufficient number of certificated persons who meet the specified employment criteria for the position;
- Temporarily exempt geographically isolated regions, which have severely limited ability to develop personnel from specific state requirements for educator preparation, licensing or assignment; or
- Facilitate assignments in school programs addressing issues of educational reform and other temporary conditions approved at the discretion of the Commission.

GENERAL WAIVER CRITERIA

Once the employing agency determines it has a need for a variable term waiver, it must verify that the individual has met the criteria approved by the Commission. Determinations are based upon the Commission's criteria and factors such as the employing agency's continuing need, the support the employer will provide to the applicant, or extenuating, extraordinary and unanticipated circumstances.

When Commission staff reviews a waiver request, a determining factor is how close the candidate is to qualifying for the permit or credential. Therefore, it is very important to provide all transcripts, examination scores, letters or other documentation to support that the individual has met all requirements for certification with the exception of the requirements that need to be waived.

Waiver requests must meet all of the following criteria:

Recruitment: Evidence that the employer attempted to recruit a fully credentialed teacher for the assignment through job announcement distributions, Institution of Higher Education (IHE) placement center contacts and internet recruitment through Ed Join etc. Low incidence areas must provide documentation of recruitment. Refer to the section on "High and Low Incidence Areas," page 5, for the current list of high and low incidence areas.

Qualifications: Written verification by the employing agency to explain why the applicant is the best available candidate for the position. Include all supporting materials such as degree verification, course work in the subject area, basic skills requirement, professional preparation program, and related experiences.

Assignment: Verify that the person has not been identified as misassigned in this assignment by the employing agency, or if the person has been identified as misassigned, there is evidence that action other than requesting a waiver was taken as a result of that misassignment.

Commitment: Verification that the candidate will have ongoing support and assistance in the subject area as provided by the appropriate person as determined by the employing agency. The Commission must be assured that the local employing agencies provide orientation, guidance, and assistance to candidates. The candidate must commit to completing requirements for the appropriate credential.

HIGH AND LOW INCIDENCE AREAS

Periodically the Commission reviews credential statistics to determine current high and low incidence areas. At its April 2006, meeting, the Commission took action to change the recognized credential waiver high and low incidence areas. As of July 1, 2006, new high and low incidence areas were established. Refer to Coded Correspondence 06-0006 for details at the following link: <http://www.ctc.ca.gov/notices/coded/060006/060006.pdf>

High Incidence Areas

- Special Education, including Added Authorizations in Special Education
- Clinical Rehabilitative Services/Speech-Language Pathology
- Driver Education and Training
- 30 Day Substitute

Low Incidence Areas

- Administrative Services
- Single Subject Teaching (all subject areas)
- Multiple Subjects Teaching
- Designated Subjects (except driver education and training)
- Library Media Services
- Pupil Personnel Services (counseling, psychology, social work)
- Reading Specialist/Certificate
- Teacher of English Learner Students

CRITERIA FOR LOW INCIDENCE AREA WAIVER REQUESTS

In addition to the general waiver criteria, low incidence area waivers require additional criteria that must be met. The Commission has determined there are no substantial shortages of individuals who hold these credential types.

Personnel Shortage: Requires written documentation that no credentialed candidate applied for the position or that credentialed candidates did not meet specific employment criteria such as special skills for the assignment.

Special Skills: Requires written documentation that the individual possesses special skills or can provide special services to the students in the assignment. Provide verification of the individual's training, experience or expertise to support that he or she is the best candidate for the assignment.

Possession of a state license or advanced degree in the field directly related to the assignment is an example of special skills. A candidate that holds a state Marriage and Family Therapist (MFT) license or a Master's degree in Social Work (MSW), from an accredited institution is evidence of special skills for the pupil service services waivers. Proficiency in a second language spoken by the students in the district is another special skill.

Program Enrollment: Submit written documentation from the authorized university's administrator verifying the individual's current status in the credential program and the anticipated completion date.

CRITERIA FOR INITIAL WAIVER REQUESTS

Initial Basic Skills Requirement (BSR) Waivers

For the purposes of issuing a waiver, the Commission can only consider the California Basic Educational Skills Test (CBEST) to meet the subsequent waiver conditions if BSR has not been met.

A BSR waiver will be considered for the following reasons:

- The applicant has not had the opportunity to take the CBEST.
- The applicant has attempted the CBEST but has not passed all sections.
- For math and science waivers: If the applicant has attempted the math section of the CBEST, a passing score must have been achieved.
- For English waivers: If the applicant has attempted the reading and writing sections of the CBEST, a passing score must have been achieved.
- The employer must ensure that the individual has access to support and guidance such as tutoring, coursework or professional development to increase the candidate's percentage of passing CBEST regardless if the individual has attempted a basic skills exam.

Initial Program Waivers

For waivers to complete academic or program requirements, the program waiver will be considered if:

- The university verifies that the candidate has been admitted into the program or has attempted to enroll in the program.
- The candidate affirms that units will be completed to meet credential requirements.

Initial Experience Waivers

For waivers to complete the experience requirement, the following applies:

- The applicant has special skills and meets all other requirements for the credential except the required years of experience.
- The applicant has special skills and meets all requirements for the credential except does not have recency.

Note: If a waiver request is waiving more than one statute, the Basic Skills Requirement must be met first. All CBEST waiver conditions must be met before any subsequent waiver can be considered.

SUBSEQUENT WAIVER CRITERIA

Waivers are generally only issued for one school year to enable the Commission to monitor and verify that the individual has made progress toward their credential goal. Subsequent waivers need supporting documentation to verify that progress has been made and that the subsequent waiver conditions have been met.

All subsequent waivers require employer verification that the teacher has performed satisfactorily in the assignment. Subsequent waiver requests for teachers of record must include performance evaluations that meet the requirements of Education Code §44662.

Evaluations must include assessments of the individuals' performance related to the following areas:

1. Students' progress toward the district's established grade level standards;
2. Instructional techniques and strategies used by the employee;
3. The employee's adherence to curricular objectives; and
4. The employee's establishment and maintenance of a suitable learning environment.

Subsequent waiver requests for Emergency 30-Day Substitute Teaching Permits do not require the detailed evaluation described above. However, such requests must include an affirmation by the employer that the individual has performed satisfactorily as a substitute.

Conditions listed on the waiver document must be met when applying for a subsequent waiver. If the applicant failed to meet any one or all of the specified conditions, a subsequent waiver may only be considered, if extenuating circumstances can be verified with documentation (e.g., a doctor's letter verifying serious illness of the applicant or close family member).

The following are acceptable extenuating circumstances:

- Personal or family health problems
- Distance to the university requires more than one and one half hours of traveling time; or
- There were no openings in the university program or the required course work was not available.

Subsequent Basic Skills Requirement (CBEST) Waivers

CBEST waivers are granted for a maximum of three issuances. If an individual attempted the CBEST examination prior to the initial waiver request and passed one or more sections, each passing section is counted as one of the possible three issuances. For example, if two sections were passed, the applicant may only have one additional waiver issuance to pass the remaining section of the CBEST.

If an individual held a preliminary credential based on an out-of-state or out-of-country teacher preparation program but has not passed CBEST during the first year on the preliminary credential, that first year is counted as one CBEST waiver issuance of the possible three issuances.

In addition to general waiver request information, application and documentation, all subsequent CBEST waivers must meet the following conditions:

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- The applicant must attempt the CBEST exam at least twice during the period of the waiver;
 - The applicant must achieve a passing score of 41 in at least one section of the CBEST exam; and
 - The applicant must have satisfactory evaluations from the employer.

If these conditions are not met, the subsequent waiver will be denied.

Subsequent Program Waivers

In addition to general waiver request information, application and documentation, the subsequent program waivers must include the following information:

- Verification that the applicant has been admitted to a college or university program for the credential;
- Official transcripts that verify the applicant has completed a minimum of six semester units of coursework applicable toward the credential requirements; and
- Verification that the applicant received satisfactory evaluations from the employer.
- If extenuating circumstances prevented the applicant's completion of the above, supporting documentation must be provided (e.g., a doctor's letter, a letter from university verifying full or unavailable classes, etc.)

If these conditions are not met, the subsequent program waiver will be denied.

Subsequent Experience Waivers

- Verification that the applicant has completed one full year of experience in the area of the previous waiver toward the credential goal (e.g., official documentation) and
- Verification that the applicant received satisfactory evaluations from the employer.

If these conditions are not met, the subsequent experience waiver will be denied.

Subsequent Waivers with Specific Conditions Listed on the Waiver

In addition to general waiver request information, application and documentation, the subsequent program waivers must include the following information:

- Verification that the applicant met specified conditions listed on the waiver; and
- Verification that the applicant received satisfactory evaluations from the employer.

If these conditions were not met, the subsequent waiver will be denied.

Added Restrictions and Added Authorizations

If your candidate worked on a waiver for another school but has not completed the school year, and is now accepting employment at your school, you must submit a new waiver request with new supporting materials and the appropriate fees for an added restriction. Added restriction requests will not require the applicant to meet conditions as long as the timeframe falls within the original waiver dates. However, the end dates of the original waiver and the added restriction waiver will have the same expiration dates. If the candidate is still in your employ after the end dates, a new waiver request must be submitted with the appropriate fees and conditions on the waiver must be met.

Note: Added restrictions for 30 Day Substitute Permit Waivers require a fee of \$50.00. In addition to a new waiver request application, the new employer must submit their own supporting materials such as their public notice or agenda item.

HOW AND WHEN TO SUBMIT A WAIVER REQUEST

Prior to submission of each waiver request a public notice must be given to declare the employer's intent to hire an individual on the basis of a waiver. Documentation that verifies the public notice must be included in each waiver request.

All initial and subsequent waiver requests must be completed and submitted by the employing agency on the Variable Term Waiver Form WV1. Form WV1 may be found at the following link: <http://www.ctc.ca.gov/credentials/cig2/CIG-LEAFLETS/wv1.pdf>

The WV1SUB form is only for an initial 30 Day Substitute Waiver request. Form WV1SUB can be found at the following link: <http://www.ctc.ca.gov/credentials/cig2/CIG-LEAFLETS/wv1sub.pdf>

All waiver requests must be submitted on the WVI or WV1SUB forms and applicants must have fingerprint clearance on file with the Commission. First time waiver applicants with no fingerprint clearance on file with the Commission must apply for a Certificate of Clearance before the waiver can be issued. Specific directions on how to apply for the Certificate of Clearance through the Commission's Direct Web application process are available in the Certificate of Clearance information leaflet: <http://www.ctc.ca.gov/credentials/leaflets/cl900.pdf>. Refer to page 21 for fee information.

Complete each waiver application request thoroughly and legibly. See the section on "How to Complete Waiver Forms" for instructions on pages 14-19. Include the front and back of transcripts for evaluation. When submitting true verified copies, please be sure the copies are legible and the name and address of the university is visible. If the application is incomplete, transcripts illegible or supporting documentation incomplete, the waiver request will be denied for insufficient information.

The beginning date of the service determines the issue date of the waiver request. Whenever possible, waiver requests should be submitted to the Commission prior to the applicant's first day of service. However, the Commission will honor the requested issue date on the waiver as long as the request is received by the Commission within ninety days from the issuance date.

Waiver requests received past the ninety days deadline date will not be evaluated and the request will be denied based upon the late submission. Upon receipt of the denial notice, the employer shall remove the applicant from the assignment. See Waiver Timeline Chart on page 14 for details. For references regarding the submission timeline, see Title 5 California Code of Regulations, §80125.

THE WAIVER PROCESS

As of July 1, 2006 Commission staff has the authority to evaluate and issue or deny waivers based on the established waiver criteria. Waiver requests must be submitted in a timely manner. Refer to the “Waiver Timeline Chart” on page 14 for details.

The Commission will continue to require employing agencies to present waiver requests to their governing boards for approval. The agenda must be an action item and must list the name of the applicant, the specific assignment, including subject and grade level, and the fact that the applicant will be employed on a waiver.

For counties, state agencies, nonpublic or nonsectarian schools, a public notice must be posted at least 72 hours before the position is filled. The public notice should be posted in a place where all interested parties are notified and must list the name of the applicant, the specific assignment, including subject and grade level, and the fact that the applicant will be employed on a waiver.

By submitting the waiver request, the employer certifies that a reasonable effort to recruit a fully-prepared teacher for the assignment was made. The list below shows the order of preference when hiring:

1. Teaching Credential
2. Intern Credential
3. Provisional Internship Permit (PIP)/Short-Term Staff Permit (STSP)
4. Waivers

Waivers that have been granted or denied will be displayed on the Commission’s website under “Public Notices” at <http://www.etc.ca.gov/notices/waivers.html>.

The Processing Procedure

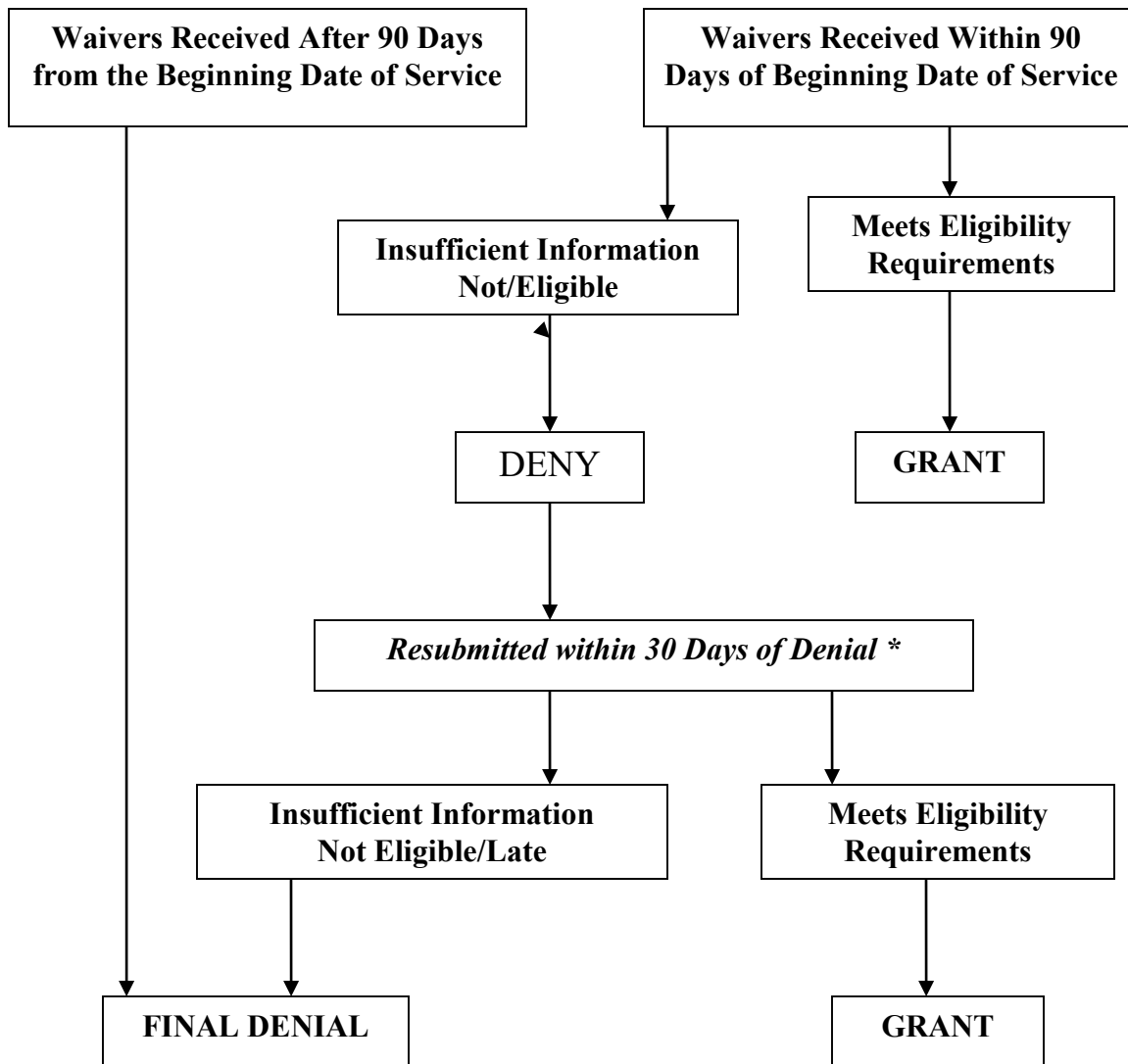
- Waiver requests that are received within the ninety days submission timeframe that meet the waiver criteria will be granted.
- If the waiver request is received beyond ninety days from the requested issue date, the waiver request **will not** be evaluated and will be denied based upon late submission. The waiver request packet will be returned with a denial letter that explains the reason for denial. The employer shall remove the applicant from the assignment. **No re-evaluation request will be accepted for late submissions.** The employer may submit another waiver request form with appropriate fees for an evaluation and a revised issue date.
- If the waiver request form and supporting materials are incomplete, Commission staff will deny the waiver. The waiver request packet will be returned with a denial letter that explains the reason for denial. The employing agency will have thirty days to provide the required documentation for re-evaluation. If the resubmitted waiver request meets the waiver criteria, the waiver will be granted. If the employing agency submits the required documentation beyond the thirty days, staff will not evaluate and a final denial notice will be mailed.

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- If an evaluation of the waiver request determines that the applicant qualifies for a permit or credential in the same authorization, the waiver request packet will be returned with instructions to apply for the appropriate permit or credential. A waiver will not be issued if the applicant qualifies for a permit or credential in the same authorization.
 - If the waiver request does not meet the established criteria it will be denied. The waiver request packet will be returned with a denial letter that explains the reason for denial. The employer will have an opportunity to request re-evaluation if there is new pertinent information that was not included previously and that addresses the concerns expressed in the denial letter. This new information cannot be gained after the requested issue date of the waiver request.

All requests for re-evaluation must be received by the Commission within thirty days as expressed in the denial letter. To qualify for the waiver, the candidate must meet the waiver criteria at the time of the original request. If a re-evaluation was re-submitted on time and it meets the waiver criteria Commission staff will grant the waiver.

If the new information does not meet the waiver criteria, a final denial letter with an explanation of the denial, will be sent with the original waiver packet. After receiving the notice, the employer shall remove the applicant from the assignment. There are no re-evaluations after a final denial letter. Refer to Coded Correspondence 07-05 for details at the following link: <http://www.ctc.ca.gov/notices/coded/0705/0705.pdf>

WAIVER TIMELINE CHART 1



* Must be information not previously submitted and/or not previously available that addresses the issues listed on the denial letter.

HOW TO COMPLETE FORMS

Instructions for completing Form WV1

Form WV1 may be found at the following link:

<http://www.etc.ca.gov/credentials/cig2/CIG-LEAFLETS/wv1.pdf>

Waiver requests must be prepared and submitted by the employing agency only and should be typewritten or computer generated. All materials must be clear enough to photocopy and one waiver request form must be used for each credential type waiver request per applicant. All sections of the Variable Waiver Form WV1 are described and explained below and corresponds to the number on the form.

All sections applicable to the requested waiver type must be completed.

1. EMPLOYING AGENCY

- ✓ *Employing Agency*
Print the full name and complete address of the employing agency. For a Non-Public School/Non-Public Agency (NPS/NPA) entity, please list the county code. If the county code is unknown, write the county name. All NPS/NPA must be Department of Education-approved.
- ✓ *County/District Code (Middle Box):*
For county offices and school districts, enter the two digit county code and the five digit California District Services (CDS) code. For NPS/NPA, only enter the county code or name.
- ✓ *Contact Person (Third Box):*
Enter the name, telephone number (including the extension), fax number and email address of the agency contact person responsible for processing the waiver request.

2. APPLICANT INFORMATION

- ✓ *Personal Information:*
Enter the applicant's social security number, full legal name, former names, date of birth, and mailing address.
- ✓ *Credential Needed for Waiver:*
List the title and subject area of the credential for the waiver.
For example, single subject teaching credential in mathematics, or Pupil Personnel Services: Counseling, or Crosscultural, Language & Academic Development (CLAD) Certificate for the English Learner (EL) authorization.
- ✓ *Assignment:*
List the specific position and grade level for the assignment. For example, sixth grade bilingual classroom, Education Specialist – mild moderate disabilities, etc.)

3. EDUCATION CODE OR TITLE 5 SECTION TO BE WAIVED

- ✓ Enter the appropriate Education Code or the Title 5 Section that pertains to the waiver request. Refer to page 33 for a list of Education Codes and Title 5 Sections that pertain to waivers.

4. EFFECTIVE DATES

- ✓ Enter the requested beginning and ending effective dates of your waiver request.
A Variable Term Waiver may be issued for any length of time depending upon the circumstances; however, most waivers are issued for one year or less during which period applicants are expected to verify progress toward their credential goal. The issuance date is the beginning date of service and, the expiration date is the last day the waiver will be needed because the term/school year will end or if the requirements for the credential will be completed.

If the waiver request is for a period longer than one year, a detailed explanation of the additional time needed must be provided.

Form WV1 has a space to list the effective beginning and ending dates of the waiver. At the bottom of the form is another space to list the ending date of the school term, track or year. It is important to complete this area to verify the end date of school year.

- ✓ Enter the ending date of the school year.

5. STATEWIDE HIGH INCIDENCE AREA WAIVER REQUESTS:

Complete this section if the request is for employment in a high incidence area.

- ✓ *Check the appropriate box for the credential*
- ✓ *Check the appropriate box to show recruitment efforts*
- ✓ *Write an explanation providing details of why this individual is the best candidate for the job.*

6. NON-STATEWIDE LOW INCIDENCE AREAS WAIVER REQUESTS

Complete this section if your request is in the low incidence areas by checking the appropriate boxes.

A low incidence area request must include copies of recruitment efforts.

- a. ✓ Indicate the low incidence areas for the assignment
- b. ✓ Indicate what was done this year to locate and recruit individuals to fill this position.
Copies of documentation must be attached.
 - ✓ The employer must submit verification documentation in three recruitment areas:
 - Distribution of job announcements
 - IHE placement Centers contacts
 - Internet: Ed Join
- c. ✓ Provide detailed information on the results of recruitment efforts. Answer each of the following questions and complete all blanks as indicated on the form.
- d. ✓ Provide the specific employment criteria for the position. List the special skills and knowledge required to perform in this position.

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- e. ✓ If this is an initial waiver request, explain what makes the applicant the best candidate. Provide an explanation and attach supporting documentation.

7. REQUIREMENTS AND TARGET COMPLETION DATES FOR REACHING CREDENTIAL GOAL

- ✓ List requirements needed for the credential in the boxes provided and provide a projected completion date.

8. LIST THE NAME AND POSITION OF THE PERSON ASSIGNED TO SUPPORT AND ASSIST THE APPLICANT DURING THE TERM OF THE WAIVER

- ✓ Write the name and title of person assigned to assist the candidate.

9. SUBSEQUENT WAIVER REQUEST

- ✓ If this is a subsequent waiver request, a copy of the applicant's personnel evaluation must be attached.

10. IS THIS EMPLOYING AGENCY GEOGRAPHICALLY ISOLATED?

- ✓ Check the appropriate box.

11. PROFESSIONAL CONDUCT QUESTIONS

- ✓ Answer all questions. If you have a "yes" answer, you must include an explanation on a separate sheet of paper. The waiver request will be returned if this section is not completed.

12. PUBLIC NOTICE – CHECK THE BOX THAT APPLIES

- ✓ Public School Districts – Verify and submit supporting documentation as instructed in the first box.
- ✓ County Offices, State Agencies, Non-public nonsectarian school or agencies – verify and submit supporting documentation as instructed in second box.

13. APPLICANT'S CERTIFICATION

- ✓ Applicant must sign and date this section. The waiver request will be returned if this section is not signed.

14. EMPLOYING AGENCY CERTIFICATION

- ✓ Responsible parties as indicated on form must sign and date this section. The waiver request will be returned for completion if this section is not signed.

Instructions for completing the Variable Term Waiver Request For 30-Day Substitute California Basic Educational Skills Test form (Form WV1SUB)

Form WV1SUB may be found at the following link:

<http://www.ctc.ca.gov/credentials/cig2/CIG-LEAFLETS/wv1sub.pdf>

Waiver requests must be prepared and submitted by the employing agency, and should be typewritten or computer generated. All materials must be clear enough to photocopy. **Form WV1SUB may be used for first time Emergency 30-Day Substitute CBEST waivers only. Subsequent Emergency 30-Day Substitute CBEST waivers and all other types of variable term waivers must be submitted on form WV1.** You must use one waiver request form for each waiver request per applicant. All sections of Form WV1SUB are described and explained below as numbered on the form. A ✓ is indicated for items that must be completed.

1. EMPLOYING AGENCY

✓ *Employing Agency*

Print the full name and complete address of the employing agency. For NPS/NPAs please list your county code. If you do not know the county code, write the county name.

✓ *County/District Code (Middle Box):*

For county offices and school districts, enter the two digit county code and the five digit district CDS code. If you do not know your district codes, be sure to write your agency name in full for reference. For NPS/NPA, only enter the county code or name.

✓ *Contact Person (Third Box):*

Enter name, telephone number including extensions, fax number, and email address of the agency contact person responsible for processing the waiver request.

2. APPLICANT INFORMATION

- ✓ Enter the applicant's social security number, full legal name, former names, date of birth, and mailing address. Assignment is already filled as Emergency 30-Day Substitute Teacher. Enter any credentials or permits held.

For example:

California Credential or Permit Held (if any): Child Development Permit
Assignment: 30 Day Substitute Teacher

3. EDUCATION CODE OR TITLE 5 SECTION TO BE WAIVED

This section is already filled with the appropriate code: EC 44252(b)

4. EFFECTIVE DATES

- ✓ Enter the beginning and ending effective dates of your waiver request. The beginning and ending dates cannot exceed one calendar year.

5. PROFESSIONAL CONDUCT QUESTIONS

- ✓ Answer all questions. If you have a "yes" answer, you must include an explanation on a separate sheet of paper. The waiver request will be returned if this section is not signed.

6. PUBLIC NOTICE (Check the Box That Applies)

- ✓ Public School Districts – Verify and submit supporting documentation as instructed in the first box.
- ✓ County Offices, State Agencies, Nonpublic nonsectarian school or agencies – verify and submit supporting documentation as instructed in the second box.

7. APPLICANT’S CERTIFICATION

- ✓ Applicant must sign and date this section. The waiver request will be returned if this section is not signed.

8. EMPLOYING AGENCY CERTIFICATION

- ✓ Responsible parties as indicated on the form must sign and date this section. The waiver request will be returned if this section is not signed.

Attachments:

Verify that all the listed items are attached.

CHECKLIST: BEFORE SUBMITTING YOUR WAIVER REQUESTS

Include the following for initial waiver requests

- ☐ Complete all appropriate sections of the Waiver form WV1, answer all Professional Conduct questions and include original signatures as indicated on form
- ☐ Attach copy of the public notice
- ☐ Attach copies of all the applicant's official transcripts
- ☐ Attach copies of basic skills requirement (BSR) exams or other applicable score reports
- ☐ Include all necessary documentation to verify recruitment efforts as indicated on the waiver request WV1 form
- ☐ Include the current waiver processing fee unless the applicant qualifies for the waiver fee exemption. Refer to Fee Schedule on page 21 for details on exemptions.
- ☐ All waiver applicants **must** have fingerprint clearance on file with the Commission.

Waiver applicants with no fingerprint clearance on file must apply for a Certificate of Clearance before the waiver can be issued. Specific directions on how to apply for the Certificate of Clearance through the Commission's Direct Web application process are available in the Certificate of Clearance information leaflet: <http://www.ctc.ca.gov/credentials/leaflets/cl900.pdf>. Refer to page 21 for fee information.

Include the following for all Subsequent Waiver Requests

- ☐ Complete all appropriate sections of the Variable Term Waiver Request Form WV1. Answer all Professional Conduct questions and include original signatures as indicated on the form.
- ☐ Attach a copy of public notice
- ☐ Attach a copy of the personnel evaluation from a direct supervisor. Subsequent Emergency 30-Day Substitute waivers do not require detailed evaluations
- ☐ Attach copies of all official transcripts or grade reports showing courses completed since the issuance of the previous waiver
- ☐ Include letters from colleges or universities verifying the applicant's admittance to the appropriate program for service credentials
- ☐ Attach copies of the BSR exams score or other applicable score reports
- ☐ Include information regarding efforts the applicant has made to improve his or her basic skills requirement scores for subsequent BSR waivers. Such information may include evidence of tutoring, in service training or college coursework.
- ☐ Include the current waiver processing fee unless the applicant qualifies for the waiver fee exemption. Refer to the fee schedule on page 21 for exemption details.

Fee Schedule for Waiver Requests

All individuals must have fingerprints on file with the Commission

First time waiver applicants with no fingerprint clearance on file with the Commission must apply for a Certificate of Clearance before the waiver can be issued. Specific directions on how to apply for the Certificate of Clearance through the Commission's Direct Web application process are available in the Certificate of Clearance information leaflet: <http://www.ctc.ca.gov/credentials/leaflets/cl900.pdf>.

All checks and money orders must be made payable to the Commission on Teacher Credentialing or CTC.

Waiver Processing Fee	\$100
Certificate of Clearance (Form 41-4 or Direct Web)	\$50
Added Restrictions (Adding another employer to a valid waiver)	
All waiver types	\$50
Emergency 30-Day Substitute Permits	\$50

EXEMPTION FROM WAIVER FEE

Individuals holding a valid non-emergency teaching or service credential based on a baccalaureate degree from a regionally accredited institution and completion of a professional preparation program that include student teaching or practicum are exempt from the fee.

Documents that **DO NOT** qualify for the exemption include:

- ✓ Provisional Internship Permits
- ✓ Short-Term Staff Permits
- ✓ Designated Subjects Teaching Credentials
- ✓ Child Development Permits
- ✓ Emergency 30-Day Substitute Permits

**APPLICATION FEES, INCLUDING WAIVER PROCESSING FEES,
ARE EARNED UPON RECEIPT AND ARE NOT REFUNDABLE.**



Commission on Teacher Credentialing

651 Bannan Street, Suite 601 Sacramento, CA 95811-4213

www.ctc.ca.gov

Certification Division

Date: mm/dd/yyyy

Dear Applicant:

*The information listed below is needed before this request can be reviewed by the Appeals and Waivers Committee of the Commission. **Return this letter (and any materials that may be attached) with the requested additional information by the date indicated below.** A delay could make the applicant named above ineligible to begin service or force you to terminate the individual's service:*

1. All waiver requests must include verification that a notice of intent to employ the applicant by name in this position has been made public. Enclose a copy of the agenda item presented to the governing board (school district) or a copy of the announcement posted 72 hours before the waiver was requested (county or nonpublic school) and check the correct box in the public notice section of the waiver request form.
2. YOU MUST RESUBMIT THIS ENTIRE WAIVER REQUEST PACKET WITH THE NEEDED INFORMATION AS SOON AS POSSIBLE, BUT NO LATER THAN MM/DD/YYYY.

If you have any questions about the requested information, please contact this office at (916) 323-7136 between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday.

Sincerely,
Certification Division

Inspire, Educate, and Protect the Students of California

Sample Denial Letter



Commission on Teacher Credentialing

651 Bannan Street, Suite 601 Sacramento, CA 95811

www.ctc.ca.gov

Certification Division

DATE:
XXXX

RE: XXX XX

Denial of Waiver Request Mailed to:

UNIFIED SCHOOL DISTRICT
PERSONNEL SERVICES
STREET
CITY, CA ZIP

RE: APPLICANT

Goal: Single Subject Teaching Credential: Science: Biological Sciences

The Commission on Teacher Credentialing has denied the waiver request that you submitted on behalf of the individual named above for the following reason(s):

1. There is not enough academic background in biology.

Effective immediately, you must remove the individual from the position for which the waiver request was submitted.

You may ask for reconsideration of this waiver request by returning the waiver packet with new information via postal mail. The new information must be received within forty-five (45) days, and must directly address the reason that the waiver request is being denied and contain information that was not available at the time of the original request (Title 5 §80125(e)(2)(A) CCR). If the information submitted does not meet this regulatory requirement, no further waiver review will be granted.

If you have questions concerning the denial process, you may contact the Waiver Unit by phone at (916) 323-7136, or by email at Waivers@ctc.ca.gov.

Prepared by: XXX

cc: COUNTY OFFICE OF EDUCATION

Sample of Final Denial Letter



Commission on Teacher Credentialing

651 Bannan Street, Suite 600 A Sacramento, CA 95811-4213

www.ctc.ca.gov

Certification Division

Date

Agency Name

Address

City, CA Zip

Re: APPLICANT

RE: XXXXXXXXXXXX

Dear Mr/Ms. Employer:

The Commission has denied your request for reconsideration based on the new material(s) submitted not meeting the regulatory requirement [(Title 5 Section 80125(e)(2)(A) CCR).]

EFFECTIVE IMMEDIATELY, YOU MUST REMOVE THE INDIVIDUAL FROM THE POSITION FOR WHICH THE WAIVER REQUEST WAS SUBMITTED.

If you have questions concerning the denial process, you may contact the Waiver Unit by phone at (916) 323-7136, or by email at Waivers@ctc.ca.gov.

Prepared by: XXX

cc: COUNTY OFFICE OF EDUCATION

CREDENTIAL WAIVER REQUESTS -- CHART OF CRITERIA

Waiver requests are first reviewed to see if they meet the Commission approved GENERAL CRITERIA: • Recruitment verified • Credential goal in high incidence areas • Explanation of why person is the best qualified for the position • Not just correcting a misassignment • Person will have ongoing support and assistance by the district In addition, requests for services credentials are reviewed for: • The position is in a low incidence area • The person has special skills or experience in the area • The person is enrolled in the appropriate program In addition, each evaluation for a subsequent waivers includes the following: • Employing agency's continuing need • Evaluation of the applicant's performance • Support the employer provided to the applicant • Applicant's efforts to either pass an examination or take appropriate course work • How far the applicant is from the credential goal • Extenuating/extraordinary/unanticipated circumstances					
WAIVER TYPE	FIRST TIME		SUBSEQUENT		Third CBEST Waiver
	GRANT	DENIAL	GRANT	DENIAL	
CBEST (Basic Skills Requirement) Applicant who held a One-Year Nonrenewable/or preliminary credential based on out of state or out of country program must meet same criteria but gets only two years on the BSR waiver.	▶ meets all general criteria & ▶ no opportunity to take CBEST or passed one or more sections & ▶ employer will provide access to remediation & ▶ if taken, evidence of plan to remediate & ▶ if taken for single subject in English, passed reading & writing sections or if taken for single subject in Math or Science, passed math section Condition: Take CBEST twice and pass one section	▶ single subject in math or science failed math section or ▶ single subject in English failed reading and writing sections	▶ meets all general criteria & ▶ justification, support and public notice form employer & ▶ personnel evaluation & ▶ took test twice and passed one section since last waiver issued & ▶ evidence of remediation & ▶ employer will provide access to remediation	▶ did not take test twice regardless of extenuating circumstances or ▶ did not pass at least one section or ▶ for single subject in math or science failed math section or for single subject in English failed reading and/or writing sections.	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. No more than three years to pass CBEST (Basic Skills Requirement)

WAIVER TYPE	FIRST TIME		SUBSEQUENT	
	GRANT	DENIAL	GRANT	DENIAL
PROGRAM This includes needing subject matter coursework or exam for multiple or single subjects teaching permits	- meets all general criteria - not a state-wide high incidence area - low incidence areas of Administrative Service, Pupil Personnel Services - need & qualifications well justified by employer Condition: Enrollment in credential program and 12 semester units of coursework completed or Coursework units needed to qualify for single or multiple subject teaching permits	- did not meet all general criteria or - denied an appeal because did not complete renewal requirements or - validation of service denied for this position or - identified as misassigned and no other attempt made to correct the problem	- justification, support and public notice/employer & personnel evaluation <i>Services</i> - letter from IHE verifying enrollment and describing status & completed 12 semester units for program <i>Teaching/Emergency</i> 6 semester units toward subject matter Note: For second waiver of program only, may have enrollment or course work; all subsequent waivers need both.	- did not enroll in a program or complete any coursework and has no extenuating circumstances or - completed fewer than 12 semester units for program
WAIVER TYPE	FIRST TIME		SUBSEQUENT	
	GRANT	DENIAL	GRANT	DENIAL
CBEST (Basic Skills Requirement) & PROGRAM If waiving CBEST and program, the CBEST conditions must be met first	same as initial CBEST	same as initial CBEST	same as initial CBEST plus 3 units	- did neither CBEST nor course work & no extenuating circumstances or - completed fewer than 12 semester units for program

TYPE OF WAIVER	FIRST TIME		SUBSEQUENT		Note
	GRANT	DENIAL	GRANT	DENIAL	
EXPERIENCE	▶ meets all general criteria ▶ has letter from IHE describing status as needing only experience to qualify for credential goal	N/A	▶ completed one full year of experience required for credential goal	▶ did not complete any experience toward credential goal & no extenuating circumstances	For Administrative Services, four summers equal one year For Resource Specialist, two summers equal one semester in regular classroom Can also accumulate part-time experience

EACH WAIVER REQUEST THAT DOES NOT SUBSTANTIALLY MEET THE CRITERIA OUTLINED ABOVE MAY BE DENIED BY THE COMMISSION

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 (Emergency 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).

CONTACTS AND REFERENCES

Contacts

Waiver Mailing Address:
May Lee State Office Complex
Commission on Teacher Credentialing
Attention: Waiver Unit
651 Bannon Street, Suite 601
Sacramento, CA 95811
Email:
waivers@ctc.ca.gov

References

World Wide Web Page
www.ctc.ca.gov

Credential Information Guide
www.ctc.ca.gov/credentials/cig2/cig_toc.html
User Name: cig2011
Password: ctcguide

CCAC Waiver Workshop Presentation
<http://www.ctc.ca.gov/credentials/cig2/WORKSHOPS/CCAC-2011.pdf>

Public Notice of Waivers Granted or Denied
<http://www.ctc.ca.gov/notices/default.html>

SHORT-TERM WAIVERS

Short-Term Waivers authorize local employing agencies one semester or less to address unanticipated, immediate, short-term organizational needs by assigning teachers that consent to teach outside of their credential authorization.

This option is only available for individuals who hold a valid teaching credential based upon completion of a bachelor's degree and teacher preparation program which included student teaching.

Employing agencies may grant a Short-Term Waiver without prior approval by the Commission, provided that it is issued one time only for any individual and one time only for a given class.

All school districts should report the use of Short-Term Waivers to their county offices of education. **It is not necessary for districts to submit information regarding Short Term Waivers directly to the Commission.**

The district must submit the information to their county office on the following form (page 30) or on a form approved by the county. Please submit the report even if the district did not employ anyone on a Short-Term Waiver. The county office of education submits information regarding Short-Term Waivers to the Commission with its annual Assignment Monitoring and Review Report. The Local Approval of Short-Term Waiver form is on the following page.



LOCAL APPROVAL OF SHORT-TERM WAIVER

(To be kept on file in the district)

Employing agencies may grant a short-term waiver as described under Title 5 §80120-80123, without prior approval by the Commission provided that a short-term waiver is issued one time only for any one credentialed teacher and one time only for a given classroom. The information required under §80122 for this type of waiver shall be forwarded to the County Office of Education pursuant to Education Code §44258.9. 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 §80120-80123 California Code of Regulations. Short-term waivers are valid for no more than one semester. Each County Office of Education should include information on short-term waivers in their annual Assignment Monitoring Report.

1. Employing Agency	CDS Code	Contact Person
		Telephone Number

2. Section to be waived: _____.
Type the text of pertinent sentence of the law.

3. Purpose of waiver. Include name(s) of candidate(s) appropriate.

4. Proposed Solution and Justification. Describe how waiver request will remedy the situation, give rationale for request and describe any negative effect(s) that are likely to occur if the request is not granted.

5. Name of candidate(s) Date of Birth Social Security Numbers

1. _____
2. _____
3. _____

6. Effective period of waiver

____/____/____ to ____/____/____

7. List current California credentials held and expiration date for each.

8. SELPA Certification. If this waiver is for special education personnel the Special Education Local Plan Area (SELPA) must be consulted prior to approval of a waiver.

SELPA approval date: _____

SELPA Administrator _____
(Signature Required)

Telephone Number _____

9. District Certification

No other Short-Term Waiver has been approved for the individual(s) listed in this document.

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

Signature: _____
(Superintendent or designee)

Title: _____

Date: _____

Appendix A

FREQUENTLY ASKED QUESTIONS

1. Can we request a waiver for a Child Development Permit?

The Commission does not issue waivers for Child Development Permits. Please refer to the Department of Education at: (916) 319-0800 or <http://www.cde.ca.gov>

2. Where can I find the current waiver request forms?

The waiver forms are available on the Credential Information Guide (CIG) under Leaflets and Forms. The waiver forms are toward the bottom of the list. See links below:

<http://www.ctc.ca.gov/credentials/cig2/CIG-LEAFLETS/wv1.pdf>

<http://www.ctc.ca.gov/credentials/cig2/CIG-LEAFLETS/wv1sub.pdf>

3. What if an applicant gained a minimum passing score in one section with the first attempt at the CBEST, does he/she need to take the other sections one more time for a subsequent waiver?

Yes. Subsequent waiver conditions are to attempt all sections of the CBEST not previously passed twice and gain a passing score of 41 on at least one section. Keep in mind a minimum score of 37 while may be considered passing for credentialing purposes, is not acceptable. For waiver purposes a passage score must be at least 41.

4. What if an applicant passed the same section twice with a score of 41 or higher, can that be counted as having a passing score for each subsequent waiver?

No, the applicant must take the exam twice and gain a passing score for a new section on each subsequent waiver to verify progress toward passing the entire exam. Previous passing scores do not count as a new attempt to pass another section and does not meet the subsequent waiver conditions. No one can have more than three BSR waivers.

5. Regarding added restrictions to Emergency 30-Day Substitute Permit BSR waivers, can the expiration date exceed the original waiver by just a few days as our school year ends on a later date?

No, in order to qualify as an added restriction, the expiration date must end on the original approved waiver date. If the requested expiration date exceeds the valid waiver on file, it may be considered a subsequent waiver request and subsequent waiver conditions would need to be met. If there is a request to add a restriction, it must be during the period of the original waiver request.

6. On Clinical Rehabilitative Services or Speech-Language Pathology Services, what if the applicant was unable to be accepted into the program, how can subsequent waiver conditions be met?

For areas with limited programs, the Commission may accept verification of enrollment attempts or progress even though the waiver conditions require completed coursework.

7. ***If my applicant already used the PIP and STSP options but still has not completed requirements to be accepted into an intern program, can the waiver be my last option?***

The waiver is not an option for those who academically qualified for a permit or credential in the same authorization. Failure to complete requirements on any permit or credential is not a basis for a waiver.

8. ***If I submitted a waiver and later found out that the applicant does not qualify for the waiver, can I use the same fee toward another permit?***

No. Fees are considered earned upon evaluation and receipt. If you did not qualify, you cannot use the same fee toward another waiver, permit or credential.

9. ***How can I fulfill the recruitment verification section if I apply for an English Learner authorization for one of my already employed teachers? Must I complete that section on the waiver form?***

Yes. All sections of the waiver form must be completed. Please use your most current recruitment information on that specific teacher and include a note to explain.

10. ***Can I use other BSR exams to show progress with basic skills for a subsequent waiver?***

No. For waivers, we will only accept progress on the CBEST exam to meet subsequent waiver conditions.

11. ***I have multiple waivers to submit. Can I include one agenda item for all of them or do I need to make copies of the agenda item for each applicant?***

Please include a copy of the public notice or agenda item for each individual waiver packet. You do not need to include all pages of the agenda; just the page that pertains to the waiver subject. Since waivers are distributed to general staff for processing, there is less chance that paperwork will be separated and your waiver is rejected for no public notice.

12. ***We have a Special Education teacher who holds a mild/moderate authorization but we need her to cover the area of autism as well; can we apply for a waiver?***

Your teacher may qualify for the new Special Education Limited Assignment Permit. See the link below for requirements on the Special Education Limited Assignment Permit: <http://www.ctc.ca.gov/credentials/leaflets/cl889.pdf>. If a teacher cannot qualify for the limited assignment, she may qualify for the STSP or maybe an intern in the new disability area.

Keep in mind, if a candidate can academically qualify for any permit or credential, a waiver cannot be an option. Currently the only exception is for the ECSE authorization; if these candidates cannot qualify for the limited assignments, you may apply for a waiver in one of the new added authorization in special education disability areas. However, this waiver option is for a limited time only while programs are being fully developed and accessible. Please see [CIA 10-02](#) for details.

- 13. *We have a teacher that has been on a waiver for years and has not completed the program. We don't want to keep her in the classroom but she claims she qualifies since she completed the units. Do we have to apply for the subsequent waiver for her?***

No. Waivers are only available at the request of the employer. If the employer does not support hiring on a waiver, the candidate has no option for submitting a waiver on his own.

- 14. *It is really hard to find a Speech Language and Pathology credentialed person. We have someone who is almost done with the Speech Language and Pathology program but she will not be recommended for the credential until next school year. Could we put her on a waiver for just one school year?***

Yes. Because this is a shortage area, a suitable person so close to completing the program is ideal for the assignment. Since there are no emergency permits for this category, a waiver can be requested.

- 15. *What Ed Code do I use when requesting a CCSD waiver for the Designated Subjects Career Technical Education or Special Subjects Credential holders?***

Ed Code 44253.11 pertains to the CCSD and the Designated Subjects Career Technical Education and Special Subjects Credential holders. Please see page 35 for a list of Ed Codes appropriate to waivers.

- 16. *One of my teachers has an autistic student in her class so she needs the appropriate authorization. However, she does not qualify for the limited assignment. However, she has not yet used her STSP. My question is must I use the STSP or can I request a waiver? I fear she may not be able to complete the program just within that one year STSP. She is an excellent teacher so I don't want to be left without any options.***

Yes. You may use the waiver if your teacher does not qualify for the limited assignment. Please keep in mind this waiver request will only be for one year. The Commission expects the teacher to gain the experience required to be able to move on to the limited assignment after the waiver.

Appendix B

List of Education Codes and Title 5 Sections That May Be Waived

<u>Section Number</u>	<u>Brief Description of Section</u>
EC §44252(b)	BSR (Basic Skills Requirement) for a Credential or Permit
T5 §80021.1	Requirements for Initial Issuance of the Provisional Internship Permit (Single Subject, Multiple Subject, Education Specialist)
EC §44265	Professional Preparation Program for a Specialist Instruction Credential in Special Education, Reading, etc.
EC §44268	Professional Preparation Program for the Clinical or Rehabilitative Services Credential in Audiology and Orientation and Mobility
EC §44265.3	Professional Preparation Program for the Speech-Language Pathology 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 44260(a)	Experience Requirement for the Designated Subjects Vocational
EC 44260.2(a)	Experience Requirement for the Designated Subjects Adult Education Teaching Credential
EC 44260.4	Course Work Requirement for Designated Subjects Credential in Driver's Education and Training

Appendix C

PRECEDENTIAL DECISIONS

Waiver criteria were established by the Commission based upon previous Precedential decisions. Today, Precedential decisions are still referenced when waiver requests are issued.

Precedential Decisions

One of the Commission's strategic goals is to improve customer service to ensure that employing agencies and the Commission's customers obtain accurate guidance and consistency in the waiver process.

In June 1994, the Commission began issuing waivers. Procedures are in place to process each waiver as an individual decision by the Appeals and Waivers Committee. Under current law (Government Code §11425.60), an agency may designate as a precedent decision, a decision or part of a decision that contains a significant legal or policy determination of general application that is likely to recur. The agency shall maintain an index of significant legal and policy determinations made in precedent decisions. The index shall be updated not less frequently than annually, unless no precedent decision has been designated since the last preceding update.

Publishing written Precedential decisions will help provide guidance for employing agencies. In this section you will find an index and the written decisions that have received approval by the Commission in general session.

The decisions will be referenced by staff while reviewing incoming waiver applications, and when working with employing agencies in both written and oral communications.

PRECEDENTIAL DECISIONS Annual Index Established 2000

1. Precedential Decision CTC No. 1 (in RE: Paul Morsink) establishing the practice: An applicant must demonstrate a compelling educational need before the Commission will grant a waiver.
2. Precedential Decision CTC No. 2 (in RE: Rose M. Alcantara) establishing the practice: A three part test will be applied to applications for waivers when the applicant claims they have been unable to pass the CBEST due to a disability documented under the Americans with Disabilities Act.
3. Precedential Decision CTC No. 3 (in RE: Carole Marie Miller) establishing the practice: An individual on a variable term CBEST waiver must take the examination at least twice and obtain a passing score of 41 or higher on at least one section, prior to applying for a subsequent variable term CBEST waiver.

-
-
4. Precedential Decision CTC No. 4 (in RE: Eddie Charles Conner) establishing the practice: An individual on a variable term CBEST waiver must make meaningful progress (as defined) towards the goal of ultimately passing the CBEST. This rule limits the issuance of a fourth CBEST waiver.
 5. Precedential Decision CTC No. 5 (in RE: Marta Yague) establishing the practice: The definition of a passing score on a single section of the CBEST, for purposes of securing from the Commission a subsequent variable term CBEST waiver, is a score of 41 points or higher.
 6. Precedential Decision CTC No. 6 (in RE: Horie Marleny Roberts) establishing the practice: Despite the change in the credential sought the general rule in Precedential Decision CTC No. 3 (in RE: Carole Marie Miller) still stands.
 7. Precedential Decision CTC No. 7 (in RE: Demeka Roshawn Phelps) establishing the practice: The Commission will not grant waivers for Class Size Reduction assignments unless the individual holds a credential from another state or another country or has completed a teacher preparation program in California.
 8. Precedential Decision CTC No. 8 (in RE: Anthony R. Russo) establishing the practice: Documentation needs to be submitted for services credential waivers regarding the status of an individual in the appropriate credential program and the anticipated completion date of the program.
 9. Precedential Decision CTC No. 9 (in RE: Leonard V. Greaney) establishing the practice: For non-state wide shortage area credentials sufficient documentation is needed attesting that no credentialed candidates(s) applied or explains why the credentialed candidate(s) did not meet the assignment criteria.
 10. Precedential Decision CTC No. 10 (in RE: Mary Lee Scott) establishing the practice: Documentation of recruitment efforts for positions in non-statewide shortage categories will be required.

Please see link below to Coded Correspondence 00-0021 for copies of the specific Precedential Decisions.

<http://www.ctc.ca.gov/notices/coded/2000/000021.pdf>

Appendix D

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 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; and
 - (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 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. 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.

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.

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 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 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 denial notice, 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 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 were denied for insufficient information or ineligibility that are resubmitted within thirty (30) days of the date on the notice of denial are reviewed by Commission.

(A) When 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 service.

(B) When the applicant does not meet 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 services 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 work day.

(5) Waiver requests that were denied for insufficient information or ineligibility that are resubmitted after thirty 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, 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, subdivision (m), Education Code