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CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

MINUTES OF THE COMMISSION MEETING

October 2-3, 2002

Commission Offices, 1900 Capitol Avenue, Sacramento

COMMISSION MEMBERS

Kristen Beckner, Teacher
Alan Bersin, Administrator, Chairman
Nadia Maria Davis, School Board Member
(*absent Thursday, October 3, 2002*)
Margaret Fortune, Public Representative
Beth Hauk, Teacher
Elaine C. Johnson, Public Representative
Carol Katzman, Public Representative
Stephen Lilly, Faculty Member
Lawrence Madkins, Jr., Teacher, Vice Chairman
Alberto Vaca, Teacher
Marilyn Whirry, Designee, Office of the Superintendent of Public Instruction

COMMISSION MEMBERS ABSENT

Chellyn Boquiren, Teacher

EX-OFFICIO REPRESENTATIVES

Carol Bartell, Association of Independent Colleges and Universities
Joyce Justus, Regents, University of California
Bill Wilson, California State University

COMMISSION STAFF

Sam Swofford, Executive Director
Mary Armstrong, General Counsel, Director, Professional Practices Division
Linda Bond, Director, Office of Governmental Relations
Joe Gee, Director, Information Technology and Support Management Division
Mary Butera, Director, Office of Human Resources
Dale Janssen, Director, Certification, Assignments and Waivers Division
Mary Vixie Sandy, Director, Professional Services Division
Janet Vining, Staff Counsel, Professional Practices Division
Lee Pope, Staff Counsel, Professional Practices Division
Kimberly Hunter, Staff Counsel, Professional Practices Division
Larry Birch, Administrator, Professional Services Division
Elizabeth Graybill, Administrator, Professional Services Division
Amy Jackson, Administrator, Professional Services Division
Margaret Olebe, Administrator, Professional Services Division
Nicole Amador, Consultant, Professional Services Division
Joe Dear, Consultant, Professional Services Division
Marilynn Fairgood, Consultant, Professional Services Division
Philip Fitch, Consultant, Professional Services Division
Helen Hawley, Consultant, Professional Services Division
Cheryl Hickey, Consultant, Professional Services Division
Phyllis Jacobson, Consultant, Professional Services Division
Betsy Kean, Consultant, Professional Services Division
Michael McKibbin, Consultant, Professional Services Division
Rod Santiago, Consultant, Professional Services Division

Marjorie Suckow, Consultant, Professional Services Division
Suzanne Tyson, Consultant, Professional Services Division
Jan Jones Wadsworth, Consultant, Professional Services Division
James Alford, Assistant Consultant, Professional Services Division
Mark McLean, Assistant Consultant, Professional Services Division
Nadine Noelting, Assistant Consultant, Professional Services Division
Diane Tanaka, Assistant Consultant, Professional Services Division
Yvonne Novelli, Program Analyst, Professional Services Division
Marilyn Errett, Consultant, Office of Governmental Relations
Leyne Milstein, Consultant, Office of Governmental Relations
Dan Gonzales, Legislative Liaison, Office of Governmental Relations
Anne Padilla, Consultant, Office of Governmental Relations
Crista Hill, Manager, Information Technology and Support Management Division
Terri Fesperman, Assistant Consultant, Certification Division
Susan Browning, Manager, Certification Division
Stephen Burke, Research Analyst, Certification Division
Kathleen Beasley, Proceedings Document Recorder

Wednesday, October 2, 2002

GENERAL SESSION

The general session was called to order by Chairman Bersin. Roll was taken.

REPORT OF CLOSED SESSION ITEMS

Petitions for Reinstatement or For Reduction of Penalty

The Commission granted the Petition for Reinstatement in the matter of Jeffrey Yarbrough.

The Commission denied the following Petitions for Reinstatement:

1. Terence Hendrix
2. Harold Smith

Reconsiderations

The Commission reconsidered and sustained its prior decision to deny Mr. Icke's application.

Proposed Decisions

The Commission adopted the Administrative Law Judge's Proposed Decision in the matter of Jonathan Messina.

Consent Determinations

The Commission adopted the following Consent Determinations:

1. Thomas Lunceford
2. Ronald Mingo
3. Gregory Orr

Thursday, October 3, 2002

GENERAL SESSION

The general session was called to order by Chairman Bersin. Roll was taken. The Commission and audience joined in the Pledge of Allegiance.

APPROVAL OF THE SEPTEMBER 2002 COMMISSION MINUTES

A motion to approve the September 2002 Commission minutes with the in-folder revision was made (Fortune), seconded (Madkins) and carried without dissent.

APPROVAL OF THE OCTOBER 2002 AGENDA

A motion to approve the agenda for the October 2002 meeting with in-folder items (pertaining to Leg-1 and Public Hearing 2) was made (Vaca), seconded (Fortune) and carried without dissent.

APPROVAL OF THE OCTOBER 2002 CONSENT CALENDAR

A motion to approve the October 2002 Consent Calendar was made (Beckner), seconded (Whirry) and carried without dissent.

RECOMMENDATIONS OF THE COMMITTEE OF CREDENTIALS

Education Code section 44244.1 allows the Commission to adopt the recommendation of the Committee of Credentials without further proceedings if the individual does not request an administrative hearing within a specified time.

1. **BIRMAN, Lisa B.** San Diego, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **revoked** and any pending applications are **denied** for misconduct pursuant to Education Code sections 44421 and 44345.

2. **BOWSER, Phyllis** Barstow, CA

Ms. Bowser is the subject of **public reproof** for misconduct pursuant to Education Code section 44421.

3. **DUNKERLEY, Carlos Z.** North Hills, CA

Mr. Dunkerley is the subject of **public reproof** for misconduct pursuant to Education Code section 44421.

4. **IWANKIW, Michael Y.** Pasadena, CA

Mr. Iwankiw is the subject of **public reproof** for misconduct pursuant to Education Code section 44421.

5. **LUSTIG, Darren D.** Patchogue, NY

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **revoked** and any pending applications are **denied** for misconduct pursuant to Education Code sections 44421 and 44345.

6. **OLIVAR, Martin** Los Angeles, CA

The Multiple Subject Teaching Credential is **suspended for a period of fifteen (15) days** for misconduct pursuant to Education Code section 44421.

7. **RICE, Jon K.** Simi Valley, CA

The Administrative Services Credential is **suspended for a period of fifteen (15) days** for misconduct pursuant to Education Code section 44421.

8. **RUDNER, David A.** Menlo Park, CA

Mr. Rudner is the subject of **public reproof** for misconduct pursuant to Education Code section 44420.

9. **STRANGIO, Frank** Sacramento, CA

Mr. Strangio is the subject of **public reproof** for misconduct pursuant to Education Code section 44421.

CONSENT DETERMINATIONS

10. **AVARBUCH, Leonard M.** Mission Viejo, CA

The Attorney General's Proposed Consent Determination, which reflects the Committee of Credentials' recommendation to **revoke** all credentials, life diplomas or other certification documents under the jurisdiction of the Commission, is adopted.

11. **KERSTING, John S.** Sequim, WA

The Proposed Consent Determination, that allows Mr. Kersting to **withdraw** his application is adopted. It also stipulates that any submission of an application before July 1, 2004, shall result in the immediate denial of the application.

PROPOSED DECISIONS

12. **TATUM, Janet A.** Fresno, CA

The Administrative Law Judge's Proposed Decision, which reflects the Committee of Credentials' recommendation to **revoke** all credentials, life diplomas or other certification documents under the jurisdiction of the Commission, is adopted.

REQUESTS FOR REVOCATION

The Commission may revoke credentials upon the written request of the credential holder pursuant to Education Code sections 44423 and 44440.

13. **BECKMAN, Laura M.** Arnold, CA

Upon her written request, pursuant to Education Code section 44423, her Clear Specialist Instruction Credential in Special Education is **revoked**.

14. **CARLILE, Denese** Fremont, CA

Upon her written request, pursuant to Education Code section 44423, her Clear Specialist Instruction Credential in Special Education is **revoked**.

DIVISION OF PROFESSIONAL PRACTICES

MANDATORY ACTIONS

All certification documents held by the following individuals are mandatorily revoked or denied pursuant to Education Code sections 44346, 44346.1, 44424, 44425 and 44425.5, which require the California Commission on Teacher Credentialing to mandatorily revoke the credentials held by individuals convicted of specified crimes and to mandatorily deny applications submitted by individuals convicted of specified crimes.

15. **BROWN, Keith** Guerneville, CA

16. **CORTEZ, Sonia** Los Angeles, CA

17. **GEBREMICHAEL, Binyam** San Diego, CA

18. **LYONS, Gloria C.** Oakland, CA

19. **RIOS, Gina L.** Highland, CA

20. **MARSHALL, Linda K.** Huntington Beach, CA

AUTOMATIC SUSPENSIONS

All certification documents held by the following individuals were automatically suspended because a complaint, information or indictment was filed in court alleging each individual committed an offense specified in Education Code section 44940. Their certification documents will remain automatically suspended until the Commission receives notice of entry of judgment pursuant to Education Code section 44940(d) and (e).

21. **MUENCH, Morris A.** Victorville, CA

22. **PHILLIPS, Ronald S.** Sutter Creek, CA

23. **SWANSON, Frederick W.** Elk Grove, CA

24. **TORRES, Carlos A.** Rialto, CA

TERMINATION OF AUTOMATIC SUSPENSIONS

Pursuant to Education Code section 44940(d), the automatic suspension of all credentials held by the following individuals is terminated and the matter referred to the Committee of Credentials for review.

25. **GOODSEN, Stephen E.** Indio, CA

26. **HARRIS, Edward E.** Yreka, CA

DENIAL OF CREDENTIAL WAIVER REQUESTS

The Appeals and Waivers Committee having reviewed these waiver requests has recommended they be denied. The employing districts have not asked for reconsideration of the Committee's decisions.

1. Gary T. Pullman/Lynwood Unified School District
2. Maria L. Gutierrez/Monterey Peninsula Unified School District
3. Barbara S. Buenrostro/Banning Unified School District
4. Gregory S. Litcher/South Pointe Academy (NPS)
5. Melanie E. Richardson/Dolores Huerta Learning Academy
6. Danny Llamas/ Central Union Elementary School District
7. G. Evan Evans/San Mateo County
8. Leann Y. Griffin/Arvin Union Elementary School District
9. Lisa C. Roach/Atwater Elementary School District
10. Mark S. McKelvie/Long Beach Unified School District
11. Craig Kimrosha/Advocate Schools (NPS)
12. Siran Schanen/Glendale Unified School District
13. Dalton H. Kaufman/Long Beach Unified School District
14. Jon C. Breaw/Vacaville Unified School District

ANNUAL CALENDAR OF EVENTS

The annual calendar of events was provided as an information item.

CHAIR'S REPORT

Chairman Bersin said he was honored and pleased to attend a White House conference on the teaching of history and the renewal of interest in civics education. Coming in the wake of emotions stirred by the anniversary of the 9/11 tragedy, he said it was an opportune time to focus on democracy. He said the notion of civic engagement has been weakened for a variety of reasons, but it is an important area to focus on as the Commission and others work to revitalize education. He noted that David McCullough, author of a renowned John Adams biography among other works, has pointed out that this country's history is brief compared to the span and scope of world history, but that it is something that we must pass on to our children if democracy is to flourish. Chairman Bersin said he found the meeting extraordinary, especially two presentations. One was about Justice Kennedy's Dialogue on Freedom, which encourages discussions about the important concepts of American government between students and local judges and lawyers. The other is a program called Freedom's Answer, which is a non-partisan effort to engage high school students in getting out the vote - either by registering and voting themselves if they are of sufficient age or by committing to getting five adults to vote. He summarized by saying that civics and American history should be among those components that are a vital part of making an educated person in the 21st century.

EXECUTIVE DIRECTOR'S REPORT

Dr. Swofford announced that the Commission has initiated an e-mail newsletter, the CCTC E-News, which is being sent to more than 700 individuals. The newsletter provides interested stakeholders with up-to-date information from the Commission, including summaries of Commission meetings, copies of correspondence and press releases. Dr. Swofford thanked Chairman Bersin for his ideas and encouragement to expand the Commission's communication capabilities.

He also introduced Michelle Patton, who has joined the Executive Office staff as an office assistant. Before joining the Executive Office staff, she

worked in the Certification, Assignment and Waivers Division for the past year.

Dr. Swofford also noted the passing of former Assemblyman and Senator Leroy F. Greene. He said that not only was Senator Greene a great friend of education but he also was a personal mentor for many years to the Commission's Director of the Office of Governmental Relations, Linda Bond. Dr. Swofford said that Senator Greene will be greatly missed.

REPORT ON STATE BOARD OF EDUCATION MEETING

A summary of items from the State Board of Education's September meeting was provided for information only. This included a report on the results of the 2002 STAR statewide test results, the approval of more training providers and local consortia under AB 75 (which provides incentive funding for principal support, assistance and development) and the approval of more training providers under the Mathematics and Reading Professional Development Program.

CREDENTIALING & CERTIFICATED ASSIGNMENTS COMMITTEE OF THE WHOLE

Commissioner Fortune convened the Credentialing & Certificated Assignments Committee of the Whole.

C&CA-1: Proposed Addition of California Code of Regulations, Title 5 Section 80020.1 Pertaining to Additional Assignment Authorizations for Specific Special Education Credentials

Terri Fesperman, Assistant Consultant for the Certification Division, noted that the Commission discussed this item at the prior Commission meeting as an information item. It is now back before the Commission for approval to begin the process of scheduling a public hearing and considering the addition for final adoption.

The proposal will allow school districts to authorize individuals to serve students age birth to preschool within the special education disability area authorized by the individual's credential. The authorization requires that the individual have three years of prior teaching experience at the age level and in the disability area authorized. The proposal includes a sunset date. The proposal addresses the situation of teachers with pre-Ryan special education credentials who have been serving young children without specific authorization.

The proposal allows General and Standard Credential holders to serve mild/moderate and moderate/severe students of preschool age and students in low-incidence disability areas ages birth to preschool. Teachers without the required three years' experience must obtain an ECE Certificate or Education Specialist Credential to serve those students.

Ms. Fesperman noted it will be up to the local hiring agency to use this assignment option and to ensure that the teachers meet the requirements and have the necessary skills.

A motion to approve the addition to the regulations was made (Hauk) and seconded (Johnson). Vice Chairman Madkins asked how many individuals would be affected. Ms. Fesperman replied that the specific number is not known since this type of data is not reported to the Commission, but that estimates indicate the number is small. The motion was carried without dissent.

C&CA-3: Preliminary Report on Teacher Retention in California

Commissioner Fortune said that the second C&CA item would be delayed until the eminent teacher candidate arrived and that the Commission would take up the third item.

Stephen Burke, Research Analyst for the Certification Division, highlighted data from a report on teacher retention that was developed jointly by Commission staff and the Employment Development Department (represented by Richard Kihlthau). The findings indicate that California has a significantly higher retention rate than the rest of the nation. For first-year teachers, the rate of retention in California is 94 percent compared to 89 percent nationally. After four years, the figure drops to 84 percent in California but lowers to 67 percent nationwide.

The report also addresses the question of where people go when they leave teaching. The list of industries where people are employed after leaving public education shows that the majority remains in the education field, only in private schools; this is followed by government or business.

Mr. Burke said that a more in-depth study on teacher mobility is currently under way in a collaborative effort between Commission staff and the Public Policy Institute of California.

Ex-Officio Representative Bartell asked if the study only addressed fully credentialed teachers or included teachers with emergency permits. Mr. Burke replied that it looked at only credentialed teachers. She also asked where the national data came from and he replied that it was based on a study done by the University of Pennsylvania that took data from a number of surveys conducted by departments of education.

Commissioner Hauk said that the figures, with California showing retention rates 17 percent above the national rate, undoubtedly have a lot to do with BTSA and other programs that the Commission has been instrumental in creating.

Commissioner Lilly asked if it is possible to disaggregate the data so that retention information can be linked to the institution where a person received his or her credential. Dale Janssen, Director of the Certification, Assignments and Waivers Division, said that it could be done but that the current arrangement with EDD doesn't allow that degree of specificity. He said that the report is a very high-level look at retention and that the Commission staff would like to delve deeper into the data.

Chairman Bersin said he wanted to underscore that point that the study is only a preliminary look at what is happening. It's important to have data on

retention of fully credentialed teachers, but they are only one component of the teaching workforce. Because of the thousands of non-credentialed teachers, the Commission needs to be careful in drawing conclusions from the limited data. He also pointed out that low-performing schools, which are in need of the best teachers, don't have retention rates that even approach the statewide statistics. He said the report is a good first step in understanding retention but that more data is needed. He said gathering the right data is an issue that will take a legislative solution, adding that it is very difficult to make good policy decisions without necessary data.

Dr. Swofford said that the study is in an embryonic stage and that it was helpful for staff to hear the Commission's perspective on how further study could be useful. He also expressed appreciation for the Employment Development Department's partnership in producing the study.

Ex-Officio Representative Wilson said that the study's figures are very comparable to the California State University system's figures that indicate 96 percent retention in the first year. He said that to obtain all the necessary data, local agencies need to get involved in tracking what happens to teachers. He also said that there are a variety of questions that need to be answered about non-credentialed teachers beyond retention rates, including how long it takes them to get a credential.

C&CA-2: An Application for an Eminence Credential in Music-Strings by Orinda Union School District on Behalf of Greg Mazmanian

Nancy Cajucom-Troyer, Program Analyst for the Certification Division, presented the documentation for the application for an Eminence Credential for music teacher Greg Mazmanian. She said staff found Mr. Mazmanian to meet the criteria and recommended that the credential be granted.

Mr. Mazmanian told the Commission it was the inspiration of public school teachers in his own life that started him on the path to being a musician and conductor. He said he is very excited about getting students excited about music.

Dr. Frank Brunetti, Superintendent of Orinda Union Elementary School District, spoke about Mr. Mazmanian's exceptional music and teaching abilities and the outstanding connection that he has with students and parents.

Ex-Officio Representative Wilson said that in general he doesn't like to grant Eminence Credentials but that in this case Mr. Mazmanian's background is so impressive that it is warranted. Commissioner Johnson agreed, noting that the Director of WestEd wrote a letter in support of the Eminence Credential that assessed Mr. Mazmanian's abilities to teach based not just on his musical ability but also on standards of good teaching. Commissioners Katzman and Madkins, and Ex-Officio Representatives Justus and Bartell also agreed that Mr. Mazmanian is an impressive candidate for this type of credential.

A motion to grant the Eminence Credential was made (Johnson), seconded (Katzman) and carried without dissent.

LEGISLATIVE COMMITTEE OF THE WHOLE

Vice Chairman Madkins convened the Legislative Committee of the Whole.

LEG-1: Status of Legislation of Interest to the Commission

Linda Bond, Director, Office of Governmental Relations, said that the two-year legislative session is now complete with the Governor having acted on all bills that were sent to him. She provided two updates to the Commission:

AB 1462 (Nakano), which required the Commission to participate in a study by the Department of Education on ways to increase the number of vocational education teachers, was vetoed.

SB 2029 (Alarcon), which allows district intern programs to expand to include special education preparation, was signed.

Ms. Bond noted that in the two-year session, all of the half dozen bills opposed by the Commission were defeated or modified; the four measures the Commission sponsored were signed into law; and many other bills supported by the Commission became law.

Commissioners Katzman, Bersin and Madkins, as well as Dr. Swofford, praised Ms. Bond and the Governmental Relations staff for an exceptional job of watching out for the Commission's legislative interests. Ms. Bond in turn thanked Dr. Swofford and the Commission for their leadership and support.

FISCAL POLICY AND PLANNING COMMITTEE OF THE WHOLE

In Commissioner Boquiren's absence, Commissioner Beth Hauk convened the Fiscal Policy and Planning Committee of the Whole.

FPPC 1: Update on the Budget for Fiscal Year 2002-03

Joe Gee, Director of the Information Technology and Support Management Division, provided highlights of the changes that affect the Commission based on the budget signed by the Governor on September 5. Those include the addition of \$1,498,000 in the Teacher Credential Fund to cover the cost of the third year of the Teacher Credential Service Improvement Project; a reduction of \$66,000 in the cost of administering the Governor's Teaching Fellowships program, which has been terminated; and the reduction of \$1,575,000 from the General Fund to cover the prior fee waiver for first-time teacher credential fees. Two other actions affect the Alternative Certification, Pre-Intern and Paraprofessional programs: the reduction of \$10,200,000 in General Fund support and then the reappropriation of \$8,350,000 for the programs. This allows the programs to be maintained at the current level.

Commissioner Fortune asked if the first-time fee is now being collected by the Commission and Mr. Gee replied that it is.

Mr. Gee also said that the budget contains language requiring that the Commission provide the Legislative Analyst's Office with information about the costs associated with processing teaching credentials. Staff is in the process of doing so.

Dr. Swofford asked Mr. Gee to address the impact of the statewide hiring freeze. Mr. Gee said that as positions are vacated, they may not be backfilled, putting pressure on the organization to continue its work with fewer people. In addition, the state has asked that vacant positions be identified and eliminated. Vice Chairman Madkins asked if that means that once the state has more funding available, the Commission will have to go back and justify those positions before they can be regained. Mr. Gee replied yes.

Dr. Swofford said the impact is that staff is having to re-prioritize their activities. He said it is going to be a difficult year because the Commission still has important work to carry out but must do so with reduced resources. Chairman Bersin noted that as difficult as the situation is, it is likely to get worse as the state works on a budget for the following year.

PREPARATION STANDARDS COMMITTEE OF THE WHOLE

Commissioner Katzman convened the Preparation Standards Committee of the Whole.

PREP-1: Approval of the Subject Matter Preparation Programs and Designated Subjects Programs Submitted by Colleges and Universities and Local Education Agencies

Helen Hawley, consultant for the Professional Services Division, said that staff is recommending approval of a mathematics program at The Master's College and a health science program at California State University, Northridge, as well as adult education programs at the Contra Costa County Office of Education and the Alameda County Office of Education.

A motion to approve the programs was made (Lilly), seconded (Madkins) and carried without dissent.

PREP-2: Proposal to Consider Title 5 Regulations for Single Subject Teaching Credentials in Science (Specialized) and in Foundational-Level Mathematics

Dr. Philip Fitch, Consultant for the Professional Services Division, said that staff is recommending that the Commission consider adopting regulations to establish additional options for science and math credentialing beyond the existing 13 subject areas for math and science. The recommendation is based on advice from the Subject Matter Advisory Panels on Science and Mathematics and is designed to increase the number of qualified teachers in the two areas.

Dr. Betsy Kean, Consultant for the Professional Services Division, explained to the Commission that the proposal also adjusts language in the Specialized Science Credential that the Commission had approved in March. The new language would make clear that a person who uses an option of fulfilling their subject matter requirements with 30 units of post-graduate work must have a bachelor's degree in the subject area in addition to the 30 units.

Dr. Kean noted that the proposal addresses a barrier for career changers who are interested in teaching and who have advanced degrees, but who do not want to go back and take undergraduate work in other science disciplines to fulfill the broad requirements of the current credential process. She said it is not a retreat from standards about what a teacher needs to know to teach a broad range of science courses, but instead is a pathway for these specialized people to teach in their own specific areas without being grounded holistically in science.

Commissioner Johnson said that the foundational math authorization troubles her because she is concerned that the Commission will be accused of watering down standards. She said that in her own field, language arts, teachers have a depth of preparation that they may never use specifically in the classroom but that gives them a broad background, greater understanding and global perspective on their subject matter. This depth of background makes the student's experience richer. She said she believes the Commission needs to be on record in supporting that every child should have a fully prepared math teacher with a math major. She said she recognizes that practicality and the need to address the math teacher shortage is the focus, but that holistic preparation is important.

Dr. Kean said that the state has extremely high standards now, higher than most states across the country. There is a need to address the extremely high levels of emergency permits in math and science, with 25 percent of math teachers on waivers. She said the foundational math program will not solve the problem but is part of the solution and that it is not a watered down version of the standards.

Mary Vixie Sandy, Director of Professional Services, reiterated that the state's standards for preparation of math teachers are among the highest in the country. The option being presented to the Commission would create a new credential authorization and an examination route for completing the subject matter requirement of the new credential authorization. She said it is focused on the math that is appropriate for the K-12 teaching environment.

Commissioner Beckner and Designee Whirry expressed concern about whether the conceptual understanding required to teach math is being safeguarded. Ms. Sandy assured them that the conceptual underpinnings of mathematics are interwoven throughout the Commission's new subject matter requirements, which are aligned with the K-12 academic content standards for students.

Vice Chairman Madkins moved to adopt the staff recommendation with the addition of the changed language on requiring a bachelor's degree when using the option of 30 units of post-graduate work. Commissioner Johnson seconded the motion. The motion carried with no dissent.

PUBLIC HEARINGS

The Preparation Standards Committee of the Whole was adjourned to conduct two public hearings.

PUB-1: Proposed Amendments to California Code of Regulations, Title 5 Section 80043 Pertaining to the Eminence Credential Application Appeal and Denial Process

Chairman Bersin opened the public hearing. Ms. Cajucom-Troyer presented the amendments, which create a streamlined process of handling appeals and denials of Eminence Credential requests. Under the amendments, a district would be required to submit new material pertinent to the reasons for denial if it wants to appeal an initial rejection of a credential. Final denials would be handled as part of the Commission's consent calendar.

Chairman Bersin welcomed questions from Commissioners and Ex-Officio Representatives. There were none. He asked for public comment. There was none. He closed the public hearing.

Vice Chairman Madkins said he was pleased to see that the new procedures are in line with other steps the Commission has taken to streamline the appeals process while still retaining flexibility. A motion to approve the amendments was made (Madkins), seconded (Johnson and Whirry) and carried without dissent.

PUB-2: Proposed Amendments to California Code of Regulations, Title 5 Sections 80054.5 Pertaining to the Administrative Services Credential Authorization and 80020.4.1 Pertaining to the Services a Teacher May Provide

Chairman Bersin opened the public hearing, noting that the hearing comes at the end of a long process of consideration that the Commission has engaged in to address issues with the Administrative Services Credential.

Ms. Fesperman provided an overview of the changes, which have been broadly circulated to the field and posted on the Commission's web site. They also were reviewed by the Commission at the May and June meetings.

The proposed change would provide more flexibility in staffing positions at the district or county level. This flexibility allows the district to tailor the employment of an administrator to the needs of the district. There are specific sections of the Education Code that prescribe an individual to hold an Administrative Services Credential. This includes those serving as county superintendent, deputy, associate or assistant superintendent at the district or county level, and county coordinators of elementary, secondary, and support services. These proposed regulations do not supercede those sections of the Education Code.

The proposed changes to section 80020.4.1 removes the specific title of program coordinator and replaces it with wording that describes the type of duties a teacher may provide at the school site (develop, direct, implement or coordinate programs).

In addition, there is a technical change to include the word "may" inadvertently omitted from section 80020.4.1 (c).

Ms. Fesperman said that the Commission had received nine responses about the proposed amendments, five in support and four in opposition. She said staff is recommending approval of the amendments with the one technical change.

Chairman Bersin welcomed questions from Commissioners and Ex-Officio Representatives. Commissioner Johnson asked if the elimination of the wording "school district or county level" in section 80020.4.1 means that the districts would be free to hire individuals without credentials and assign them to implement, design and coordinate programs. Ms. Fesperman replied that yes, a district can hire someone to direct these programs without a teaching credential or Administrative Services Credential.

Commissioner Johnson said she is concerned that people involved in forming curriculum should have a strong background in teaching. She questioned whether it is necessary since the Commission is already providing more flexibility to encourage more people to seek Administrative Services Credentials.

Dr. Swofford provided some context for the changes, saying that after careful examination of the statutes it appeared that the Commission in the past went beyond the statutory requirements and imposed licensing requirements in areas not specified in the law. He said the proposed changes address that, returning the discretion to the employer to make hiring decisions based on a person's capabilities and experience. It becomes the school district's responsibility. The changes provide a more clear delineation between what is the mission of the Commission in terms of licensing vs. what is an employment question. He said the changes open the opportunity to attract people into the field who have expertise and experience but who have been precluded under the existing regulations.

Ms. Sandy echoed Dr. Swofford, saying that the current regulations went further than the Education Code in describing who must hold an Administrative Services Credential. The amendments bring the regulations back under the umbrella of the law. They don't change those already named in the Education Code as requiring an Administrative Services Credential but they do allow for flexibility to decide who in middle management at a central office should hold a credential. She said they will not undermine the instructional leadership component but will simply allow the employer to decide who is best qualified to fill these positions.

Vice Chairman Madkins raised a concern about the ability of districts to get around the Education Code requirements by renaming a position with a title not covered in the code. Ms. Fesperman said the Education Code is specific about titles but that the district needs to be responsible for ensuring that the intent of the law is met.

Ex-Officio Representative Justus asked what assurances there are that a district won't change a title and hire someone who knows little about teaching and learning. Mr. Janssen replied that an assumption of the Education Code is that titles have underlying functions. What the Commission sees during its monitoring is that people in these positions do hold Administrative Services Credentials, regardless of the title. However, the Commission does not have enough staff to monitor everything; because this appears to be an area of high compliance, it may not be a big issue.

Commissioner Lilly said that he believed the conversation should focus on Title 5 rather than the Education Code, which is not within the Commission's purview to change. The first and second level of administration in school districts are defined in the Education Code as requiring administrative

credentials and that will continue to be the case. Under the regulatory changes, the Commission is saying that once a district is below level two, which is not in the Education Code, then the Commission is no longer in the business of requiring an Administrative Services Credential.

Ex-Officio Representative Wilson asked if a person who is an assistant superintendent or director of curriculum does not need to have a teaching credential. Mr. Janssen said they are required to hold an Administrative Services Credential, but can be a teacher, a nurse or some other qualified individual. The Administrative Services Credential does not in and of itself require a teaching credential. If an individual is qualified to do the job, then the district would be able to hire them. Ex-Officio Representative Wilson replied that one reason to have standards and credentials is to provide guidance to districts about who is qualified. He said he does not oppose flexibility but is concerned that those in charge of directing or coordinating curriculum should have a teaching credential.

Designee Whirry said that the conversation seems to be focusing on negative possibilities when it could be looking at the positive possibilities, including opening up the field of candidates to non-traditional people with deep expertise in specific areas. She said at times the people doing the hiring have to be trusted not to hire someone who is incompetent. If regulations are too restrictive, people who could add a great deal are lost to the education field.

Commissioner Hauk asked Ex-Officio Representative Wilson to clarify his concerns. He said he was trying to clarify for himself the various comments around the table. There is a need for flexibility, he said, but he is concerned about a person who may have conducted in-service training for IBM going to a school district and becoming assistant superintendent of curriculum without having a teaching credential. He said that doesn't mean they wouldn't do a good job, but that it seems to be a lessening of a standard.

Vice Chairman Madkins said flexibility needs to be available. He has had experience with many eminently qualified people involved in curriculum who don't have teaching credentials.

Commissioner Lilly said that in an era of unprecedented outcome accountability, he finds it hard to believe that any school district is going to put together a curriculum committee at the central office without significant teacher input. He said it is wise for the Commission to look at whether it is necessary to require that every person have a credential - and that the answer is that it is probably not necessary. He said he believes outcome accountability will drive the decision making by the district.

Ex-Officio Representative Wilson said that he agrees with the need for flexibility but that his concern was prompted by issues raised by the administrators' organization. He said he felt those concerns were worthy of discussion but that he feels satisfied by the discussion.

Chairman Bersin said some flexibility is already in the current regulations. The Education Code defines the framework for leaders of curriculum and instruction and ensures that the people have to have an administrative credential. The governing board also has to ensure the person has competence in the area. In the regulations, there are requirements for the activities that require an administrative credential. First, there is a requirement that whoever evaluates a certificated person at a school site must hold an Administrative Services Credential. So that means that a person who supervises a central office person need not have a credential - that's the first issue. The second issue - the services a teacher may provide - the question here is can a teacher become involved in programs designed to improve instruction to enhance learning at the school site. If it is done at the district or county level, can a teacher do that or do you need to have an administrative services credential? If you look at the language that we are amending, it is not mandatory right now and that does not change. What it clarifies is that a teacher can do more than be a program coordinator. But it is a fair question to ask: do they need an administrative services credential? This clarifies that they do not. He concluded that the debate is a healthy one about the role of regulator and the role of employer, but the issues in the public hearing are much narrower.

Chairman Bersin opened the hearing to public comment and noted that three people had requested to address the Commission. Their comments were as follows:

Sharon Robison, representing the Association of California School Administrators (ACSA), said ACSA opposes the regulations unless amended. ACSA advocates local flexibility and control but the organization also wants to ensure that those who work in instructional programs have an instructional base. ACSA has no problem with the amendments about the conditions under which a site administrator must hold an Administrative Services Credential.

But in the second section of changes, ACSA is concerned about the interplay between the Education Code and the regulations. Between the code and proposed changes, ACSA believes that if a person who supervises and evaluates school site administrators does not hold a position with 'Superintendent' in the title, then he or she does not require any training in learning theory, child development and pedagogy. Similarly, any administrator other than those with 'Superintendent' in the title who is working on curriculum would not need such a background.

She said ACSA is not saying that mid-level managers should be required to have an administrative credential but that if they are working in support of teaching and learning, then they need to have a teaching credential because they need to know about the business of education.

ACSA recommends two changes: requiring that any administrator who evaluates a certificated staff person hold an Administrative Services Credential; and adding that a central office administrator performing duties related to curriculum and instruction shall, at a minimum, hold a teaching or pupil services credential.

Ken Burt, representing the California Teachers Association (CTA), said he agrees with ACSA. He said that he believes the current regulations do not overstep the boundaries of the Education Code; if they did, the Office of Administrative Law (OAL) would have blocked them.

He also argued that the proposed amendments take flexibility away from districts because it now says that teachers may perform certain duties at

three places: the school site, the district and the county. Under the amendments, they are restricted to the school site. He asked that the Commission table the changes, particularly since many of the Commissioners seem to be raising concerns about the intent and impact.

Chairman Bersin said he read the language differently than Mr. Burt, believing that the amendments simply confirm what teachers can do and that they are not precluded from operating at the district or county level. Mr. Burt replied that taking the words "school district or county level" out of the regulation implies that they are blocked from acting there.

Chairman Bersin asked Mary Armstrong, the Commission's General Counsel, to speak to Mr. Burt's comments. She said that regarding OAL, they do review the regulations. However, no one is suggesting that anything has been illegally adopted. It is simply the opinion of Commission staff that the regulations expand beyond what is in the Education Code. She said that regarding Mr. Burt's second point, she agrees with Chairman Bersin's interpretation. Chairman Bersin probed further, asking her if it is her opinion that under the revised regulations a teacher could be employed in these activities at the district and county level. She replied that yes, the teacher could be at the site, district or county level, however at the district or county level the credential is not required.

A third member of the public then spoke. Bruce Kitchen, representing the School District Human Resource and Personnel Administrators for San Bernardino and San Diego Counties, said that the 76 school districts that are part of his organization support the changes vigorously. He said they not only clarify language that has been confusing but also provide the flexibility that districts need so that they can hire extremely talented people who may not hold an Administrative Services Credential. He said the changes bring the regulations in line with the law. He urged the Commission to pass the amendments as written.

Chairman Bersin closed the public hearing and returned the matter to the Commissioners for further discussion. Commissioner Johnson reiterated that her concern is that striking the school district or county level language means that school districts need not require a teaching credential for those working on curriculum issues. Mr. Janssen said that the regulations pertain to permissive placement of a teacher and has nothing to do with the requirement to have a person in curriculum development hold a teaching credential. The normal authorization of a teacher is to be in classroom; this allows the teacher to go on beyond the classroom and perform the listed functions.

Commissioner Fortune said it appears to her that the language that has been suggested by ACSA would seem to go in a direction that would strengthen the regulation from where it was originally, requiring the teaching credential where the original language was permissive. Mr. Janssen agreed that the ACSA language would be a new requirement that would go beyond what staff is proposing and beyond what the Education Code requires.

Chairman Bersin reopened the public hearing to invite Ms. Robison to address Commissioner Fortune's statement. She said that it is a change from the current regulation, moving from permissive to a requirement, but that her organization is concerned about the training of people who are in a position to support programs.

Chairman Bersin said it is an issue that ACSA may wish to discuss or bring to the Commission at some other time, but that it is a separate issue from what is encompassed by the proposed amendments.

Ex-Officio Representative Bartell said she had been surprised to see such a strong position by ACSA since the organization usually argues for more flexibility. She said their concerns have been well stated. The Commission has made so many strides in terms of raising standards - for all educators in California and for students - so it is important to make sure that those in leadership roles are also meeting very high standards. While there is a need for flexibility in some of these roles, it is important to establish a floor, which is what a credential does. She said she is particularly concerned about ACSA's first amendment because she believes it is crucial for those who are evaluating people to have administrative credentials. She said she is also trying to envision exactly what will change if the amendment about teacher duties is enacted.

Ms. Sandy said that put simply, middle management positions in the district office would not be required to hold an administrative credential. That doesn't mean everyone could be without such a credential, but that middle management could be noncredentialed at the discretion of the employer.

Dr. Swofford said that one of the issues is about whether an administrative credential should be viewed as the ultimate in terms of what is needed to do a job. It is not good to create a system where the credential becomes the only criterion for employment. It is the responsibility of the school board, the superintendent and staff to require that people be competent. The district may choose to require a credential, but it is up to the district to determine what qualifications are needed. It is up to them to make sure the job gets done. This ensures that the accountability for employment lies with the school district. We intend to open the door for new thinking about what expertise exists. We have a shortage of qualified people to fill administrative ranks. We are trying to give the districts flexibility to do the right thing and hire the right person.

Ex-Officio Representative Bartell said there are already numerous examples of districts hiring people without either a teaching or administrative credential, so she is uncertain why the changes are needed and what additional flexibility is needed.

A motion to approve the amendments was made (Fortune) and seconded (Whirry). Commissioner Lilly spoke in support of the motion, saying that there are implications for preparation programs for administrators. He said it is his belief that what is covered and the roles that are required for administrative credential holders are so broad that they keep them from having a laser-like focus on instructional leadership.

The motion passed without dissent.

PRESENTATION

Stephen Blake, Chief Consultant, Joint Committee to Develop a Master Plan for Education

Chairman Bersin welcomed Stephen Blake, who has been Chief Consultant to the Joint Committee to Develop a Master Plan for Education since its inception. After thanking the Commission and its staff for their assistance during the creation of the plan, Mr. Blake provided an overview of the Master Plan with a slide presentation.

The following are the points covered by the slides:

The prior Master Plan, created in 1960 and updated every 10 years since, addressed only higher education, creating a long-term framework that addressed mission, roles and governance. It provided great stability in policy-making arenas and was based on guaranteed access and affordability.

The current Master Plan expands the scope to include all public education, from preschool through university and adult school. It particularly focuses on the interface between education segments and addresses the disjuncture of governance in the K-12 system.

The Joint Committee was established in 1999. It engaged broad participation throughout the state, creating seven citizens' Working Groups to address the issues. The membership included educators, researchers, interest groups, business, civic organizations, parents, students, foundations and others. These groups examined research and best practices, meeting throughout 2001. Their recommendations went to the Joint Committee, which issued its final report in September.

The Master Plan is a new approach in several ways. It focuses on learners rather than institutions. It is based on the concept that all students can achieve at a high level. It creates a more coherent education system. It addresses improving equity for under-served students, guaranteeing a high-quality education for all students. It also includes pre-school education.

During the next two years, the Legislature is expected to consider key legislation that will implement the Master Plan.

Highlights of the Master Plan include ensuring readiness for school, access for all students to qualified teachers and administrators, and a high-quality education based on a rigorous curriculum, appropriate instructional materials and clean and safe facilities.

Commissioner Katzman, who sat on the Student Learning Working Committee, asked Mr. Blake about the needs of English Language Learners. Mr. Blake said all of the Committee's recommendations were incorporated in the report. In addition, the Master Plan envisions students being introduced to a second language in preschool and being fluent in a second language by the time they graduate from high school.

Commissioner Katzman also asked about the alignment of assessments with the State's academic content standards. Mr. Blake said the State is already making progress in that direction and that the Master Plan endorses and reaffirms the need to align assessments with standards.

Commissioner Johnson asked if the report addressed collective bargaining. Mr. Blake said no definitive recommendations came from the working group that examined those issues and that the Master Plan does not make any recommendation regarding collective bargaining.

Commissioner Fortune asked about the evolving role of the state Superintendent of Public Instruction. Mr. Blake noted that there have been multiple efforts to address the schism in governance (an elected Superintendent, a gubernatorial-appointed State Board, a Governor's Secretary for Education, and a state Department of Education). The report recommends placing the Department of Education under the Governor and vesting all responsibility for assessment and accountability in the Superintendent of Public Instruction.

Ex-Officio Representative Wilson asked what the Master Plan says about the relationship between qualified teachers and possessing a credential, noting that Secretary of Education Rod Paige has said a qualified teacher is not necessarily a credentialed teacher. Mr. Blake said the report views the credential as a minimum qualification and supports the concept of creating alternative ways to become qualified to teach in the classroom.

Chairman Bersin thanked Mr. Blake for his very informative presentation.

PREPARATION STANDARDS COMMITTEE OF THE WHOLE

Commissioner Katzman reconvened the Preparation Standards Committee of the Whole.

PREP-3: Draft Report to the Legislature on the Progress of the California School Paraprofessional Teacher Training Program

Marilynn Fairgood, Consultant for the Professional Services Division, provided an overview of the report on the Paraprofessional Teacher Training Program, now in its seventh year of operation. The program has grown from the original 13 programs to 42 programs and has produced 507 fully credentialed teachers, 97 percent of whom have remained in the teaching field. In addition, during the 2001-02 school year, 324 participants were serving as classroom teachers with emergency permits and through other programs. The program promotes cultural diversity in the workforce. Ethnic participants make up 71 percent of the program and 79 percent of the graduates.

The program was expanded in 1997 with legislation that required the phase out of the original 13 programs. Those will end in 2003, at which point participants will be fully credentialed. Ms. Fairgood said the Commission is being asked not only to adopt the report and authorize it being sent to the Legislature and other interested parties but also to authorize staff to be planning for the redirection of funds from the original 13 programs for use by the expansion programs.

A motion to approve staff recommendations was made (Fortune), seconded (Whirry) and carried without dissent.

PREP-4: Final Report on the Accreditation Pilot Project Pursuant to Assembly Bill 2730 (Mazzoni)

Ms. Sandy reviewed the progress that has been made in implementing AB2730. Ms. Sandy said that the Mazzoni bill required a study and an

accreditation pilot project to look at the process for accrediting 1) regionally accepted institutions whose home campuses are outside of California and 2) campuses that are in California but that use non-traditional teaching methods (distance learning, etc.). She said the report not only details findings but also provides a series of recommendations designed to better address distance learning and institutions outside of California.

Elizabeth Graybill, Administrator for the Professional Services Division, described the pilot project, which included accreditation visits by reviewers and researchers and an examination of the different kinds of accreditation documentation required by other states and bodies. The recommendations based on this study address the Commission's ongoing accreditation process and how the Commission might do things differently when a home campus is out of state or distance learning is involved.

Designee Whirry said that she is always concerned about accreditation teams being well qualified, having seen many that are not capable of making appropriate judgments about programs. Ms. Sandy said that the Commission has a Board of Institutional Reviewers who go through thorough training annually. She said staff is currently engaged in an evaluation of the whole accreditation system and that a final report that highlights issues and concerns should be ready in December.

Ex-Officio Representative Bartell said that there has been a sea of change in how accreditation is approached, with much more emphasis on outcomes and data. Ms. Sandy said that is the direction the Commission is headed as well, with a strong emphasis on measuring outcomes but also with a balance on inputs.

A motion to adopt staff recommendations was made (Madkins), seconded (Johnson) and carried without dissent.

RETURN TO THE GENERAL SESSION

The Commission returned to the General Session.

REPORT OF THE APPEALS & WAIVERS

A&W-1: Approval of the September 5, 2002 Appeals & Waivers Minutes

It was moved, seconded and carried (Madkins) that the Commission approve the corrected minutes of the September 5, 2002, Appeals & Waivers Committee meeting.

A&W-2: Waivers: Consent Calendar

It was moved, seconded and carried (Madkins) that the Commission approve the 230 waiver requests on the Consent Calendar.

A&W-3: Waivers: Conditions Calendar

It was moved, seconded and carried (Madkins) that the Commission approve the four waiver requests on the Conditions Calendar with the specific conditions attached to each.

A&W-4: Waivers: Denial Calendar

The Committee voted to recommend a preliminary denial of the five Waiver Requests on the Denial Calendar. These items will be brought to the Commission for action at the November 2002 meeting.

Commission Member Reports

Commissioner Johnson said that she had the opportunity to visit a "remote/necessary" small school on the San Juan Islands in Washington State. There were three students in grades 4-7 and one part-time kindergartner. She said it was interesting to note the similarity of concerns and issues with normal-size schools.

Commissioner Katzman said she attended the Arts for All conference in Los Angeles, sponsored by the Los Angeles County Office of Education. The program urged school districts to become more actively involved in arts education.

Commissioner Hauk thanked staff for a well-done job on the Commission's new Policy Manual. Chairman Bersin concurred, also adding that the Commission's administrative support staff should also be thanked for all the work they do to make the Commission operate effectively.

Audience Presentations

None.

Old Business

The quarterly agenda for October, November and December 2002 was presented for information only.

New Business

None.

Adjournment

The meeting adjourned. The next meeting will be held on November 6 and 7, 2002 at the California Commission on Teacher Credentialing Office, 1900 Capitol Avenue, Sacramento, California.

