

**OAKLAND UNIFIED SCHOOL DISTRICT**  
Office of the Superintendent of Schools

August 12, 2015

Legislative File	
File ID Number:	15-1438
Introduction Date:	08/12/2015
Enactment Number:	15-1234
Enactment Date:	8/12/15
By:	aw

TO: Board of Education

FROM: Antwan Wilson, Superintendent  
Brigitte Marshall, Chief Talent Officer, Talent Division

SUBJECT: Application for Emergency Bilingual Cross-cultural, Language and Academic Development (BCLAD) - Spanish - Variable Term Waiver

**ACTION REQUESTED**

Approval by the Board of Education of Application to the Commission on Teacher Credentialing for Emergency Bilingual Cross-cultural, Language and Academic Development (BCLAD) - Spanish - Variable Term Waiver, as specified, for person named herein.

	LEGISLAIVE FILE ID NO.	RESOLUTION NO.	APPLICANT	TYPE OF VARIABLE TERM WAIVER
	15-1432	1516-0022	Leoncio Figueroa-Selgado	Multiple Subject – BCLAD - Spanish
	15-1433	1516-0023	Victor Gudiol-Melero	BCLAD - Spanish
	15-1436	1516-0024	Abel Guzman-Domenech	BCLAD - Spanish
<b>X</b>	<b>15-1438</b>	<b>1516-0025</b>	<b>Eva Sivill-Marimon</b>	<b>BCLAD - Spanish</b>

**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. A Waiver is 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 Emergency Bilingual Spanish Variable Term Waivers are being requested for the most qualified candidates.

### **DISCUSSION**

The Board of Education, as the Governing Board, may approve an application seeking a Bilingual Cross-cultural, Language and Academic Development (BCLAD) – Spanish - Variable Term Waiver from the Commission on Teacher Credentialing, as may be necessary for certain certificated employees of the District. For the 2015-2016 school year, a waiver is being sought for the following employees:

1. Leoncio Figueroa-Selgado, Multiple Subject Bilingual Spanish, Global Family, K-5
2. Victor Gudiol-Melero, BCLAD: Spanish, Manzanita Seed Elementary, K-5
3. Abel Guzman-Domenech, BCLAD: Spanish, Greenleaf, K-5
4. Eva Sivill-Marimon, BCLAD: Spanish, Global Family, K-5

Leoncio Figueroa-Selgado graduated in July 1983 from Centro Reginal de Educacion Normal, Iguala, Guerrero, Mexico, with a Bachelor's in Teacher, Elementary Education. He completed his Doctorate Program at LAVAL, Quebec, Canada, in January 2005 with a PhD in Psychopedagogy. This waiver will allow him to complete requirements for BCLAD: Spanish.

Victor Gudiol-Melero is a visiting teacher from Spain who graduated in 2009 from the University of the Balearic Islands with a Bachelor's degree in Elementary Education and a specialization in foreign language (English/Spanish) education.

Abel Guzman-Domenech is a visiting teacher from Spain who graduated in 2009 with a degree in Elementary Education and a Master's degree in Special Education.

**Eva Sivill Marimon has met the CBEST requirement and CTCL 1. She needs additional time to complete requirements for completing BCLAD.**

### **FISCAL IMPACT**

None.

### **RECOMMENDATION**

Approval by the Board of Education of Application to the Commission on Teacher Credentialing for Emergency Bilingual Cross-cultural, Language and Academic Development (BCLAD) - Spanish - Variable Term Waiver, as specified, for person named herein.

**RESOLUTION  
OF THE  
BOARD OF EDUCATION  
OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT  
Resolution No. 1516-0025**

- Application for Emergency Bilingual Cross-cultural, Language and Academic Development (BCLAD)- Spanish Variable Term Waiver – California Commission on Teacher Credentialing for Eva Sivill-Marimon, Global Family Elementary School, K-5, for School Year 2015-2016 -

**WHEREAS**, the Board of Education, may approve an application to the California Commission on Teacher Credentialing seeking an Emergency Bilingual Spanish Variable Term Waiver as may be necessary for a certificated employee of the District for a specific period of time,

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Education approves the Application for Emergency Bilingual Cross-cultural, Language and Academic Development (BCLAD)- Spanish - Variable Term Waiver – to the California Commission on Teacher Credentialing for Eva Sivill-Marimon, Global Family Elementary School, K-5, for School Year 2015-2016.

Passed by the following vote:


AYES: Roseann Torres, Jumoke Hinton Hodge, Shanthi Gonzales, Aimee Eng, Vice President Jody London, President James Harris

NOES: None

ABSTAINED: Nine Senn

ABSENT: None

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 August 12, 2015.

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**OAKLAND UNIFIED SCHOOL DISTRICT**

  
James Harris  
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](mailto:waivers@ctc.ca.gov)  
Website: [www.ctc.ca.gov](http://www.ctc.ca.gov)

CTC Use Only

CTC Use Only

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## 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**.

<b>1. EMPLOYING AGENCY</b> (include mailing address)  Oakland Unified School District 1000 Broadway Suite 295 Oakland, CA 94607  NPS/NPA (list county code _____)	<b>County/District</b> CDS Code  01-61259	<b>Contact Person:</b>  Dasha LaBrie  Telephone #: (510) 879-0202  Email: <a href="mailto:dasha.labrie@ousd.k12.ca.gov">dasha.labrie@ousd.k12.ca.gov</a>
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### 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 Sivill Marimon Eva  
Last First Middle

Former Name(s) \_\_\_\_\_ Birth Date [REDACTED]

Applicant's Mailing Address [REDACTED]  
Oakland, CA 94609

Phone# [REDACTED] Email danaduna21@gmail.com

Waiver Title Emergency BCLAD: Spanish Waiver

(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 Bilingual Teacher, Elementary K-5

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: Ed Code 44253.3

**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): 08/19/2015 to 08/31/2016

Ending date of school term, track, or year: 08/31/2016

**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 type="checkbox"/> Multiple Subject Teaching                                     |
| <input type="checkbox"/> Single Subject Teaching ( <b>all</b> 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](http://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 OOO recruitment to Spain & Mexico

**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? 31

How many individuals credentialed in the authorization of the waiver request were interviewed? 23

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

<u>10</u>	Applicant(s) withdrew
<u>12</u>	Candidate(s) declined job offer
<u>8</u>	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.

Spanish speaking, writing and reading. Academic Spanish expertise, training in bilingual classroom settings.

**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.

Eva Sivill Marimon is requesting a Variable Term Waiver BCLAD: Spanish. Eva has met the CBEST requirement and CTCL 1. She needs the additional time to complete requirements for completing BCLAD.

**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
CTEL 2 and 3	6/30/2016
CSET World Languages Exam III, IV, V	6/30/2016

**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 Dante Ruiz Position Principal

**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 reprimanded, 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. CHILD ABUSE AND NEGLECT MANDATED REPORTING (to be answered by the applicant)

As a document holder authorized to work with children, it is part of my professional and ethical duty to report every instance of child abuse or neglect known or suspected to have occurred to a child with whom I have professional contact.

I understand that I must report immediately, or as soon as practicably possible, by telephone to a law enforcement agency or a child protective agency, and will send a written report and any evidence relating to the incident within 36 hours of becoming aware of the abuse or neglect of the child.

I understand that reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person is not a substitute for making a mandated report to a law enforcement agency or a child protective agency.

I understand that the reporting duties are individual and no supervisor or administrator may impede or inhibit my reporting duties.

I understand that once I submit a report, I am not required to disclose my identity to my employer.

I understand that my failure to report an instance of suspected child abuse or neglect as required by the Child Abuse and Neglect Reporting Act under Section 11166 of the Penal Code is a misdemeanor punishable by up to six months in jail or by a fine of one thousand dollars (\$1,000), or by both that imprisonment and fine.

I acknowledge and certify that as a document holder, I will fulfill all the duties required of a mandated reporter.

☒

I agree



### 13. 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.

### 14. 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)

5/20/15  
\_\_\_\_\_  
**Date**

### 15. 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:**

Credentials Associate

**Date:**

7.15.15