

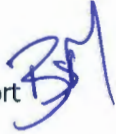
OAKLAND UNIFIED SCHOOL DISTRICT

Office of the Superintendent of Schools

October 8, 2014

Legislative File	
File ID Number:	14-1987
Introduction Date:	10/08/2014
Enactment Number:	14-1733
Enactment Date:	10/8/14
By:	BM

TO: Board of Education

FROM: Antwan Wilson, Superintendent
Brigitte Marshall, Chief Talent Officer, Human Resources Services and Support 

SUBJECT: Application for One (1) Basic Skills Requirement EC §44252(b) Variable Term Waiver Request WV1

ACTION REQUESTED

Approval by the Board of Education of Resolution No. 1415-0083 in support of one application to the Commission on Teacher Credentialing recommending approval for one (1) Basic Skills Requirement EC §44252(b) Variable Term Waiver Request WV1.

BACKGROUND

The Commission on Teacher Credentialing (CTC) has the authority to issue waiver documents to allow employers to employ or assign persons who are not appropriately credentialed for a teaching and/or administrative assignment. Waivers are issued or denied based on 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.

The District currently faces a critical shortage of teachers who are qualified to teach in Bilingual classrooms, and who can provide instruction in the primary language to Limited English Proficient students.

The District has reviewed its staffing needs, conducted a diligent search for this position, and all attempts have been made to fill this position with an appropriately credentialed candidate.

A fully credentialed candidate was not available, and diligent search was conducted to recruit candidates in this order:

- A candidate who is scheduled to complete his or her preliminary credential requirements within six months
- A candidate who is qualified to participate and to enroll in an internship program
- 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)

The District has been unable to find an individual who qualifies for one of the staffing options listed above, and a Basic Skills Requirement EC §44252(b) Variable Term Waiver Request WV1 is being requested for the most qualified candidate.

Ms. Chacon-Gutierrez holds a California Preliminary Multiple Subject Credential, and needs additional time to complete the writing portion of the CBEST exam.

DISCUSSION

The Board of Education, exercising the power of the Governing Board, may approve an application seeking a variable term waiver from the Commission on Teacher Credentialing as may be necessary for certain certificated employees of the District for a specific period of time, as follows:

- Brenda Chacon Gutierrez, One (1) Basic Skills Requirement EC §44252(b) Variable Term Waiver Request WV1, First grade Spanish Bilingual Classroom, Greenleaf Elementary

FISCAL IMPACT

None.

RECOMMENDATION

Approval by the Board of Education of Resolution No. 1415-0083 in support of one application to the Commission on Teacher Credentialing recommending approval for one (1) Basic Skills Requirement EC §44252(b) Variable Term Waiver Request WV1.

**RESOLUTION
OF THE
BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
Resolution No. 1415-0038**

- In Support of One (1) Basic Skills Requirement EC §44252(b) Variable Term Waiver Request WV1 -

WHEREAS, the Board of Education, may approve an application to the California Commission on Teacher Credentialing seeking a Basic Skills Requirement EC §44252(b) Variable Term Waiver Request WV1 as may be necessary for a certificated employee of the District for a specific period of time, and

NOW, THEREFORE, BE IT RESOLVED that approval is given, supporting an application to the California Commission on Teacher Credentialing for Basic Skills Requirement EC §44252(b) Variable Term Waiver Request WV1 to be issued to the following individual so they may work in the District for the 2014-2015 school year:

- Brenda Chacon Gutierrez, One (1) Basic Skills Requirement EC §44252(b) Variable Term Waiver Request WV1, First grade Spanish Bilingual Classroom, Greenleaf Elementary

Passed by the following vote:

AYES: Jody London, Christopher Dobbins, Jumoke Hinton Hodge, Vice President James Harris, President David Kakishiba

NOES: None

ABSTAINED: None

ABSENT: Anne Campbell Washington, Roseann Torres

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held October 8, 2014.

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OAKLAND UNIFIED SCHOOL DISTRICT



David Kakishiba
President, Board of Education



Antwan Wilson
Superintendent and Secretary, Board of Education



Commission on Teacher Credentialing
 Certification Division
 ATTN: Waiver Unit
 1900 Capitol Avenue
 Sacramento, CA 95811-4213

Email: waivers@ctc.ca.gov
 Website: www.ctc.ca.gov

CTC Use Only

CTC Use Only	
W	Z

VARIABLE TERM WAIVER REQUEST (WV1 Form)

Requests must be prepared by the employing agency, not the applicant. All materials must be typewritten or computer generated and sufficiently clear to photocopy. This form must be used for **first time and subsequent waivers only**.

1. EMPLOYING AGENCY (include mailing address) Oakland Unified School District	County/District CDS Code 01-61259	Contact Person: Suzanne Garrett Telephone #: (510) 879-4094 E-Mail: suzanne.garrett@ousd.k1
NPS/NPA (list county code _____)		

2. APPLICANT INFORMATION:

Social Security or Individual Tax Identification Number: [REDACTED]

All applicants must answer professional fitness questions (see #11). In addition, if fingerprint clearance is not on file at CTC, a completed Live Scan receipt (41-LS) must be submitted with this waiver request. If needed, a review by the Division of Professional Practices will be concluded before a waiver approval letter will be issued.

Full Legal Name Chacon-Gutierrez Brenda Odette
Last First Middle

Former Name(s) _____ Birth Date 2/7/1985

Applicant's Mailing Address 1896 Alcatraz Ave Apt 6
Berkeley CA 94703

Phone# (510) 575-5925 Email brendaodette@hotmail.com

Waiver Title Basic Skills Requirement EC §44252(b)

(List the specific title and subject area of the credential that authorizes the assignment. Note that the subject must be one that is available under current regulations.)

Assignment Multiple Subjects/General Subjects Bilingual Spanish, Grade 1

Indicate specific position and grade level (e.g. chemistry teacher, grades 11-12)

- For bilingual assignment list LANGUAGE: Spanish
- Is this a full time position? Yes No
- If not, indicate how many periods a day the individual will be teaching the waiver assignment(s) _____
- Is this a subsequent waiver? (see #9 for additional information) Yes No

3. EDUCATION CODE OR TITLE 5 SECTION TO BE WAIVED

Specific section(s) covering the assignment: EC §44252(b)

4. EFFECTIVE DATES

Waivers are dated effective the beginning date of service. Provide the ending date of your school term, track or year below. A justification *must* be included if the expiration date extends beyond the term, track or year.

Effective Dates (mm/dd/yyyy): 8 / 25 / 2014 to 9 / 1 / 2015

Ending date of school term, track, or year: 6 / 12 / 2015

5. STATEWIDE HIGH INCIDENCE AREA WAIVER REQUESTS:

a. INDICATE THE SHORTAGE AREA FOR THE ASSIGNMENT

- | | |
|--|--|
| <input type="checkbox"/> Special Education | <input type="checkbox"/> Driver Education and Training |
| <input type="checkbox"/> Clinical or Rehabilitative Services | <input type="checkbox"/> 30-Day Substitute |
| <input type="checkbox"/> Speech-Language Pathology Services | |

b. INDICATE WHAT WAS DONE THIS YEAR TO LOCATE AND RECRUIT INDIVIDUALS TO FILL THIS POSITION

No copies are necessary if this is a recognized high incidence area.

- | | |
|--|--|
| <input type="checkbox"/> Advertised in local/national newspapers | <input type="checkbox"/> Contacted IHE placement centers |
| <input type="checkbox"/> Advertised in professional journals | <input type="checkbox"/> Distributed job announcements |
| <input type="checkbox"/> Attended job fairs in California | <input type="checkbox"/> Internet |
- Attended recruitment out-of-state

Other _____

c. IF THIS IS AN INITIAL WAIVER REQUEST, EXPLAIN WHAT MAKES THE APPLICANT THE BEST CANDIDATE

Include detailed information about the individual's professional preparation and expertise in the subject/area requested and attach appropriate documentation including transcripts, examination score reports, and verification of experience.

6. NON STATEWIDE NON SHORTAGE AREA WAIVER REQUESTS:

a. INDICATE THE LOW INCIDENCE AREA FOR THE ASSIGNMENT

- | | |
|---|--|
| <input type="checkbox"/> Administrative Services | <input checked="" type="checkbox"/> Multiple Subject Teaching |
| <input type="checkbox"/> Single Subject Teaching (all subject areas) | <input type="checkbox"/> Pupil Personnel Services: Counseling, Psychology, Social Work |
| <input type="checkbox"/> Designated Subjects – except driver education and training | <input type="checkbox"/> Reading Specialist/Certificate |
| <input type="checkbox"/> Teacher Librarian Services | <input checked="" type="checkbox"/> Teacher of English Learner Students |

b. INDICATE WHAT WAS DONE THIS YEAR TO LOCATE AND RECRUIT INDIVIDUALS TO FILL THIS POSITION

Copies of announcements, advertisements, web site registration, etc. **must** be attached.

The employer must verify **all** of the following:

- Distributed job announcements
- Contacted IHE placement centers
- Internet (i.e. www.edjoin.org)

Optional recruitment methods:

- Advertised in local/national newspaper
- Attended job fairs in California
- Attended recruitment out-of-state
- Advertised in professional journals

Other CDE Bilingual Teacher Recruitment Program

c. PROVIDE DETAILED INFORMATION ABOUT THE RESULTS OF RECRUITMENT EFFORTS. BE SURE TO ANSWER EACH OF THE FOLLOWING QUESTIONS:

How many individuals credentialed in the authorization of the waiver request applied for the position?

N/A

How many individuals credentialed in the authorization of the waiver request were interviewed?

N/A

What were the results of those interviews? (Please indicate answers in numbers)

N/A Applicant(s) withdrew

N/A Candidate(s) declined job offer

N/A Candidate(s) found unsuitable for the assignment

d. PROVIDE THE SPECIFIC EMPLOYMENT CRITERIA FOR THE POSITION

What special skills and knowledge are needed to successfully perform in this position? These should also be described in your recruitment advertisements and announcements.

Brenda is a teacher recruited from the Visiting Teachers program that is operated through the California Department of Education, initially for the 2013-2014 school year. Oakland Unified has a tremendous need for bilingual teachers in Spanish.

e. IF THIS IS AN INITIAL WAIVER REQUEST, EXPLAIN WHAT MAKES THE APPLICANT THE BEST CANDIDATE

Include detailed information about the individual's professional preparation and expertise in the subject/area requested and attach appropriate documentation including transcripts, examination score reports, and verification of experience.

Brenda is bilingual in Spanish and is a fully credentialed teacher from Spain. The district is committed to supporting these teachers to successfully meet credential requirements and receive supportive advisement and guidance.

7. REQUIREMENTS AND TARGET COMPLETION DATES FOR REACHING CREDENTIAL GOAL

List the requirements that the applicant must complete to be eligible for the credential along with the credential goal and target date by which he or she plans to complete those requirements

PROGRAM, COURSE, EXAMINATION, EXPERIENCE	TARGET COMPLETION DATE
CBEST Writing	12/2014

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

By assigning this individual, the employing agency makes a commitment to provide orientation, guidance and assistance to the applicant, as feasible, in completing the requirement(s) listed above.

Name Karla Barrios Position Recruitment Specialist

9. SUBSEQUENT WAIVER REQUESTS

- Attach a copy of a personnel evaluation that verifies the applicant served satisfactorily in the position authorized by the previous waiver.
- Attach supporting documentation

10. IS THIS EMPLOYING AGENCY GEOGRAPHICALLY ISOLATED?

Would the applicant have to travel more than 1 1/2 hours one-way to attend an institution with an approved program to meet the credential goal?

- Yes No Not applicable (program completion is not a requirement)

11. PROFESSIONAL FITNESS QUESTIONS (to be answered by the applicant)

Answers to the following questions are required. **If you answer yes to any question, you must complete the corresponding Professional Fitness Explanation Form.**

Before granting your application, the Commission will review, at a minimum:

- Federal Bureau of Investigation criminal history (rap sheet)
- California Department of Justice criminal history (rap sheet)
- International database of teacher misconduct maintained by the National Association of State Directors of Teacher Education and Certification (NASDTEC)
- Previous reviews by the Commission
- Complaints from others
- Notifications from school districts
- Teacher preparation test score violations

You must disclose misconduct, even if:

- It happened a long time ago
- It happened in another state, federal court, military or jurisdiction outside the United States
- You did not go to court and your attorney went for you
- You did not go to jail or the sentence was only a fine or probation
- You received a certificate of rehabilitation
- Your conviction was later dismissed (even if under Penal Code section 1203.4), expunged, set aside or the sentence was suspended



Warning: Failure to disclose any information requested is falsification of your application and the Commission may reject or deny your application or take disciplinary action against your document.

Do you understand:

- these instructions and;
- that you will later declare under penalty of perjury that the information you give is true and correct and;
- the Commission may reject your application if it is incomplete and;
- the Commission may deny your application or take disciplinary action against your document if you do not disclose misconduct?

Yes

No

a. Have you ever been:

- dismissed or,
- non-reelected or,
- suspended without pay for more than ten days, or
- retired or,
- resigned from, or otherwise left school employment

because of **allegations of misconduct** or while **allegations of misconduct** were pending?

Yes

No

b. Have you ever been convicted of any felony or misdemeanor in California or any other place?
You must disclose:

- all criminal convictions
- misdemeanors and felonies
- convictions based on a plea of no contest or nolo contendere
- convictions dismissed pursuant to Penal Code Section 1203.4
- driving under the influence (DUI) or reckless driving convictions
- no matter how much time has passed

You do not have to disclose:

- misdemeanor marijuana-related convictions that occurred more than two years prior to this application, except convictions involving concentrated cannabis, which must be disclosed regardless of the date of such a conviction.
- Infractions (DUI or reckless driving convictions are not infractions)

Yes

No

c. Are you currently the subject of any inquiry or investigation by any law enforcement agency or any licensing agency in California or any other state?

Yes

No

d. Are any criminal charges currently pending against you?

Yes

No

e. Have you ever had any credential, including but not limited to, any Certificate of Clearance, permit, credential, license or other document authorizing public school service, revoked, denied, suspended, publicly reprovod, and/or otherwise subjected to any other disciplinary action (including an action that was stayed) in California or any other state or place?

Yes

No

f. Have you ever had any professional or vocational (not teaching or educational) license revoked, denied, suspended, and/or otherwise subjected to any other disciplinary action (including an action that was stayed) in California or any other state or place?

Yes

No

12. PUBLIC NOTICE -- CHECK THE BOX THAT APPLIES

Public School District: Attached is a copy of the agenda item presented to the governing board of the school district in a public meeting showing the name of the applicant, the specific assignment including subject and grade level, and the fact that employment will be on the basis of a credential waiver. With the signature of the superintendent or his or her designee in item #14 below, the person signing verifies that the board acted upon the item favorably.

By submitting this waiver request the district is certifying that reasonable efforts to recruit a fully prepared teacher for the assignment(s) were made in the following order:

1. A candidate who is qualified to participate in an approved internship program in the region of the school district
2. An individual who is scheduled to complete initial preparation requirements within six months

County Office of Education, State Agency, or Nonpublic, Nonsectarian School or Agency: Attached is a dated copy of the notice that was posted at least 72 hours before the position was filled showing the name of the applicant, the specific assignment including subject and grade level, and the fact that employment will be on the basis of a credential waiver. With the signature of the superintendent or administrator or his or her designee in item #14 below, the person signing verifies that there were no objections to this waiver request.

13. APPLICANT'S CERTIFICATION

I understand that in order to receive a subsequent waiver for this assignment I must pursue the completion of requirements to obtain full certification in the subject or area covered by this waiver request as specified in #7 above.

I understand that if my case is heard in a public meeting, all materials submitted to the Commission regarding my suitability, including grades and test scores, may be discussed.

I hereby certify (or declare) under penalty of perjury under the laws of the State of California that all of the foregoing statements in this application are true and correct.



Signature of Applicant

(Sign full legal name as listed in #2)

August 28, 2014

Date

14. EMPLOYING AGENCY CERTIFICATION *(To be signed by district or county superintendent, personnel administrator, NPS/NPA administrator, or designee.)*

The person for whom this waiver is requested will not be employed until he or she has been cleared by the Department of Justice under the provisions of Education Code Section 44332.6 and Section 44830.1 (AB1612). The employer acknowledges that the Commission's final approval of this individual's waiver will be determined by a fitness review covering, in part, criminal activity, including certain in-state and/or out-of-state convictions. If this waiver request is for service to special education children, the Special Education Local Planning Area (SELPA) has been notified of our intent to request this waiver.

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

Signature:



Title:

Suzanne Garrett

Date:

August 28, 2014

CBEST[®]



**CALIFORNIA BASIC
EDUCATIONAL SKILLS TEST™**

TEST DATE: 05/03/14
SSN: XXX-X5-1376
ID#: 41632620

For privacy/confidentiality reasons, only the last five digits of your Social Security Number are reported.



This barcode contains unique candidate information

BRENDA O. CHACON GUTIERREZ
465 APT.303 BUENA VISTA AVEN
ALAMEDA, CA 94501

Reading Section Scaled Score: Not Taken

Mathematics Section Scaled Score: 56

# of Items	Skill Area	Performance Indicators
11-20	Estimation, Measurement, and Statistical Principles	++++
11-20	Computation and Problem Solving	+++
11-20	Numerical and Graphic Relationships	+++

Writing Section Scaled Score: Not Taken

CBEST Status: Not Yet Passed

Your scores will be sent to the following:
Commission on Teacher Credentialing
Mills College
Holy Names University
University of California-Berkeley

CALIFORNIA BASIC EDUCATIONAL SKILLS TEST™ (CBEST®)

Cumulative Score Information

Test Date	Reading Score	Math Score	Writing Score	Total Score
05/14	--	56	--	--
03/14	42	--	--	--
11/13	30	--	--	--
Highest Cumulative Scaled Scores				
	42	56	--	--



Commission on Teacher Credentialing

CBEST®



**CALIFORNIA BASIC
EDUCATIONAL SKILLS TEST™**

For privacy/confidentiality reasons, only the last five digits of your Social Security Number are reported.



This barcode contains unique candidate information

TEST DATE: 03/08/14
SSN: XXX-X5-1376
ID#: 41632620

BRENDA O. CHACON GUTIERREZ
465 APT.303 BUENA VISTA AVEN
ALAMEDA, CA 94501

Reading Section		Scaled Score: 42
# of Items	Skill Area	Performance Indicators
11-20	Critical Analysis and Evaluation	+++
21-30	Comprehension and Research Skills	++
Mathematics Section		Scaled Score: Not Taken
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Writing Section		Scaled Score: Not Taken
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CALIFORNIA BASIC EDUCATIONAL SKILLS TEST™ (CBEST®)				
Cumulative Score Information				
Test Date	Reading Score	Math Score	Writing Score	Total Score
03/14	42	--	--	--
11/13	30	--	--	--
Highest Cumulative Scaled Scores	42	--	--	--



CBEST Status: Not Yet Passed
Your scores will be sent to the following:
Commission on Teacher Credentialing
University of California-Berkeley



For privacy/confidentiality reasons, only the last five digits of your Social Security Number are reported.




This barcode contains unique candidate information

TEST DATE: 07/12/14
SSN: [REDACTED]
ID#: 41632620

BRENDA O. CHACON GUTIERREZ
465 APT.303 BUENA VISTA AVEN
ALAMEDA, CA 94501

Reading Section		Scaled Score: Not Taken
.....		
.....		
.....		
.....		
Mathematics Section		Scaled Score: Not Taken
.....		
.....		
.....		
.....		
Writing Section		Scaled Score: 29
Performance on Topic 1:	Performance on Topic 2:	
Your topic 1 essay showed a need for improvement in the following area(s).	Your topic 2 essay showed a need for improvement in the following area(s).	
<ul style="list-style-type: none"> - Organization - Usage - Structure and Conventions 	<ul style="list-style-type: none"> - Organization - Support and Development - Usage 	
<hr/>		
CBEST Status: Not Yet Passed		
Your scores will be sent to the following:		
Commission on Teacher Credentialing		
University of California-Berkeley		

CALIFORNIA BASIC EDUCATIONAL SKILLS TEST™ (CBEST®)				
Cumulative Score Information				
Test Date	Reading Score	Math Score	Writing Score	Total Score
07/14	--	--	29	--
05/14	--	56	--	--
03/14	42	--	--	--
11/13	30	--	--	--
Highest Cumulative Scaled Scores	42	56	29	127



Commission on Teacher Credentialing
UNIVERSITY OF CALIFORNIA - BERKELEY