

CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

MINUTES OF THE COMMISSION MEETING

February 5-6, 2003

Commission Offices, 1900 Capitol Avenue, Sacramento

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COMMISSION MEMBERS

Kristen Beckner, Teacher

(absent Wednesday, February 5, 2003)

Alan Bersin, Administrator

(absent Wednesday, February 5, 2003)

Chellyn Boquiren, Teacher

Beth Hauk, Teacher

Elaine C. Johnson, Public Representative

Carol Katzman, Public Representative, Chair

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

Margaret Fortune, Public Representative

EX-OFFICIO REPRESENTATIVES

Carol Bartell, Association of Independent Colleges and Universities

Sara Lundquist, California Postsecondary Education Commission

Athena Waite, 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

Mary Butera, Director, Office of Human Resources

Dale Janssen, Director, Certification, Assignments and Waivers Division

Mary Vixie Sandy, Director, Professional Services Division

Leyne Milstein, Director, Information Technology and Support Management 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
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
Karen Sacramento, Assistant Consultant, Professional Services Division
Yvonne Novelli, Program Analyst, Professional Services Division
Marilyn Errett, 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
Darren Addington, 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, February 5, 2003

GENERAL SESSION

The general session was called to order by Chair Katzman. Roll was taken.

REPORT OF CLOSED SESSION ITEMS

Litigation

Potential litigation was discussed and no action taken.

Petitions for Reinstatement or For Reduction of Penalty

The Commission denied the following Petitions for Reinstatement:

1. Nancy Boulineau

2. Robert Carter

The Commission adopted the Administrative Law Judge's Proposed Decision, with a technical correction, in the matter of Beverly Zwick.

Thursday, February 6, 2003

GENERAL SESSION

The general session was called to order by Chair Katzman. Roll was taken. A moment of silence was observed in honor of the astronauts lost in the Columbia tragedy, as well as those astronauts who have gone before them and returned to add to mankind's knowledge.

APPROVAL OF THE JANUARY 2003 COMMISSION MINUTES

A motion to approve the January 2003 Commission minutes was made (Hauk), seconded (Madkins) and carried without dissent.

APPROVAL OF THE FEBRUARY 2003 AGENDA

A motion to approve the agenda for the February 2003 meeting with in-folder items (pertaining to LEG-1, LEG-2 and PUB-1) was made (Madkins), seconded (Johnson) and carried without dissent.

APPROVAL OF THE FEBRUARY 2003 CONSENT CALENDAR

A motion to approve the February 2003 Consent Calendar was made (Hauk), seconded (Vaca) 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. **ATKINSON, Donald J.** San Clemente, CA

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

2. **BILLICK, Richard E.** Whittier, 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.

3. **BRAR, Harbhajan S.** Selma, CA

All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

4. **BROWN, Jamelle V.** Oakland, 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.

5. **DECASO, Joe** Sacramento, CA

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

6. **DELPRETE, Agnes** Las Vegas, NV

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of ten (10) days** for misconduct pursuant to Education Code section 44421.

7. **DUPLESSE, Raymond A.** Garden Grove, CA

All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

8. **EDWARDS, JAMES M.** Mt. Shasta, 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.

9. **JACKSON, Fatima M.** Los Angeles, 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.

10. **JUFIAR, Russell J.** San Diego, CA

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

11. **LANG, Thomas F.** Los Angeles, 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.

12. **MANUPELLA, John C.** Hollister, CA

All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

13. **MEYER, Marguerite T.** El Monte, CA

All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

14. **MILES, Julie A.** Oceanside, CA

All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

15. **OUATTARA, Gaoussou** Oakland, CA

All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

16. **PEAKE, Patric E.** Ojai, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of thirty (30) days** for misconduct pursuant to Education Code section 44421.

17. **REYES, Edward E.** Phillips Ranch, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of ten (10) days** for misconduct pursuant to Education Code section 44421.

18. **RODRIGUEZ, James B.** El Centro, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of thirty (30) days** for misconduct pursuant to Education Code section 44421.

19. **SHAW, George B.** Turlock, CA

All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

20. **STRINGER, Embert L.** Whittier, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of thirty (30) days** for misconduct pursuant to Education Code section 44421.

21. **SULLIVAN, Pamela D.** Lake Arrowhead, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of ninety (90) days** for misconduct pursuant to Education Code section 44421.

22. **THIESSEN, Patrick R.** Redondo Beach, CA

All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of ninety (90) days** for misconduct pursuant to Education Code section 44421.

CONSENT DETERMINATIONS

23. **ABERASTURI, Paul M.** Reno, NV

The Attorney General's Proposed Consent Determination, to **revoke** all credentials, life diplomas or other certification documents under the jurisdiction of the Commission, pursuant to Education Code section 44423

and 44440, is adopted.

24. **ERNEST, Sharon R.** El Centro, CA

Pursuant to the Attorney General's Proposed Consent Determination, all certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **revoked** pursuant to Education Code section 44421; however, the revocation is **stayed**, and she is placed on probation for three (3) years, with an actual **one (1) year suspension**.

DECISIONS AND ORDERS

25. **DOKOS, Anna M.** Marysville, CA

In accordance with the default provisions of Government Code section 11520, Ms. Dokos' credential(s) are **revoked**.

26. **SHAPIRO, Marelyn E.** Berkeley, CA

In accordance with the default provisions of Government Code section 11520, Ms. Shapiro is the subject of a **public reproof** for misconduct pursuant to Education Code section 44421.

27. **SPEAR, John V.** Stockton, CA

In accordance with the default provisions of Government Code section 11520, Mr. Spear's credential(s) are **revoked**.

PRIVATE ADMONITIONS

Pursuant to Education Code section 44438, the Committee of Credentials recommends two (2) private admonitions for the Commission's approval.

DISABILITY SUSPENSIONS

28. **KESTIN, Linda L.** Santa Ana, CA

Pursuant to Education Code section 44336, all certification documents are **suspended** for the duration of the disability effective December 27, 2002.

29. **JOHNSON, Samuel L.** Pasadena, CA

Pursuant to Education Code section 44336, all certification documents are **suspended** for the duration of the disability effective January 8, 2003.

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.

30. **ALLEN, Marques L.** Torrance, CA
31. **BROWN, Walter D.** Monrovia, CA
32. **CORREA, Hugo R.** Whittier, CA
33. **FREILICH, Barbara L.** Northridge, CA
34. **HERTZ, Marie W.** Sebastopol, CA
35. **MACHUCA, Laura D.** Burbank, CA
36. **MILLER, Joan D.** Sacramento, CA
37. **PACHYN, Kimberly J.** Laguna Beach, CA
38. **SWIDLER, Eric** West Hills, 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).

39. **BELFIORE, Ricky W.** Clearlake Oaks, CA
40. **FELIX, Jose E.** Ventura, CA
41. **HALUCH, Todd J.** Huntington Beach, CA
42. **JONES, Jeffrey P.** San Diego, CA
43. **MacGOVERN, Philip J.** Atascadero, Ca
44. **SAILEANU, Cristian** Salinas, CA
45. **TEPOZ-LEON, Pedro L.** Long Beach, CA

NO CONTEST SUSPENSIONS

All credentials held by the following individual were suspended, pursuant to Education Code section 44424 or 44425, because a plea of no contest was entered to an offense specified in the above sections of the Education Code. The credentials will remain suspended until final disposition by the Commission.

46. **FARMER, Kenneth E.** Clovis, CA

SUSPENSIONS WHILE CONVICTION ON APPEAL

All credentials held by the following individual were suspended, pursuant to Education Code section 44425, due to a conviction(s) of an offense specified in Education Code section 44010 or 44011, which conviction is on appeal.

47. **INMAN, Ronald J.** Ceres, CA

TERMINATION OF AUTOMATIC SUSPENSION

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

48. **GUEVARA, Rudy** San Jose, 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. Maria Oliveros/West Contra Costa Unified School District
2. Antonio Arevalo/Arvin Union Elementary School District
3. Mel J. Bailey, II/Los Angeles County
4. Tholoana Leubane/Baldwin Park Unified School District
5. Adefemi Adegbesan/Lynwood Unified School District
6. Wendell R. Bates/Wilsona School District
7. Pauline Tusi/Sacramento City Unified School District
8. Mario Huante-Govea/Ravenswood City Elementary School District
9. Leticia Hernandez/San Jose Unified School District
10. Belinda Tolentino/West Contra Costa Unified School District
11. Rika Yamada/San Marino Unified School District
12. Jose Francisco Benet/Sweetwater Union High School District
13. Janessa Price/Benicia Unified School District
14. Laurence Soutanian/Village Glen (NPS)
15. Candace Johnson/ABC Unified School District
16. Richard L. Austin/San Jose Unified School District
17. Cheryl Gardner/Salinas Union High School District
18. Eli Shane Poblitz/South San Francisco Unified School District
19. Melinda Fetler/Alum Rock Union Elementary School District
20. James McQuillen/Del Norte County Unified School District
21. Lynda Rogers/Santa Cruz County
22. Carolyn Dunn Wakefield/El Dorado Union High School District
23. Michele Coffin/Westside Union Elementary School District
24. Kathleen Ponce/Tustin Unified School District
25. Yonnie Jackson/Compton Unified School District
26. Andrea Lapointe/Compton Unified School District
27. Jeannine Button/San Mateo-Foster City School District
28. Eleanor Alinas-Loste/South San Francisco Unified School District

29. Ana Amato/Campbell Union High School District

ANNUAL CALENDAR OF EVENTS

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

CHAIR'S REPORT

Chair Katzman welcomed two new Ex-Officio representatives: Dr. Sara Lundquist, representative for the California Postsecondary Education Commission, and Athena Waite, representative for the University of California. Dr. Lundquist is Vice President of Student Services at Santa Ana College and has worked with the community college system for 24 years. She has a bachelor's degree in psychology, a master's degree in psychology and counseling and a doctorate in higher education. Ms. Waite directs the teacher preparation program at the University of California, Riverside. Previously a teacher for elementary school and students with disabilities, Ms. Waite has served on several Commission committees and task forces (the Reading Task Force, Reading Certification Review Panel, Special Education Task Force, SB 2042 Panel and an alternate on the Committee on Accreditation). She has a bachelor's degree in sociology and a master's degree in education.

Chair Katzman also highlighted a Sacramento Bee article on Commissioner Fortune (absent from the Commission meeting to attend a school restructuring forum out of state). The article profiled Commissioner Fortune as the project manager for converting Sacramento High School into an independent charter school and noted her many accomplishments in the education field.

EXECUTIVE DIRECTOR'S REPORT

Dr. Swofford added his welcome to Chair Katzman's for the new Ex-Officio members. He also reported on the annual Awards and Recognition Ceremony for Commission staff. The Commission received a Golden Award for participation per capita and a Silver Award for participation in the State Employees Charitable Campaign. Eighteen individuals who were promoted within the agency during 2002 were also recognized; Dr. Swofford emphasized how important internal promotions are since Commission employees are already well-grounded in the work of the Commission and there is less of a training curve than when an external person is hired.

In addition, Certificates of Appreciated were presented to the following employees: Gary Chapman and Beverly Simmons of the Certification Division; Teri Clark of the Professional Services Division; Judy Cullum and Joan Condit of the Professional Practices Division; Dannetta Garcia of the Office of Governmental Relations; Angela Velasco of the Information Technology and Support Management Division; and Maureen Henkelman of the Executive Office.

Finally, Dr. Swofford announced that the Executive Director's Meritorious Award for 2002 was given to Dr. Phil Fitch, consultant with the Professional

Services Division, particularly for his work on comparability studies that have led to increases in California credentialing of out-of-state teachers.

REPORT ON STATE BOARD OF EDUCATION MEETING

A summary of items from the State Board of Education's January 2003 meeting was provided in the agenda packet for information only. In addition, Commissioner Bersin, the Commission's new liaison to the State Board meetings, said he attended the first day of the February meeting and monitored a discussion on how the state's current accountability system will mesh with the requirements of the No Child Left Behind Act, as well as the Act's potential impact on the average school and student.

CREDENTIALING AND CERTIFICATED ASSIGNMENTS COMMITTEE OF THE WHOLE

Commissioner Hauk convened the Credentialing and Certificated Assignments Committee of the Whole.

C&CA-1: Proposed Changes to Credential Waiver Criteria to Comply with No Child Left Behind

Dale Janssen, Director of the Certification, Assignments and Waivers Division, presented the staff recommendation for changing waiver criteria to bring them into alignment with the requirements of the No Child Left Behind Act. In December, the Commission took action to redesign the pre-intern program and develop a new, individualized internship certificate to address the incompatibility of emergency permits with No Child Left Behind. The waiver proposal is the second issue brought to the Commission to align policies and procedures with No Child Left Behind.

Mr. Janssen reminded the Commission that portions of No Child Left Behind became effective on July 1, 2002 for new hires in Title 1 classrooms, even though federal regulations were not issued until November 2002. Those regulations provide guidance on the definition of "highly qualified teacher" but it is up to the State Board of Education to define the term for California; it does not have to do so until May 2003. Under the federal regulations, some elements of "highly qualified" are clear: a candidate will need to have a bachelor's degree, demonstrate subject matter competency, and at minimum be enrolled in a teacher preparation program. Mr. Janssen said that everyone is in agreement that waivers will not meet the standard of highly qualified because, by definition, they are given when one of those conditions does not exist.

One of the main purposes of having the Commission act soon is to make adjustments to the waiver criteria to provide a guide for the field as to what types of documentation is needed and what types of waivers would move forward.

The staff proposal comes in two parts. After July 1, 2003:

Waivers will no longer be issued to Title 1 positions for multiple subject, single subject core areas (in the federal definition, English, reading/language arts, math, science, foreign language, social studies and arts) and Special Education.

Waivers issued to those for the above areas in non-Title 1 positions will only be for one year, which will provide a transitional period since the goal is that after July 1, 2005 no one will be teaching on waivers.

A waiver will no longer be given for not having a bachelor's degree.

Existing criteria, except for the above three areas, will continue to govern all other waivers.

After July 1, 2005:

Waivers will no longer be issued for multiple subject, single subject in core areas, and Special Education.

Waivers will continue according to existing criteria (except for the bachelor's degree aspect) for single subject non-core areas, specialists and services.

Mr. Janssen said that if the Commission indicated concurrence with the proposal, it would be brought back for formal adoption in March.

Commissioner Hauk noted that four people had requested to speak. They were:

Sharon Robison, Association of California School Administrators, who offered comments on two issues regarding special education waivers. First, there is an insufficient pool of applicants to meet current needs - and there are not enough students in the higher education pipeline. That means shortages in special education now and into the foreseeable future. Second, by federal law each district must serve all special education students and meet their needs. Unlike the general education classroom, there is little flexibility. If a school has a shortage of math teachers, they may choose to close a calculus class so they can be sure they can offer a geometry class. But with special education, students needs must be met and the class cannot be closed. Without waivers, school districts may be put in the position of having to violate one law or the other; either have people in classes who hold neither waivers nor credentials or fail to serve the needs of special education students. A third choice, also poor, is to have a substitute who must be replaced every 30 days. Ms. Robison asked the Commission to delay action beyond March so that educators can work with staff to find some alternatives.

Bruce Kitchen, school district liaison to the Commission on behalf of the Human Resources and Personnel Administrators for San Bernardino and San Diego counties, who echoed Ms. Robison's concerns about special education. He pointed out that on the previous day the Commission had 477 waivers on

its consent calendar and that 213 - 45 percent - were for special education. He said the districts are caught in a very critical numbers game in an area that is already facing a severe teacher shortage. He suggested that perhaps the Commission should continue to issue waivers along with a warning about potential violation of No Child Left Behind and let the districts worry about what they want to do about the problem.

Joy Carter, coordinator for support services for the Orange County Department of Education and on behalf of 27 K-12 school districts with more than half a million students, joined in the concern about special education. She asked the Commission to work closely with those in the field to provide flexibility for those who must find a way to meet both No Child Left Behind and obligations to special needs students.

Jinny Yokoyama, an administrator with Los Angeles Unified School District, told the Commission that in 2000 the district had 364 waivers, in 2001 286 and this year 174 - so progress is being made on decreasing the number of special education waivers. But due to the teacher shortage, it is very difficult to meet needs without waivers. She asked the Commission to help develop strategies that will allow districts to comply but still meet classroom needs.

Ex-Officio Representative Bartell asked Mr. Janssen about whether the federal restriction on Title 1 teachers applies to the way a position is funded or to the designation of a school. Mr. Janssen replied that it depends on whether a school district has accepted federal funding on a schoolwide basis or in more limited ways. Los Angeles, for example, accepts money on a schoolwide basis, which would imply that all positions - whether directly funded by Title 1 funds or not - would be impacted. The mechanism varies from school to school.

Commissioner Lilly said that he was heartened by the fact that no opposition was offered to phasing out waivers beyond special education. He said that he does not believe that the issue of phasing out waivers in special education can be separated from the larger issue of the way special education teachers are licensed in the state. He said he believes that there has been an overemphasis on the difference between excellent classroom teachers and teachers able to meet the needs of special education students. While acknowledging the time it would take, he suggested that the Commission consider looking at special education credentialing overall and finding ways to be more flexible and draw skilled classroom teachers into special education.

Ex-Officio Representative Bill Wilson agreed with Commissioner Lilly, noting that Lilly is widely recognized nationally for his work and writing about the skills and ability of classroom teachers to teach special education students. He said it would be a good idea to look at the special education issue from a systemic point of view, with the question of how special education

credentialing could be restructured to include more people who are able to meet the needs of the students. However, he said that implementing such an idea correctly would take two or three years, while the pressure from No Child Left Behind is much more immediate. He said the staff proposal might have to be adopted with the idea that a group be pulled together to look at more long-range solutions.

Ex-Officio Representative Lundquist said she was particularly struck by Ms. Robison's comment that there aren't enough students in the special education preparation pipeline. Whatever policy the Commission adopts should include a long-term strategy for incrementally closing the gap so that the system is addressed holistically.

Commissioner Boquiren said that the Commissioners have discussed having study sessions about specific topics and that special education - especially the concept of a systemic approach to address shortages - would be a good topic. She also asked if the staff has any data on how many Title 1 schools are using waivers at the moment. Mr. Janssen replied that the Commission does not have that kind of information.

Commissioner Bersin noted that in San Diego, the Title 1 schools have significant numbers of waivers and emergency permits. While anecdotal information is never as good as concrete data, he said that he believes it is fair to assume that most waivers are used in Title 1 schools. He added that listening to the comments strikes him in two ways. One is that as a district superintendent, he knows the tremendous amount of pressure that districts would face if the policy were implemented and there were no waivers for special education. The second is in his role as a Commissioner, which makes him mindful of the fact that education is at a turning point - even if it is a very slow turning point. It is always a dilemma for those who have to "keep the train running" while major changes are under way. But at the same time, much-needed change is put off indefinitely if short-term challenges are always allowed to be stumbling blocks.

Commissioner Bersin said similar issues are being raised about the high school exit exam, with people arguing that the effective date for the exam "counting" should be put off because pass rates so far indicate that students are not well enough prepared. However, until the exam counts, its rigor won't be taken seriously. Commissioner Bersin said two problems are paramount - teachers aren't paid enough to attract enough well qualified people into the field and California allows unqualified people to be in the classroom. Taking action on the waivers is a modest step that begins to address the second problem, which is something not found in any other profession (medicine, law, etc.). He said he favors the Commission adopting the policy but adding some creative thinking, as advocated by Commissioners Boquiren and Lilly and Ex-Officio Representative Wilson.

Ex-Officio Representative Waite said the Commission has to be cautious

about unintended consequences. If a special or separate provision is made for waivers for special education, that may provide an incentive for school districts to funnel special education teachers with dual credentials into regular classrooms, where waivers are not available, and then use more waivers for special education assignments.

Commissioner Johnson said she was elated to see the suggestion about not granting waivers at all for missing bachelor degrees. She called it a real step forward.

Commissioner Whirry asked if special education student populations have stabilized or if they are growing rapidly. Commissioner Bersin replied that the number seems to range between 11 and 13 percent in San Diego, but that it is much higher on the East Coast in places like Boston. Much depends on the system of identification used. In San Diego, there are about 15,000 special education students - about 10,000 with learning disorders and about 5,000 who are identified as low-incidence special education students.

Commissioner Lilly said that the percentages have stabilized but that the numbers increase because the student population continues to grow.

Vice Chair Madkins thanked those who testified, saying one of the mainstays of the Commission is the consultative voice provided by those in the field. Listening to such testimony helps the Commission make well-informed decisions. He noted that he believes that it is important for all schools, but particularly urban and rural schools, to begin to provide fully qualified teachers for all students. Every year, it is reported that underserved students are the most likely to be taught by less-than-qualified teachers. He said that since it is not within the Commission's purview to decide who teaches where, it is important for the Commission to make sure that only those teachers who are qualified are put in any classroom.

Chair Katzman said she believed the discussion had been very valuable and particularly thanked the people who testified. She indicated that it would be good to work with the field on the issue and asked staff what mechanism for discussion could be available. She said that Mr. Kitchen's idea of simply warning districts that the waiver does not comply with No Child Left Behind would enable the districts to do something that the Commission doesn't favor.

Mr. Janssen said that because of cutoffs for placing items in the agenda packet, any discussion would have to take place in the next week. One option would be to delay bringing the matter back until April. The other is to bring it back in March, recognizing that the Commission could modify the provisions or delay at that point.

Dr. Swofford said that the field would have the opportunity to come forth with ideas during the next week. He said that the concept of looking at the

whole issue of special education is much more complicated and a long-term issue. From his experience in the past, any changes that touch on special education credentialing are very controversial, emotional and tumultuous. He recommended bringing back options for the Commission's consideration in March and then discussing a plan to look at the credential structure - particularly the Tier 1/Tier 2 nature of the credential - at a future date.

Commissioner Bersin asked if one option might be to provide a waiver if a teacher is fully credentialed but simply not credentialed in special education. Mr. Janssen said such a teacher would be on an emergency permit or in an internship program, not on a waiver.

Commissioner Lilly said that one option might be creating an eminence category for outstanding teachers who spend a lot of time working with special needs children.

Vice Chair Madkins said he is eager to see the field given as much notice as possible about any changes. So although he does not like to see the issue split between special education and non-special education waivers, it is possible that the best plan would be to move forward with the part that no one has objections to and look at special education separately.

Ex-Officio Representative Wilson said he agreed. He acknowledged Dr. Swofford's comments, saying that whenever special education is addressed there is controversy. He said the law originally was drafted to serve the needs of students with the most severe disabilities, but it has grown to encompass far more. The expansion has caused a great deal of difficulty, bringing massive amounts of paperwork and complexity. He said some teachers avoid special education, not because they don't want to deal with the children, but because they don't want to deal with the paperwork. He said it may be dangerous to separate off the special education issue, but that it is probably best since the Commission hasn't heard from the special education advocates.

Dr. Swofford said he wanted clarification on what staff should return with in March. He said staff is caught in the middle in terms of compelling interests. The Commission is not in the lead on determining who is highly qualified; that authority lies with the state Board of Education and the Commission doesn't want to put the Board in an awkward spot. At the same time, the Commission needs to work with stakeholders and align its procedures with requirements that took effect last year.

Commissioner Lilly said he believes the Commission should consider staff's entire recommendation in March. If staff finds alternative wording that would help achieve a better outcome, they should put that forth. He said his wording is that the critical effect takes place in 2005 and that he is interested in what the Commission can do between now and then to address the systemic problems.

Dr. Swofford accepted that direction. The Committee of the Whole ended.

LEGISLATIVE COMMITTEE OF THE WHOLE

On behalf of Commissioner Fortune who was absent, Commissioner Lilly convened the Legislative Committee of the Whole.

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

Linda Bond, Director of the Office of Governmental Relations, said that Senator Jack Scott has agreed to carry the Commission's bill to eliminate duplication of local due process in cases of mental disability. He also has introduced on behalf of the Commission SB 84, a bill that can be used for any cleanup legislation that is necessary because of No Child Left Behind on issues that fall within the purview of the Commission.

Ms. Bond also informed the Commission that AB 242 (Liu), a bill sponsored by the Joint Committee on the Master Plan, has been introduced. This bill eliminates the authority for emergency permits and waivers as of Jan. 1, 2005. Since the bill was only introduced two days ago, staff will bring the Commission an analysis at the next meeting. She said she anticipates other bills to be sponsored by the Joint Committee, including a broad ranging one on the subject of professional development.

Ms. Bond advised the Commission that because of budget constraints, it is unlikely that any new state initiatives will be signed into law this year. She said that staff is therefore going to advise the Commission in many cases to simply take a watch position on bills rather than becoming actively involved. This will allow the Commission to stay free of any entanglements on issues that are not really within its jurisdiction.

The Commission staff, however, has been invited by the State Board of Education to act as a resource for the AB 312 liaison team, a group created by statute to advise the State Board of Education on issues covered by No Child Left Behind, including the definition of highly qualified teachers. At a meeting three days prior to the Commission meeting, staff explained the actions taken by the Commission to date, including the steps in December to make internship programs available that meet the specific criteria of No Child Left Behind and the agenda item on waivers for today's meeting. The AB 312 team was also informed that under a Commission proposal, persons who meet the strict No Child Left Behind criteria for "highly qualified" could move from an emergency permit to an intern certificate.

The AB 312 Liaison Team identified four issues for its March 4 meeting:

Veteran teachers. Under No Child Left Behind, veteran teachers are required to be evaluated with respect to their competence. The State Board is the lead agency for determining how that will be accomplished.

Alternative certification. While one of the authors of No Child Left Behind insists that the intended for "highly qualified" teachers to hold credentials, the law reads (and the federal regulations have interpreted the law to mean) that an individual participating in an alternative certification program can be highly qualified. That means that so far the state-funded internship operated in California meets No Child Left Behind requirements of a bachelor's degree, CBEST, subject matter competence and enrollment in a program of support, supervision, mentoring and assistance. However, as yet the State Board of Education has made no decision on this matter.

New elementary school teachers. No Child Left Behind requires them to pass a "rigorous test of subject matter competency". Current state law allows a candidate to meet subject matter requirements by completing a state approved subject matter program. The candidate would also be required to pass a variety of tests (CBEST, RICA, TPA, CFASST, etc.). The issue is whether these tests are sufficient, a new test will have to be created or an existing test can be modified to meet the federal mandate.

Middle school. No Child Left Behind requires middle schools and high schools to assign teachers with credentials and a major - not a minor - in the subject matter. This isn't an issue in high school, where that is usually the case. But in California, middle schools are treated more like a transitional time, with students spending more time with one teacher in core subject areas. Teachers, therefore, can be assigned on the basis of a multiple subject credential or a supplementary authorization based upon a minor in the subject. Under No Child Left Behind, a K-8 structured school could continue this practice, but a standalone middle school would have to have teachers who hold a major in all subjects they are assigned to teach, or who have passed a test in each subject. This could cause major problems, particularly in areas of shortage like science and math.

Ms. Bond said staff will be providing technical assistance as these issues are addressed.

Ex-Officio Representative Bartell said some districts are already telling teachers they will have to be tested in subject matter competency if they only hold a supplementary credential. Ms. Bond said that those districts may simply be anticipating what the federal regulations and the State Board of Education will eventually determine. Ex-Officio Representative Bartell said that the Commission will have to think about restructuring its own system to align with the requirements. Ms. Bond said that until the State Board of Education makes its determinations it would be premature for the Commission to take action since it could be viewed as the Commission pre-empting the prerogatives of the Board.

Commissioner Johnson asked if the law grandfathers those in who have supplemental credentials. Ms. Bond said the state is allowed to determine the definition of highly qualified, but that in some areas the federal law is quite

specific, and therefore veterans may not be grandfathered. It appears also that some states, more in favor with the administration, may be allowed more leeway than other states. So the discussions are continuing about what approach will be acceptable to the federal government under No Child Left Behind provisions.

Dr. Swofford said that the Commission staff is focused on the issue of licensure. While the federal act talks about "highly qualified," the Commission has always set minimal competency qualifications for licensure. He said the use of the term highly qualified is unfortunate since there is a great deal of difference between someone who has just emerged from college and takes a test (which would be highly qualified under No Child Left Behind) and an individual who has taught for 12 years, been recognized as a Teacher of the Year - but still doesn't meet the definition of highly qualified. The whole matter presents a jurisdictional problem for the Commission because it is an employment issue rather than a licensure issue. The goal is to make sure that policy makers who are responsible for the decisions understand the consequences of whatever action they take.

Chair Katzman offered appreciation for the clarification about the Commission's role, adding that the Commission should be able to provide input that is creative and helpful.

Ms. Bond said that, with the Commission's permission, she would like to carry forth two recommendations on any testing of teachers. She noted that the Commission fought for 10 years in court to defend the CBEST exam and that one factor in being successful was the Commission's careful approach to developing and validating tests. She said that whatever decision the State Board of Education makes about testing (a new one or modifying an existing one), it is critical that any test be validated for the purpose for which it is being used and that any new test has to be accompanied by time and curriculum instruction so that passage of the test is possible. She also said a third concept is that since it is an employment test rather than a licensure test, it might be more appropriate for the State Board of Education to administer it. She said if a new licensing test is created, state legislation will need to be changed.

Commissioner Bersin said the first two - validation and preparation time - make sense because without them the test can be subject to challenge. But he cautioned the Commission to be careful at this stage about the third concept, who will do the testing. He said the Commission has a clear understanding of the difference between a licensure test and an employment test, but that he believes the distinction is not widely understood. He said if the Commission's initial posture is that someone else should do the testing, the Commission may eventually end up regretting that stance. People who assume jurisdiction over the test may have far less insight, knowledge and skill about the matter than the Commission. As a result, he believes the third area is a matter that the Commission ought to discuss as the issue goes

forward.

Ex-Officio Representative Bartell said from the higher education perspective, she is concerned about students who pass CBEST, subject matter and other requirements and then are recommended by the institution for a credential. If they go out looking for a job and then cannot pass the employment test, whom will they sue? The institution for recommending them for a credential? The Commission for issuing it even though they are not employable?

Dr. Swofford said the discussion is very helpful. He said it is important to be mindful of the Commission's jurisdictional role, as well as the legal implications and exposure to litigation. He said of great concern is that there appears to be little analysis being done with respect to the implications and consequences of proposals being discussed outside of the Commission. He is cautiously optimistic that such analysis will take place within the liaison team structure. He said the Commission staff has provided documents about various scenarios but not much documentation has been presented by other stakeholders. He said it is important for the Commission to push dialogue in an advising capacity, but not propose policy since that function lies elsewhere.

Ex-Officio Representative Wilson said he appreciates the update. He said there already are too many tests in the system. He also said that actions taken in California have just finally begun to make a dent in the teacher shortage and that if the No Child Left Behind act is not handled carefully, the shortage will be compounded rather than resolved.

Commissioner Lilly said it appeared there is consensus on staff going forward with points one and two (validation and preparation time) with caution on point three (who administers the test).

LEG-2: Analyses of Bills of Interest to the Commission

Ms. Bond said SB 81 (Alpert) is a placeholder bill that allows continued discussions about the capacity of four-year blended programs to meet the need for teachers and whether such programs should be placed within the subject matter areas at institutions of higher education or within the education department. A motion to watch the bill was made (Johnson), seconded (Madkins) and carried without dissent.

Ms. Bond asked for a vote to indicate the Commission's formal sponsorship of SB 84 (Scott), the bill that is a placeholder for any needed changes under No Child Left Behind. A motion to sponsor the bill was made (Madkins), seconded (Boquiren) and carried without dissent.

PUBLIC HEARING

PUB-1: Proposed Additions to California Code of Regulations, Title 5 Sections 80473 and 80473.1, Pertaining to Allowance of a Grace

Period for Credential Candidates to Complete Requirements

Chair Katzman opened the public hearing, asking program analyst Rachel Rodriguez to review the proposed changes to the regulations and the response to the solicitation of public comment. Ms. Rodriguez said that the changes to the regulations provide a grace period for a credential candidate to complete requirements that existed when they entered teacher preparation rather than having to meet new requirements that have been added since they began. Under the changes, candidates will have 24 months to complete a Commission-accredited preparation program without any new requirements being added. In addition, a candidate continuously enrolled in an integrated program of professional preparation on or after Jan. 1, 2002 will not be held to any new requirements, as long as they do not change the type of credential they are pursuing (with this section sunseting on Jan. 1, 2006). A 12-month extension is available for extenuating circumstances.

The Commission received six responses in support of the additions to the regulations and no opposition.

There were no questions from Commissioners and no one from the public asked to address the Commission on this matter. Chair Katzman closed the public portion of the hearing.

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

FISCAL PLANNING AND POLICY COMMITTEE OF THE WHOLE

Commissioner Boquiren convened the Fiscal Planning and Policy Committee of the Whole.

FPPC-1: Update on the Proposed Governor's Budget for Fiscal Year 2003-04

Leyne Milstein, Director of the Information Technology and Support Management Division, said information in the agenda packet provides details of proposed reductions to both the current fiscal year and the next fiscal year. Many items have already been presented at previous Commission meetings. So far the impact on the Commission has been relatively minor compared to other agencies, with the Commission losing only one position and actually receiving additional budget support to complete the Teacher Credentialing Service Improvement Project. However, there are reductions in the alternative certification program funding that will mean serving fewer people in the future.

Ms. Milstein said there are two specific issues to provide updates on. First, both the Senate and the Assembly have taken action to cut \$3.3 million from alternative certification programs. Staff does not believe the reductions will impact the ability to serve current enrollees. Second, many bodies have been limited to meeting once annually to save costs. However, statutory requirements for the Commission's meetings exempt the Commission from

this restriction. Staff is finding ways to reduce the travel and meeting expenses for the many advisory panels and committees, including using technology.

Ms. Milstein said the Legislative Analyst report on the budget will be out soon and that staff will provide a briefing to the Commission at the next meeting.

Chair Katzman asked about the possible impact of combining categoricals into a block grant, leaving districts with the discretion to decide how funding will be spent. Ms. Milstein said staff is still waiting to review specific bill language as well as any alternative the Legislative Analyst may propose. Chair Katzman said it will be of great concern if districts are able to decide to not provide induction services since that is now part of the clear credential process.

Commissioner Lilly said the Commission must be watchful to keep the worst-case scenario from happening. That would include districts eliminating their support for BTSA. That would force other providers to develop programs that would be costly to the candidates, in effect passing the unfunded state mandate to new teachers. That in turn would be an additional barrier to increasing the number of teachers.

Dr. Swofford said Ms. Milstein and staff have made an incredible effort to protect a substantial amount of the Commission's work, working closely with the Department of Finance about the importance of the work. The Commission has an advantage since it is fee-driven rather than General Funded. But the Commission also wants to be sure it is not setting up candidates to shoulder additional costs.

PREPARATION STANDARDS COMMITTEE OF THE WHOLE

Commissioner Johnson convened the Preparation Standards Committee of the Whole.

PREP-1: Approval of Subject Matter Preparation Programs Submitted by Colleges and Universities

Helen Hawley, Consultant in the Professional Services Division, presented information about the single-subject programs at Otis College of Art and Design (art), California State Polytechnic University, Pomona (business), San Francisco State University (LOTE) and California State University, Monterey Bay (social science). A motion to approve the programs was made (Whirry), seconded (Hauk) and carried without dissent.

PREP-2: Approval of Professional Teacher Induction Programs

Dr. Margaret Olebe, Administrator, Professional Services Division, Karen Sacramento, Assistant Consultant, Professional Services Division and Cheryl Hickey, Consultant, Professional Services Division presented the first three teacher induction programs that have been reviewed and that are being

recommended for approval. Dr. Olebe said that programs will be brought forward every month until all programs have been approved. She said the Commission staff are working closely with the Department of Education in a very productive partnership to review the programs.

Ms. Hickey described the process, which is taking place within six submission windows, with the third window just completed in early February. There is a review panel of local educators, institutions of higher education and others, providing 110 readers to carry out the work. These readers underwent training in September and November to assure consistency and fairness. She noted that newly appointed Ex-Officio Representative Waite was one of the readers.

Ms. Sacramento presented information about three programs: the Santa Cruz/Silicon Valley New Teacher Project (in existence since 1988; including 27 school districts), the Sacramento BTSA Consortium of Professional Teacher Induction (in existence since 1993; including 16 school districts) and the Greenfield Union School District BTSA Program (created in the late 1990s; including five universities, two school districts and the Kern County Superintendent of Schools Consortium).

Chair Katzman said it is an exciting moment to see the first of the programs brought forward for approval. She asked if BTSA is block granted, would the Commission lose approval authority. Dr. Olebe said it is not yet clear what will be block granted and what districts will be told about what they have to do with the block grant funding. She said staff will continue to move forward with the approval process until more specific direction comes from policy makers.

Chair Katzman also asked what percentage of teachers will be receiving induction services when the approval process is complete. Dr. Olebe said that all eligible teachers would be served. Where local education agencies do not have their own program, the services will be available from consortia. She said the goal is to also have programs that will serve teachers in private schools.

Ex-Officio Representative Bartell said she wanted to acknowledge Dr. Olebe's contributions to this issue. She began the Sacramento consortium in 1993. Ex-Officio Representative Bartell also indicated that in the future she would like to see information about the assessment instrument being used by the programs. Dr. Olebe said that will be included in future presentations.

Commissioner Boquiren, who received services under the Sacramento program, made a motion to approve the three programs. The motion was seconded by Commissioner Madkins, who noted he is also a product of the program. It carried without dissent.

PREP-3: Approval of Title II Research Awards Relating to the

Effects of Implementing California's Credentialing Reforms Pursuant to the Provisions of SB 2042

Dr. Olebe said staff is recommending the award of two contracts based on competitive bidding to conduct research on the SB 2042 reforms. Fourteen proposals were received, each read by three members of a committee. The first priority study is on the implementation process. A second priority area is (a) the impact of SB 2042 on teacher quality and (b) the impact on the teacher workforce (retention and distribution).

The review committee felt that the proposals for studying the quality issue were not sufficiently strong to justify awarding a grant. Instead, the committee recommended a grant of \$125,000 to California State University, Los Angeles/Program Evaluation and Research Collaborative to look at implementation of SB 2042 and a \$110,691 grant to California Polytechnic State University, San Luis Obispo to assess the impact of the reforms on the workforce. In the case of Cal Poly, the study will piggyback on to other federally funded research Cal Poly is doing.

Dr. Olebe said results of both studies would be expected in the fall since the federal funds underwriting the study must be expended by August.

Chair Katzman noted that \$65,000 in study funds will be left unallocated. Dr. Olebe said the Title 2 committee will look at redirecting those funds.

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

RETURN TO THE GENERAL SESSION

The Commission returned to the General Session.

REPORT OF EXECUTIVE COMMITTEE

EXEC-1: Approval of the January 9, 2003 Executive Committee Minutes

It was moved (Johnson), seconded (Madkins) and carried to approve the minutes of the January 9, 2003 Executive Committee meeting.

EXEC-2: Committee of Credentials: Interview(s) for Appointment to the Committee of Credentials

It was moved (Madkins), seconded (Hauk) and carried that the Commission appoint John Coleman to the secondary teacher position on the Committee of Credentials for a term of two (2) years, to commence February 14, 2003.

REPORT OF THE APPEALS & WAIVERS COMMITTEE

A&W-1: Approval of the December 4, 2002 Appeals & Waivers Minutes

It was moved (Johnson), seconded (Hauk) and carried that the Commission approve the minutes of the December 4, 2002 Appeals & Waivers Committee meeting.

A&W-2: Waivers: Reconsideration of Waiver Denials

It was moved (Hauk), seconded (Vaca) and carried that the Commission reconsider its previous action to deny the 2 waiver requests for the persons listed in Agenda Item 2.

It was moved (Hauk), seconded (Vaca) and carried that the Commission approve the 2 reconsideration requests on the Reconsideration Calendar.

A&W-3: Waivers: Consent Calendar

It was moved (Hauk), seconded (Johnson) and carried that the Commission approve the 691 waiver requests on the Consent Calendar.

A&W-4: Waivers: Conditions Calendar

It was moved (Johnson), seconded (Vaca) and carried that the Commission approve the 30 waiver requests on the Conditions Calendar with the specific conditions attached to each.

A&W-5: Waivers: Denial Calendar

It was moved (Vaca), seconded (Johnson) and carried that the Commission deny the 38 Waiver Requests on the Denial Calendar. These items will be brought to the Commission for action at the March 2003 meeting.

The motion to approve the items from Appeals and Waivers Committee was carried, with Commissioners Bersin, Hauk and Beckner abstaining because of absences during the pertinent deliberation the previous day.

Commission Member Reports

Commissioner Hauk attended the inaugural celebration for State Superintendent of Public Instruction Jack O'Connell at California State University, San Bernardino.

Commissioner Whirry announced that her program in Internet reading comprehension for high school students is complete and will soon be distributed by Scholastic Press.

Audience Presentations

None.

Old Business

The quarterly agenda for March, April and May 2003 was presented for information only.

New Business

None.

Adjournment

The meeting adjourned. The next meeting will be held on March 6, 2003 at the California Commission on Teacher Credentialing Office, 1900 Capitol Avenue, Sacramento, California.

