

## **Minutes of the January/February Commission Meeting**

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**January 31 – February 1, 2005**  
**Commission Offices, 1900 Capitol Avenue, Sacramento**

### **COMMISSION MEMBERS ATTENDING**

Lawrence H. Madkins, Jr., Teacher, Chair  
Elaine C. Johnson, Public Representative, Vice-Chair  
Catherine Banker, Public Representative  
Maytte Bustillos, Teacher  
Paul Clopton, Public Representative  
Guillermo Gomez, Teacher  
Steve Lilly, Faculty Member  
Aida Molina, School Administrator

### **COMMISSION MEMBERS ABSENT**

Leslie Littman, Designee, Office of the Superintendent of Public Instruction

### **EX-OFFICIO REPRESENTATIVES**

Marilyn McGrath, California Postsecondary Education Commission  
Karen Symms Gallagher, Association of Independent California Colleges and Universities  
Athena Waite, University of California  
Bill Wilson, California State University

### **STATE BOARD LIAISON**

Ruth Bloom

### **COMMISSION STAFF PRESENTING**

Sam Swofford, Executive Director  
Mary Armstrong, General Counsel, Director, Professional Practices Division  
Janet Vining, Staff Counsel, Professional Practices Division  
Kimberly Hunter, Staff Counsel, Professional Practices Division  
Dale Janssen, Director, Certification, Assignment & Waivers Division  
Rhonda Brown, Program Analyst, Certification, Assignment & Waivers Division  
Leyne Milstein, Director, Information Technology & Support Management Division  
Anne Padilla, Consultant, Office of Governmental Relations  
Elizabeth Graybill, Director, Professional Services Division  
Amy Jackson, Administrator, Professional Services Division  
Larry Birch, Administrator, Professional Services Division  
Teri Clark, Consultant, Professional Services Division  
Cheryl Hickey, Consultant, Professional Services Division  
Helen Hawley, Consultant, Professional Services Division  
Diane Tanaka, Assistant Consultant, Professional Services Division

Susan Porter, Consultant, Professional Services Division  
Mark McLean, Assistant Consultant, Professional Services Division  
Rod Santiago, Consultant, Professional Services Division  
Kathleen Beasley, Recording Secretary

*Tuesday, February 1, 2005*

## **GENERAL SESSION**

### **3A: Meeting Called to Order**

The General Session was called to order by Chair Madkins. Roll was taken. Everyone joined in the Pledge of Allegiance.

### **3B: Approval of the November/December 2004 Minutes**

A motion to approve the November/December 2004 minutes was made (Molina), seconded (Johnson) and carried without dissent.

### **Approval of the January/February 2005 Agenda**

Chair Madkins suggested that the nomination of Commission chair and vice chair be postponed until the next meeting when more members are expected to be appointed. A motion to approve the January/February 2005 agenda without 3I and with an in-folder insert for 4A was made (Banker), seconded (Bustillos) and carried without dissent.

### **3C: Approval of the January/February 2005 Consent Calendar**

Commissioner Lilly asked that the subject matter approval item on page 3C 11 be pulled from the consent calendar for discussion. A motion to approve the January/February 2005 consent calendar without that item was made (Lilly), seconded (Johnson) and carried without dissent.

Turning to the subject matter approval for San Jose State University, Commissioner Lilly said he intended to move for approval but wanted to use the opportunity to ask when staff might return with information about whether “approval” is the right language because of the statutory implications discussed at a prior commission meeting. He elaborated that because of No Child Left Behind, all multiple subject candidates must take a test. The state statute, however, continues to say that if candidates pass an approved program they don’t have to take the test. Commissioner Lilly said the Commission may want to develop some way of signaling that a program is aligned with standards and academic content requirements without the connotation that candidates don’t have to take a test. Beth Graybill, Director, Professional Services Division, said staff is still working on developing information but that it should come back to the Commission sometime in the spring.

Commissioner Banker asked for more information on the item itself. Ms. Graybill explained that the Commission has a process for approving subject matter programs to assure alignment with K-12 academic content standards. Commissioner Banker asked when and how the assessment of San Jose’s program was conducted. Mike McKibben, consultant, Professional Services Division,

said under the SB 2042 process, all programs are reviewed by peers according to standards established by the Commission. The San Jose program is about the 40<sup>th</sup> to be approved.

A motion to approve San Jose State University's multiple-subject subject matter program was made (Lilly), seconded (Johnson) and carried without dissent.

**Division of Professional Practices**

**RECOMMENDATIONS OF THE COMMITTEE OF CREDENTIAL**

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. **ADAMS, Scott T.** Victorville, CA  
All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of fifteen (15) days** for misconduct pursuant to Education Code section 44421.
2. **ALDACO, Paul A.** Arroyo Grande, CA  
All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of five (5) days** for misconduct pursuant to Education Code section 44421.
3. **ANDERSON, Terry J.** San Marcos, CA  
Mr. Anderson is the subject of **public reproof** for misconduct pursuant to Education Code section 44421.
4. **APPLEGATE, Deborah L.** Santa Barbara, 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. **ARCHULETA, Aaron** Rowland, 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, effective immediately.
6. **BAKER, Steve A.** Valley Center, 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.
7. **BURNS, Baltazar J.** Fresno, CA  
All pending applications are **denied** for misconduct pursuant to Education Code section 44345.

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8. **CAMERON, Roy L.** Portland, OR  
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. **COTE, Rebecca G.** Kelsey, CA  
The Multiple Subject Teaching Credential is **suspended for a period of forty-five (45) days** for misconduct pursuant to Education Code section 44421.
10. **DELEON, Alex O.** Sacramento, 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, effective immediately.
11. **DURIEUX, Lux B.** Indio, 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.
12. **ELLIOT, Barbara A.** Buellton, 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.
13. **FACHIN, Karen L.** Bakersfield, 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.
14. **GARSKE, Janet L.** Los Banos, 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.
15. **HAIBY, David J.** Ventura, CA  
All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of sixty (60) days** for misconduct pursuant to Education Code section 44421.
16. **HARRIS, William J.** Rocklin, CA  
All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of sixty (60) days** for misconduct pursuant to Education Code section 44421.

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17. **HOWES, Janice E.** San Diego, CA  
The Multiple Subject Teaching Credential is **suspended for a period of twenty-one (21) days** for misconduct pursuant to Education Code section 44421.
18. **JOHNSON, Joseph T.** Bakersfield, CA  
All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of fifteen (15) days** for misconduct pursuant to Education Code section 44421, effective immediately.
19. **KINNEY, Cheryl A.** Lompoc, CA  
All pending applications are **denied** for misconduct pursuant to Education Code section 44345.
20. **KLINE, Catherine E.** Campbell, 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.
21. **LEVI, Wesley E.** Valley Springs, 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.
22. **LOEFFLER, Barbara M.** Rosamond, 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.
23. **MILLS, Frank L.** Sun City, CA  
All pending applications are **denied** for misconduct pursuant to Education Code section 44345.
24. **MILNE, Theresa L.** Chowchilla, 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.
25. **MOATS, Edward I.** Oceanside, CA  
All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of fifteen (15) days** for misconduct pursuant to Education Code section 44421.
26. **MWANGI, Francis K.** Hanford, CA  
Mr. Mwangi is the subject of **public reproof** for misconduct pursuant to Education Code section 44421.

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27. **NATSUES, Stephen W.** Fresno, 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.
28. **NELSON, Heidi M.** Sacramento, 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.
29. **NEWTON, Larry E.** Antioch, CA  
All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of fifteen (15) days** for misconduct pursuant to Education Code section 44421.
30. **PARKHILL, Michael D.** Fremont, 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.
31. **QUEZADA, Jaime** Montebello, 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.
32. **ROBERSON, Winfred B.** Carson, CA  
All pending applications are **denied** for misconduct pursuant to Education Code section 44345.
33. **RODRIGUEZ, Roy G.** Ojai, CA  
All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of fifteen (15) days** for misconduct pursuant to Education Code section 44421.
34. **SANDERSON, Al F.** Redondo Beach, CA  
All certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **suspended for a period of thirty (30) days** and any pending applications are **denied** for misconduct pursuant to Education Code sections 44421 and 44345, effective immediately.
35. **SANFORD, Karen L.** Lodi, CA  
Ms. Sanford is the subject of **public reproof** for misconduct pursuant to Education Code section 44421.

36. **STRICKLAND, Alyson C.** Chico, CA  
All pending applications are **denied** for misconduct pursuant to Education Code section 44345.
37. **WITTE, Cara L.** Clovis, 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.

**CONSENT DETERMINATIONS**

38. **ADAMS, Garrett A.** Loyalton, CA  
The Proposed Consent Determination, which stipulates that Mr. Garrett's expired Single Subject Teaching Credential is **suspended for a period of five (5) days**, effective immediately, pursuant to Education Code section 44421, is adopted.
39. **BENSON, Patricia A.** Palm Desert, CA  
The Proposed Consent Determination, which stipulates that Ms. Benson's Standard Elementary Teaching Credential is **suspended for a period of fifteen (15) days**, the **suspension is stayed**, and she is placed on **probation for a period of three (3) years**, pursuant to California Education Code section 44421, is adopted.
40. **CRUZ, Paloma** Commerce, CA  
The Proposed Consent Determination, which stipulates that Ms. Cruz is allowed to **withdraw** her application, pursuant to California Education Code section 44421, is adopted.
41. **CURWICK, Cynthia** Clovis, CA  
The Proposed Consent Determination, which stipulates that Ms. Curwick will not apply for a credential in the future or seek reinstatement of her revoked credentials, and that any petition for reinstatement will result in the immediate denial of the application, pursuant to California Education Code section 44421, effective immediately, is adopted.
42. **GEBREMICAEL, Binyam M.** Culver City, CA  
The Proposed Consent Determination, which stipulates that Mr. Gebremicael's application is **granted and revoked**, however, the **revocation is stayed**, and he is placed on **probation for a period of two (2) years**, pursuant to California Education Code section 44421, is adopted.
43. **HOLVERSON, Chris K.** Redondo Beach, CA  
The Proposed Consent Determination, which stipulates that Mr. Holverson's applications are **granted and revoked**, however, the **revocation is stayed**, and he is placed on **probation for a period of twelve (12) months or eighteen (18) months** if it is determined by a counselor that he requires additional counseling, pursuant to California Education Code section 44421, is adopted.

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44. **JACOBS, Joan L.** Del Mar, CA  
The Proposed Consent Determination, which stipulates that Ms. Jacobs is the subject of **public reproof**, pursuant to California Education Code section 44421, is adopted.
45. **JIMENEZ, Angelica J.** Baldwin Park, CA  
The Attorney General's Proposed Consent Determination, which stipulates that Ms. Jimenez's credentials are **revoked**, however, the **revocation is stayed**, the Education Specialist Teaching Credential is **suspended for a period of fifteen (15) days**, and she is placed on **probation for a period of four (4) years**, pursuant to California Education Code section 44421, is adopted.
46. **KAMERIN, Kim K.** Visalia, CA  
The Proposed Consent Determination, which stipulates that Mr. Kamerin's Single Subject Teaching Credential is **suspended for a period of two (2) years**, however, the **suspension is stayed**, with an **actual ninety (90) day suspension**, and he is placed on **probation for a period of three (3) years**, pursuant to California Education Code section 44421, is adopted.
47. **OMER, Douglas W.** Escondido, CA  
The Proposed Consent Determination, which stipulates that Mr. Omer's applications are **granted and revoked**, however, the **revocation is stayed**, and he is placed on **probation for a period of three (3) years**, pursuant to California Education Code section 44421, is adopted.
48. **PARK, Michael C.** Fountain Valley, CA  
The Proposed Consent Determination, which stipulates that Mr. Park's Multiple Subject Teaching Credential is **revoked**, however, the **revocation is stayed**, and he is placed on **probation for a period of five (5) years**, pursuant to California Education Code section 44421, is adopted.
49. **RICHARD, Michael A.** Beaumont, CA  
The Proposed Consent Determination, which stipulates that Mr. Richard's application is **denied**, pursuant to California Education Code section 44345, is adopted.
50. **RIZZO, Sergio A.** San Ysidro, CA  
The Proposed Consent Determination, which stipulates that if Mr. Rizzo **seeks reinstatement of his revoked credential** and meets the statutory requirements, his application will be **granted** and thereafter **revoked**, however, the **revocation will be stayed** and he will be **placed on probation for a period of two (2) years**, pursuant to California Education Code section 44345, is adopted is adopted.

**DENIAL OF RECONSIDERATIONS**

(No new information)

51. **HUGHES, Richard J.** Medford, OR
52. **McEWEN, Robert L.** Cypress, CA

**PRIVATE ADMONITIONS**

Pursuant to Education Code section 44438, the Committee of Credentials recommends **five (5)** private admonitions for the Commission's approval.

**REQUESTS FOR REVOCATION**

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

53. **CURWICK, Cynthia** Clovis, CA  
Upon her written request, and while allegations of misconduct were pending, all certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **revoked** pursuant to California Education Code section 44423. This does not constitute consent for purposes of Education Code section 44440(b).
54. **HERNANDEZ, Peter J.** Visalia, CA  
Upon his attorney's written request, and while allegations of misconduct were pending, all credentials and other certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **revoked** pursuant to Education Code section 44423. This does not constitute consent for purposes of Education Code section 44440(b).
55. **HEYMAN, Kevin** Scotts Valley, CA  
Upon his written request, pursuant to Education Code section 44423, his Resource Specialist Certificate of Competence and Specialist Instruction Credential in Special Education are **revoked**.
56. **KLEIN, Henry W.** Fairfield, CA  
Upon his attorney's written request, pursuant to Education Code section 44423, all credentials and other certification documents under the jurisdiction of the California Commission on Teacher Credentialing are **revoked**. This does not constitute consent for purposes of Education Code section 44440(b).
57. **WILLIAMS, Nancy E.** Bakersfield, CA  
Upon her written request, pursuant to Education Code section 44423, her supplementary authorization of Introductory French on her Professional Clear Single Subject Teaching Credential is **revoked**.

**DIVISION OF PROFESSIONAL PRACTICES  
MANDATORY ACTIONS**

All certification documents held by and applications filed by the following individuals were 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.

- |                                 |                   |
|---------------------------------|-------------------|
| <b>58. BELL, Frank N.</b>       | Highland, CA      |
| <b>59. BUDKE, Robert C.</b>     | Arroyo Grande, CA |
| <b>60. DANH, Loan K.</b>        | Sacramento, CA    |
| <b>61. FELIX, Jose E.</b>       | Ventura, CA       |
| <b>62. GARRISON, William K.</b> | Wasco, CA         |
| <b>63. GUZMAN, Sharon R.</b>    | Oroville, CA      |
| <b>64. HARRIS, Marie R.</b>     | Grand Terrace, CA |
| <b>65. HELWIG, Michael</b>      | Northridge, CA    |
| <b>66. HODGE, Renee L.</b>      | Napa, CA          |
| <b>67. KABEARY, Debra F.</b>    | Modesto, CA       |
| <b>68. KING, David T.</b>       | Orange, CA        |
| <b>69. PEREZ, Gilbert A.</b>    | Upland, CA        |
| <b>70. ROSA, Michael R.</b>     | San Diego, CA     |
| <b>71. SCOTT, Mark K.</b>       | Los Angeles, CA   |
| <b>72. STOREY, Victor S.</b>    | San Diego, CA     |
| <b>73. THOMAS, Sunni L.</b>     | Marysville, CA    |
| <b>74. WALKER, Nathan J.</b>    | Bakersfield, CA   |
| <b>75. WILLIAMS, Eric</b>       | Chula Vista, CA   |
| <b>76. WINFIELD, Nicole N.</b>  | San Diego, CA     |

77. **WRIGHT, Yvette M.** Pomona, 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).

78. **CASE, George F.** El Centro, CA
79. **CONFECTIONER, Samuel E.** Fresno, CA
80. **DANIEL, Richard P.** Alta Loma, CA
81. **GILL, Mandip S.** Yuba City, CA
82. **HAVLIK, Daniel E.** Foothill Ranch, CA
83. **HERNANDEZ, Gregory R.** Azusa, CA
84. **McMURRAY, Michael W.** Palmdale, CA
85. **MIRANDA, Michael J.** Stockton, CA
86. **PENA, Oscar A.** Parlier, CA
87. **REBHAN, Michael J.** Elk Grove, CA
88. **RYLANDER, David E.** Chula Vista, CA
89. **STONE, Gregory A.** Pomona, CA
90. **WALKER, Nathan J.** Bakersfield, CA
91. **WOLSEY, Thomas D.** Temecula, CA

**NO CONTEST SUSPENSIONS**

All credentials held by the following individuals 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.

92. **FORSYTHE, Evelyn K.** Redlands, CA
93. **KNIGHT, Gary B.** Sacramento, CA

94. RIVERA, Myrium G. San Bruno, CA
95. SH-MUSSE, Mohamed A. Fresno, 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.

96. FREEMAN, Richard Clovis, CA
97. HART, Eric N. McKinney, TX
98. PASILLAS, Guillermo S. Pasadena, CA

**TERMINATION OF PROBATION**

99. Rodriguez, Elsa A. Hollister, CA  
Having successfully complied with the terms and conditions of probation contained in the Consent Determination and Order, which was adopted by the Commission on November 14, 2002, **the stay order has been made permanent and her credential is restored.**

**TERMINATION OF STAY OF SUSPENSION**

100. COYLE, Doug North Hollywood, CA  
Having violated the conditions of probation set forth in the Consent Determination and Order adopted by the Commission on August 21, 2003, his **probation is terminated, the stay is lifted**, and his credential is **suspended for a period of one hundred and fifty (150) days.**

**Certification, Assignment & Waivers Division**

**DENIAL OF CREDENTIAL WAIVER REQUESTS**

Julius Tennison, III/Antioch Unified School District  
Thomas W. Hill/Salinas Union High School District  
Gloria B. Valencia/Ravenswood City Elementary School District  
Maria A. Rodriguez/San Jose Unified School District  
Heather Boleschka/Standard Elementary School District  
Laurel Best/Los Angeles County  
Harold J. Cullen/Mare Island Technology Academy (Charter)  
Melissa Larson/San Ramon Valley Unified School District  
Neva Yergensen/Muroc Joint Unified School District  
Rene Arnoldo Espinoza/Camino Nuevo Charter Academy  
Jeremiah Luke Hayes/Antelope Valley Union High School District  
Alicia Garcia Lopez/Antelope Valley Union High School District  
Elizabeth Morales/Antelope Valley Union High School District  
Michelle Teare/Antelope Valley Union High School District  
Luisa Rueckert/Whittier Union High School District

Lauren Shaw/Whittier Union High School District  
Carole Toy/Napa Valley Unified School District  
Jay Duncan Trottier/Fairfield-Suisun Unified School District

**The service rendered by the following person is approved pursuant to the provisions of Education Code Section 45036.**

| Name          | School District          | County    | Period of Service |
|---------------|--------------------------|-----------|-------------------|
| Velasco, Mary | Coachella Valley Unified | Riverside | 9.1.04 to 9.17.04 |

**Professional Services Division**

The Commission approved the following Program(s) of subject matter preparation for Multiple Subjects Teaching Credentials:

- San Jose State University

**Information Technology & Support Services Division**

The Commission approved the submission of a Spring 2005-06 Budget Change Proposal to reduce expenditure authority in the Test Development Administration Account, to align expenditures with the new revenue structure.

**3D: Chair's Report**

There was no report from the Chair.

**3E: Executive Director's Report**

Dr. Swofford announced that Leyne Milstein, Director, Information Technology and Support Services Division, is leaving the Commission to take a position with the City of Sacramento's Finance Department. He thanked her for her contributions and highly competent representation of the Commission's interests to state control agencies and legislative budget committees.

Dr. Swofford also announced changes in the Executive Office. Maureen Henkelman is transferring to the Commission's Office of Human Resources; Cheryl Hickey, who has been a consultant in the Professional Services Division, is joining the Executive Office; and Nick Pearce has been promoted to Staff Services Analyst and will now serve as the lead contact for Commissioners.

Dr. Swofford then asked staff members to brief the Commission on upcoming agenda items. Amy Jackson, Administrator, Professional Services Division, said that at the March meeting staff will be presenting an information item on validity work on all exams, including subject matter exams, the CTEL (which replaces CLAD) and RICA. The Commission will be asked to set priorities for the validity studies.

Ms. Graybill said in recognition of the need for new members to receive background information, staff will provide an overview in March of the accreditation process and where the Commission is in reviewing the system, a process that has been going on for the past year.

Dr. Swofford also announced that the Commission has launched its redesigned web site. Dale Janssen, Director, Certification, Assignment and Waivers Division, provided an overview of the new site, which was designed to simplify access to important information that the public seeks when they visit the site. He noted that the Commission receives 4,000 calls and 3,000 emails a month seeking information and answers to questions. The most frequently sought information should now be easy to locate on the site. In addition, each division has a home page and a navigation bar on the left has information about the Commission.

Commissioner Banker said she found the site confusing when she first looked at it, but the redesign has made it a very useful site.

Ex Officio Representative Wilson said he agrees that the web site is improved and that it is a very good model that allows people to understand the credentialing system. He also said he appreciated the “sneak previews” of what will be coming up on the March agenda. He asked that such information be captured and sent to commissioners in an e-mail.

Commissioner Johnson noted that the Professional Practices Committee needs to be added to the quarterly agenda.

Chair Madkins said he wanted to personally thank Ms. Milstein for her hard work on budget issues, saying she has done a wonderful job. He also congratulated the staff members who have been promoted and are moving to new responsibilities at the Commission.

### **3F: Report of Closed Session Items**

Chair Madkins reported that the Commission granted Kampf’s Petition for Reinstatement.

### **3G: Report of Appeals and Waivers Committee**

#### **Call to Order**

Vice Chair Johnson reported the following: the meeting of the Appeals and Waivers Committee was called to order at approximately 3:32 p.m., Monday, January 31, 2005.

It was moved, seconded, and carried (McGrath/Bustillos) that the minutes of the Appeals and Waivers Committee meeting of November 30, 2004, be Approved. It was moved, seconded, and carried (Bustillos/Gomez) that the Committee **APPROVE** the 487 waiver requests on the Consent Calendar. It was moved, seconded, and carried (McGrath/Gomez) that the Committee **APPROVE 9** waiver requests on the Conditions Calendar with specific conditions attached, as listed below:

#1 APPROVE: The waiver request, Single Subject Teaching Credential, in Physical Education submitted by John Swett Unified School District for Kanika Fatima Collins with the condition applicant must take the CBEST at least twice and obtain a passing score of 41 in one section prior to consideration of a subsequent waiver (McGrath/Gomez).

#2 APPROVE: The waiver request, Single Subject Teaching Credential, in Physical Education submitted by West Contra Costa Unified School District for Michael Williams with the condition

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applicant must take the CBEST at least twice and obtain a passing score of 41 in one section prior to consideration of a subsequent waiver (McGrath/Gomez).

#3 APPROVE: The waiver request, Single Subject Teaching Credential, in Foreign Language: Spanish submitted by Santa Monica-Malibu Unified School District for Elizabeth Riley, Jr. with the condition applicant must take the CBEST at least twice and obtain a passing score of 41 in one section prior to consideration of a subsequent waiver (McGrath/Gomez).

#4 APPROVE: The waiver request, Pupil Personnel Services Credential, in School Counseling submitted by Salinas Union High School District for Richard Gutierrez with the condition no subsequent waiver will be considered (McGrath/Gomez).

#5 APPROVE: The waiver request, Administrative Services Credential, submitted by Plumas Unified School District for Richard Zunino with the condition applicant must complete at least 12 semester units toward the credential and have a letter from the university reviewing program status and must take the CBEST at least twice and obtain a passing score of 41 in one section prior to consideration of a subsequent waiver (McGrath/Gomez).

#6 APPROVE: The waiver request, Single Subject Teaching Credential, in Physical Education submitted by Grant Community Charter for Gennadiy Varshytskyy with the condition applicant must take the CBEST at least twice and obtain a passing score of 41 in one section prior to consideration of a subsequent waiver (McGrath/Gomez).

#7 APPROVE: The waiver request, Single Subject Teaching Credential, in Social Science submitted by Sequoia Union High School District for David A. Piper with the condition applicant must take the CBEST at least twice and obtain a passing score of 41 in one section prior to consideration of a subsequent waiver. (McGrath/Gomez).

#8 APPROVE: The waiver request, Administrative Services Credential, submitted by Surprise Valley Joint Unified School District for Debra Schoeppach with the condition applicant must take and pass the School Leaders Licensure Assessment exam based on the registration date of January 8, 2005. No subsequent waiver will be considered (McGrath/Gomez).

#9 APPROVE: The waiver request, Administrative Services Credential, submitted by Cabrillo Unified School District for Kimberly Hankey Kopp with the condition no subsequent waiver will be considered (McGrath/Gomez).

It was moved, seconded, and carried (Bustillos/Gomez) to recommend preliminary denial of the 20 Waiver Requests on the Denial Calendar. These waiver requests will be brought to the Commission for action at the March 2005 meeting. Item A&W 2E was withdrawn by staff.

**PROFESSIONAL SERVICES COMMITTEE OF THE WHOLE**

Commissioner Molina convened the Professional Services Committee of the Whole.

**7E: Recommended Passing Standards for the Teaching Foundation Examinations (TFE) in Multiple Subjects, English and Mathematics**

Ms. Amy Jackson, Administrator, Professional Services Division and Andrew Latham from Educational Testing Service presented the item. Ms. Jackson explained that in 2001, SB 57 (Scott) addressed the teacher shortage by establishing an early completion intern option. This is an accelerated method to obtain a credential; and requires those who opt for the route to fulfill 13 requirements, including passing the Teaching Foundation Examination. Among those requirements are passing CBEST, having a bachelor's degree, demonstrating knowledge of the Constitution, achieving subject matter competency, and being offered employment in a district with an approved intern program. Before receiving their preliminary credential, Multiple Subject candidates would have to pass RICA and all candidates would need to complete a formative and summative assessment of their teaching ability for the director of the intern program. As with any other preliminary credential holder, they would then move into a two-year induction phase.

With that as background, Ms. Jackson turned to the discussion of setting a passing standard for the test. She said the Commission has a long history of using panels to develop standards and passing standards, as well as following national guidelines for test development. For the Teaching Foundation Examination, a panel was convened last fall to determine how much skill and knowledge should be expected of a candidate at that point. The panel also looked specifically at the test items and went through a rigorous standard-setting process.

Noting that the Commission in November/December asked staff to return with additional options, Ms. Jackson described three passing standards each for the Multiple Subjects, English and Math Teaching Foundation Examinations; each was based on a different estimated standard error of measurement variable. She reminded the Commission that very few people registered for the tests the 12 times they were offered. To get enough people to allow for the passing standard setting process, the test was offered at a discounted rate; even then the number of test takers was small (178 in multiple subject; 69 in English; and 50 in math). She said it is important to set a legally defensible passing standard and that future tests would use equivalent passing standards until enough people have taken the test to examine the results again.

Commissioner Clopton said that the number of test takers is so small and the requirements for the accelerated option so great that few people may take advantage of the option in the future. Ms. Jackson said that would be her prediction. He asked if the sample of test takers is representative. Ms. Jackson said most were from the Los Angeles area in the intern program at Los Angeles Unified School District, but she did not have specific demographic information.

Commissioner Clopton said he was also concerned about the weight accorded multiple choice vs. constructed free responses and the resulting reliability of the sample. He asked if there have been any studies. Mr. Latham said he did not have specific information with him but noted that he would feel more comfortable about the reliability once a couple of hundred of people have taken each test. Commissioner Clopton asked if there was adequate psychometric data to equate the tests for future forms since the sample was so small. Mr. Latham said yes.

Commissioner Clopton asked if there is precedent for changing the cut score once there are further studies and more information is available. Ms. Jackson and Mr. Latham both said yes. Mr. Latham said almost every state that uses his company's tests revisits the data and makes changes over time. Commissioner Clopton asked if it is safer to adopt the cut point with a -2 standard error because then appeal by test takers is less likely. Mr. Latham responded that would make sense since more people would pass.

Commissioner Lilly asked if the cut point is adopted only for the group that has completed the test or for people in the future. Ms. Jackson said the standard would remain in place until there was another standard-setting study that could be brought back to the Commission for consideration. If the Commission then chose a different passing standard, it would change from that point forward. She said the Commission always has to build an argument for why it is making a change so there will be legal defensibility.

Commissioner Molina invited public testimony. The following people spoke:

**Anya Rudnick** described herself as a teacher in Los Angeles Unified School District who came forward to put a face to someone who has taken the test and is waiting for a passing score to be set. She said she was encouraged to take the test by her university advisor and that she did not take coursework because of her high score (195) that made it likely she would pass. As a result, if the passing standard is not set, she will not be able to complete her requirements and receive her preliminary credential this year. She urged the Commission to adopt a passing standard.

Vice Chair Johnson asked Ms. Rudnick if the test had not been offered, would she have simply completed her internship program with coursework. Ms. Rudnick replied that she would not have taken the test if she had thought it would not count in lieu of coursework. She now does not have time to complete coursework if the test is thrown out.

Commissioner Clopton asked Ms. Rudnick to talk about the experience of taking the test and asked if she felt it was an appropriate test. She said it was much more difficult than I expected it to be, but that she thought the multiple choice and constructed response questions were very well balanced in terms of subject area. She said having to write a complete lesson plan along with supporting information for each section of the lesson seemed like a very good evaluation for someone who was trying to become a teacher. The test required a lesson plan for middle school and one for high school, and both focused on different issues.

**Gail Evans, Chief of Staff for Senator Scott**, the author of legislation, said Senator Scott would urge the Commission to approve a passing standard.

**Susan Westbrook, representing the California Federation of Teachers**, said CFT supported the legislation when it was being considered because it appeared to create a good pathway for people with some classroom experience. She said CFT does not support a lower standard for this pathway. However, as long as it is comparable to what people would achieve by going through coursework, CFT supports adoption of the cut scores.

**Brad Strong, Legislative Director for EdVoice**, said the Legislature was looking for an alternative route that would ensure competence. This option requires candidates to demonstrate their knowledge by passing an exam, but it is only one of 13 requirements. The bill was supported by the Commission, CTA, CFT and many others as a sensible compromise that would ensure competence in lieu of coursework. He recommended that the -1 standard of error rates be adopted since that appears to be the usual standard that the Commission uses.

Commissioner Molina asked for a motion. A motion to approve staff recommendation of three passing standards with a -1 standard of error was made (Johnson) and seconded (Madkins). Commissioner Clopton was concerned about setting too rigorous of a standard based on such a small number of test takers. He noted that there is a 20 percent pass rate difference in math between one cut rate and another. Commissioner Banker said that she wanted to explore the -2 standard and was concerned about the legal defensibility.

Vice Chair Johnson said she had concerns about the alternative route, even if the test is one of only 13 requirements. She said there appears to be so little interest in the route that a “fire sale” price had to be offered to get people to take the exam. She doubted there would be many takers once the price returns to normal. She asked about the development of new forms of the test. Mr. Latham said at first the Commission can keep administering the test in the current form. His recommendation would be to adopt a passing standard and then revisit the issue after several test administrations to see the status and what the options might be.

Ex Officio Representative Wilson said he believed the intent was to have a rigorous test. He noted that Ms. Rudnick was a very articulate teacher who could demonstrate competency. He said it would lessen the achievement of people like her if the Commission lessened the score by accepting the -2 standard of error. He said the -1 standard is a good place to start.

Commissioner Lilly said it may be a long time before enough test takers accumulate to look at changing the cut score. He said that would support the concept of being fairly conservative in setting a cut score. He said the Commission ought to be looking at a certain, high level of performance in order to waive coursework to become a teacher. He said he would be very concerned about going to a -2 standard since it could be a very low standard that would be in place for a long time.

Board of Education Liaison Bloom asked if anyone has an idea of how many people are opting to take the route. Ms. Jackson said other than the number of test takers in August, there is no data. However, it appears that very few people will qualify to take the option. Ms. Bloom asked about the original intent of the bill. Ms. Jackson replied that it was to provide a route for an educator who already has the capacity to demonstrate competency and move quickly to preliminary credential status.

Chair Madkins called for the question. The vote was taken and the motion passed. Commissioner Banker voted no, but clarified that she supports setting a passing score but preferred the -2 standard, which would give the small number of test takers the benefit of the doubt.

**7A: Recommended Initial Passing Standards for the California Subject Examinations for Teachers (CSET) in Languages Other Than English in German, Japanese, Korean, Mandarin, Punjabi, Russian and Vietnamese**

Ms. Jackson was joined by Diane Tanaka, Assistant Consultant for the Professional Services Division, to present this item about tests that are low in volume compared to other tests the Commission administers. Ms. Jackson said initial passing standards recommended by panels of educators will be reviewed when there is more data.

Ms. Tanaka noted that because the seven languages come from different roots (European and Asian) the tests have different structures. The tests will be offered two times a year. The first administration, used in the standard setting, was in November 2004. She said that standard-setting panels met in Sacramento; details about their studies are in the Commission agenda materials. Ms. Tanaka added that this action completes Phase 2 of the CSET development. By this time next year, the transition to CSET will be complete.

Commissioner Clopton, noting that one of the languages had a single test taker, asked about the financial implication of developing tests for low numbers of applicants. He asked how the languages were selected and if more languages are going to be added.

Ms. Tanaka said they are the languages that have been historically offered by the Commission. Within the CSET program, the Commission has the option of using the whole program to offset the costs for individual exam development. The contract for developing the subject matter exams are all under one price.

Ms. Jackson said that development of tests for other languages is up to the Commission. Four years ago, the Commission had a different budgetary environment; as exam discussions continue in the future, the Commission may have to consider how to handle low-incidence test development, given the new resource environment. Dr. Swofford echoed those comments, noting that when the test development contract was put out to bid, there were more funds in the testing account and some of the languages were "hot button" issues. Within the past two years, funds have been constrained and the Commission has not been able to consider exams with limited numbers of test takers. He said the Commission may need to look at national exams and whether they can be substituted for having California-specific tests.

Vice Chair Johnson said it was her understanding that exam fees pay for the tests on a pass-through basis. Ms. Tanaka said the examinees bear the cost, but that the Commission is expected to keep the costs reasonable. Ms. Jackson said the fee paid by the test takers covers what the contractor needs to develop a legally defensible test, as well as a small portion that comes back to the Commission to support test functions.

Chair Madkins thanked staff for a job well done. A motion to approve staff recommendation for a passing rate was made (Madkins), seconded (Banker) and carried without dissent.

**7B: Recommended Subject Matter Requirements for Single Subject Teaching Credentials in Agriculture, Business, Health Science, Home Economics, Industrial and Technology Education, and a Language Other than English: American Sign Language.**

Ms. Tanaka and Helen Hawley, consultant, Professional Services Division, presented this item. Ms. Hawley said it is the third and final phase of subject matter requirements for single subject teaching credentials. She said the requirements were developed in a manner consistent with the previous single subject requirements. SB 2042 mandates that requirements be aligned with K-12 academic content standards, but the standards for these subjects are still under development by the Board of Education. As a result, the subject matter advisory panels used the draft standards under consideration by the Board, as well as other documents. The Board is expected to adopt the standards no later than June 2005, at which time any revisions necessary can be brought back to the Commission for approval.

Commissioner Lilly asked what the downside is to delaying the adoption of the requirements until the Board has taken action. He said it would be better not to have test development under way until the standards are known. Ms. Tanaka said that by law, the Commission has to offer tests in these subjects and that the current testing contract is expiring in June. In order to continue to offer a test in each area, content specifications for the tests need to be approved and test development needs to be in progress by next fall.

Ms. Hawley added that if the Commission does not move forward at this time, there will be a period of time during which no test is available. She said the Board is expected to approve the draft standards with little modification. The Commission may need to add an item or two, but subject matter requirements tend to be broad domains and any discrepancies should be fairly minor.

A motion to approve staff recommendation for subject matter requirements, with the caveat that there will be additional alignment, if necessary, once standards are adopted by the State Board of Education, was made (Banker), seconded (Lilly) and carried without dissent.

**7C: Proposed Plan for Reviewing Bilingual Certification**

Susan Porter, Consultant, and Mark McLean, Assistant Consultant, Professional Services Division, presented this item, which is a follow-up to an October agenda item that outlined policy questions to be addressed. At that time, the commission instructed staff to develop a plan to address the questions and to involve stakeholders.

Ms. Porter briefly highlighted the background material in the agenda item. Following the passage of Proposition 227 in 1998, English learners were required to be taught in English unless parents requested a bilingual alternative. Under the proposition, English learners are limited to one year of structured English immersion. Since the proposition passed, the number of students enrolled in bilingual programs has declined, totaling 8 percent in 2003-04. At the same time, enrollment in two-way immersion programs has increased significantly. The goal of such programs is for native English speakers and English learners to become fully bilingual and bi-literate.

Mr. McLean said that the current structure allows teacher candidates to enroll in a BCLAD emphasis program. Teachers who already have credentials must pass an exam for the target

language. Statistics show that only a limited number of teachers earn certification in most of the languages. The current contract for the exams expires in 2006. Staff began to explore options, including looking at tests conducted in other states; however, these tests were not comparable to what California requires. In discussions with stakeholder groups, staff found strong support for alternative routes, including coursework, and for expanding the number of languages covered. Developing tests in new languages would be expensive, another reason to look at coursework options. Staff also found that the stakeholders were eager to work with the Commission on alternatives.

The four policy questions staff outlined for the Commission to consider are:

1. Should the Commission explore alternatives to the current testing route for already-credentialed teachers?
2. What structure should be maintained for those already in the process of getting a credential?
3. How can the Commission provide certification in more languages?
4. How should newer models of instruction be considered in the development of updated requirements for bilingual certification?

Staff presented a conceptual plan for addressing the questions, including conducting a survey through the mail and on the web; holding stakeholder meetings in various regions of the state; and creating a volunteer work group to work closely with the Commission.

Commissioner Bustillos asked if the stakeholders would include teachers and parents. Ms. Porter said the public meetings would be open to anyone who wanted to come and participate. The volunteer group would be a more selective group that would include the bilingual network and parent groups.

Ex Officio Representative Waite recommended that the meetings not be limited to a single issue but that each meeting cover all four policy questions.

Commissioner Banker asked about the number of people taking exams. Mr. McLean said that for Spanish, there are about 2,000 to 3,000 a year, but for many other languages there are fewer than 20 a year. Commissioner Banker also asked about the experts that staff has been working with. Ms. Porter identified them as Dr. Priscilla Walton, who helped develop the CLAD and BCLAD and who is a teacher educator at UC Santa Cruz, and Claudia Lockwood from San Joaquin County.

Ex Officio Representative Symms Gallagher noted that Spanish is fairly well represented in many areas of the state, but that other languages may occur in specific regional pockets, which should be accounted for when the meeting sites are established. She said that meetings should be conducted so that educators and parents can easily attend. Ms. Porter agreed, saying that there are unique concentrations of some languages in the Bay Area and Southern California. While meetings may be weighted toward Southern California, there should also be ones in the Bay Area and the Central Valley.

State Board of Education Liaison Bloom asked about the figures in Table D. She noted that the table says 10 million students are English speakers but there are only a total of 6.3 million students in the state. Staff noted the error.

Commissioner Clopton asked about the cost to implement the staff plan. Ms. Porter said the staff will provide estimates. Commissioner Gomez suggested that when the meetings occur, some of the Commissioners participate so that the Commission will have direct involvement. Commissioner Bustillos agreed and said she would volunteer to attend any meeting in the Sacramento area.

The public was then invited to comment. Those who spoke were:

**Beverly Young, California State University assistant vice chancellor**, speaking on behalf of the three higher education segments (CSU, UC and private/independent colleges). Ms. Young said all segments are offering to host regional meetings to eliminate facility costs. In addition, she favored having all four policy questions addressed at each meeting. She also said that higher education will support the cost of providing representatives for the volunteer work group.

**Elizabeth Jimenez, California Council on Teacher Education** and a former assistant to Assemblyman Chacon when the Chacon-Moscone Bilingual-Bicultural Education Act was created in 1976. She pointed out that the Commission typically convenes panels rather than volunteer work groups on other issues. She said the Commission needs to set high standards for bi-literacy and academic content. She said her organization wants to be at the table and contributing, but that she believes the issue deserves the same investment in professional expert panels that the Commission follows for other issues. She also said that any work group should include BTSA and school districts.

**Martha Zaragoza-Diaz, California Association of Bilingual Educators**. She said her organization supports the staff recommendations for a survey and that CABA stands ready to help. She said CABA also supports having stakeholder meetings with all policy questions addressed at each one. She said one of the regional meetings should be in the Central Valley. With regard to the volunteer work group, she said she understands the financial constraints but that the group should be a panel rather than a voluntary group. She offered to seek funding through the budgetary process to meet some of the costs. Overall, she said CABA likes the direction staff is taking and is willing to work with the Commission.

**Margarita Berta Avila, on the CSUS bilingual-bicultural department faculty**. She said the department agrees with the recommendations, particularly with regard to setting high standards and a rigorous process. She said the proposed process should ensure that voices from all stakeholders are heard. She said the department looks forward to working with the Commission and would be happy to host a regional meeting at the Sacramento campus, as well as assist with the survey. She supported all four questions being addressed at each meeting.

**Linda Montes**, parent of three children in a two-way immersion program. She said her children receive a strong education because they have a bilingual-certified teacher. She herself used to be teacher at a two-way immersion school. She said parents are supportive of continuing the

bilingual certification. She said two-way immersion is an important, viable option for children. Currently there are 100 programs in California and 300 nationwide.

**Maria de Marin, InterAmerican College.** She said she sees strong demand for bilingual teachers, and the need still exists. She said she supports looking at standards. In particular, she would like to see standards address the difference between teaching English as a second language and teaching it as a foreign language. She advocated having a coursework alternative that is equivalent to a BCLAD exam.

**Charles Zartman Jr., a CSU Chico professor.** He said there are 1.6 million English learners in California, roughly a quarter of all students, and that 8 percent are in bilingual programs, or about 140,000 to 150,000 students. A similar number of students are in two-way immersion programs, for a total of about 300,000 students needing bilingual teachers. He said he has served on 13 accreditation teams in the past 14 years and that he comes from a background that embraces clear standards. He thanked the Commission for fully engaging stakeholders and building momentum and collaboration for different routes, delivery systems and standards.

**Susan Westbrook, representing the California Federation of Teachers** and also speaking as a reading specialist in a bilingual school. She asked that any survey and stakeholder meetings include the teacher unions; she said both unions will support the Commission's efforts in this area.

Commissioner Bustillos asked if it is possible to make the volunteer work group a more formal panel despite the budget issues. She said it should be formalized to ensure fair representation. Ms. Porter said that would be up to the Commission.

Commissioner Lilly suggested that the Commission could approve the staff plan and then ask staff to return at the next meeting with a definition of the work group and how members would be chosen. He said it might be similar to the workgroup that is addressing the accreditation process, which seems to be working well in terms of different stakeholders supporting the cost of participation. He said he believes there can be a representative workgroup without adding costs for the Commission. Ms. Graybill agreed that the accreditation review process is working well. She said staff can bring a cost analysis for different proposals to the Commission to help guide a decision.

Ex Officio Representative Symms Gallagher suggested that more than four meetings be considered to ensure that all stakeholders have a chance to speak.

Commissioner Banker said she appreciates all the work that has gone into the issue and is grateful for the people who have spoken since this is a very important issue. She said she feels that the plan may need more work and that this is an issue where spending money on a panel would be money well spent for students and teachers. She said having good standards that would assist bilingual teachers in moving students further than they have been able to move in the past is important. She moved that the issue be postponed until the March meeting when staff can come back with a proposal about who would be on the panel and how the standards would be

developed. She also said a timeline would be important. Vice Chair Johnson seconded the motion.

Commissioner Clopton said he was in agreement with the motion and would like to see more details, including the method of recruitment for participation, particularly of parent groups. He worried that if meetings were held on college campuses, parent representation might be limited.

The motion carried without dissent. Commissioner Molina thanked the stakeholders for their participation.

The Professional Services Committee of the Whole was recessed so that the Commission could take up the scheduled Public Hearing.

#### **4A: Public Hearing – Proposed Addition of Sections 80021 and 80021.1**

Mr. Janssen presented the item. The language creates a Short-Term Staff Permit and a Provisional Internship Permit in place of emergency permits, which will be eliminated at the end of the 2005-06 school year. The Commission has been addressing the issue since August 2003, when it first moved to eliminate emergency permits. Since then, the Commission created a timeline for the emergency permit elimination and has been working extensively with stakeholders to create documents that will enable districts to fill vacancies when diligent recruitment of fully qualified teachers does not work.

The proposed language creates two separate documents. The Short-Term Staff Permit is designed for an acute need, such as the unexpected but long-term illness of a teacher. The holder of the permit must have a bachelor's degree, must have passed CBEST and must have completed subject matter coursework. The employing district is required to perform local recruitment for a fully qualified teacher. If that fails and they want to hire someone using a Short-Term Staff Permit, they must justify the need to the Commission and provide orientation for the candidate. The document is restricted to use by that district and can only be obtained once in a lifetime for any one individual.

The Provisional Internship Permit is for an anticipated staffing need where the district has been unable to find a qualified candidate despite diligent recruitment. The requirements for the holder are the same as for the short-term permit. The employing district must conduct a diligent search and submit evidence of having done so to the Commission; the district must provide orientation and support for the teacher, assign an experienced educator as a mentor, develop an individualized plan that will lead to a credential and provide developmental training. The district must also make its intent public by placing a notice in the board's agenda. The permit is good for up to two years, in one-year increments. To receive approval for the second year, the holder must take the subject matter exam that would be required of a teacher. Any candidate who has served on a current emergency permit for five years will not qualify since there is a five-year cap.

The Commission received 126 written responses in support, nine in opposition and a request from the Department of Education to include clinical rehabilitation services. Mr. Janssen said, however, that since there is no subject matter component for clinical rehab, the position is not aligned with what is currently being proposed. He said staff would come back with another

proposal to address that situation, which now is met only by the waiver process. He said there are 406 waivers currently for clinical rehab.

Chair Madkins invited testimony from the public. Those who spoke were:

**Sal Villasenor, Association of California School Administrators.** ACSA supports the proposed regulations, which will address situations where demand for teachers exceeds supply, particularly in the areas of math, science and special education. He said there are not many desirable options: independent study for students, lifting the cap on class-size programs, rotating 30-day substitutes; holding a lottery to allow students to take high school math and science courses with available teachers. He said the short-term and provisional permits are far better options. He said they are also superior to emergency permits, in that they have clear requirements, define a path to obtaining a credential and require district support.

**Liz Guillen, Public Advocates.** She said that teachers with less than full credentials have a disproportionate impact on students of color because of patterns of hiring and employment. She said Public Advocates disagrees with allowing Short-Term Staff Permits to be used for enrollment adjustments. Students would be better served, she said, by districts employing fully qualified teachers at the beginning of each semester. She supported provisions that require the district to document and verify a diligent search for all areas, including math, science and special education. However, she asked that the Commission reconsider a requirement for placing the notice of intent on a board agenda, arguing that parents are unlikely to be alerted by such a notice. She urged the Commission to require the district to notify parents by mail, as required under No Child Left Behind. The general posting of a teacher's status without specifics makes it likely the public will be confused, and she said it undermines the intent of NCLB. She said the U.S. Department of Education has monitored the implementation of NCLB and found that the California Department of Education has not been aggressive enough about assuring that districts notify parents. She added that she finds the Department of Education sample letter less than clear about what parents should be told. If the Commission will not change the requirement for notification to a direct contact with parents, she asked that at least the agenda item be required to name the school and provide a statement that the individual is not highly qualified under NCLB.

**Carolina Pavia, Los Angeles Unified School District.** She supported the provisional and short-term permits. She provided information to the Commission about the gains the district has made in eliminating emergency permits, as well as the district's annual recruitment plan. In spite of aggressive searches, the district continues to struggle in math, science and special education. She noted that the district provides extensive support and development for teachers who are not fully credentialed. She called the Commission's attention to a letter from the district superintendent supporting the two new permits and thanked the Commission for allowing stakeholders to take part in the development of the permits.

**Bruce Kitchen, representing the school personnel administrators for San Bernardino and San Diego Counties.** He said a shortage of fully credentialed teachers has been a monumental problem since the baby boomers began entering school in the 1950s. He credited the pre-intern program with making significant progress in converting emergency permit teachers to qualified teachers. Without emergency permits, having some other mechanism, and in particular one that

puts people on the path to becoming fully credentialed, is a must. He urged the Commission to adopt the new regulations.

**Jerry Stehman, Madera Unified School District**, a district with 17,500 students that grows by about 300 to 500 students every year. He said despite recruitment difficulties, the district has reduced its emergency permit holders from 40 or 50 to only six this year. But the district continues to need options when no fully qualified teacher is available. He said the district provides extensive support for new and intern teachers. He said both the short-term and provisional permits will give the district the necessary flexibility.

**Dick Bray, Hesperia Unified School District in San Bernardino County**, a district that grew by 1,000 students last year to a total of 18,000 students. The district has about 800 teachers (121 newly hired this year), with only 1.6 percent on emergency permits, down from 20 percent several years ago. Because of the difficulty of recruiting in a rural area, the 13 teachers on emergency permits are critical if the school is to avoid having revolving 30-day substitutes. He said the two new kinds of permits are needed by the district and urged the Commission to approve the regulations.

**Barbara McCleskey, Patterson Unified School District in Stanislaus County**, with 4,200 students and 253 teachers, 52 of them hired this year. She said the district performs diligent searches, has a generous pay scale for bringing teachers into the district and offers a stipend for bilingual teachers. Nonetheless, the district has three teachers on emergency permits. She urged the Commission to adopt the regulations.

**Stephanie Farland, California School Boards Association**. CSBA supports the staff recommendation for the permits and was honored to be part of the stakeholder group that worked on the provisions. Addressing the concerns on parental notification, she said CSBA has a sample letter that is very clear and specific for parents. She said having to send a second letter would be very difficult, especially for small districts. She urged the Commission to adopt the regulations as recommended.

**Paula Campbell, Trustee for the Nevada City School District**, which has 1,400 students and declining enrollment. She said the district has had emergency staffing needs, especially in the area of special education. She said the district provides enthusiastic support for those on permits to be successful and become fully credentialed. She supported the two permits.

**Priscilla Cox, an Elk Grove Unified School District school board member**. The district is large (60,000 students) and growing fast. The district hires about 300 new teachers each year and has reduced its emergency permits from about 88 to only 18 this year. The district is also diligent about growing its own teachers through a credentialing program. Despite the district's efforts, they are not always able to find a fully credentialed teacher for every single classroom. The greatest need is in special education. She urged the Commission to approve the language.

**Kathy Harris, California Teachers Association**. The CTA supports the proposed regulations. She acknowledged the collaborative nature of the process the Commission has used and thanked

the Commission for taking the time and effort to make the process inclusive. She said the permits address staffing emergencies while holding districts responsible for a diligent search.

**Merrilee Johnson, Assistant Superintendent for the Glenn County Office of Education and also representing PASSCO and CCSESA.** She supported the two permits and thanked the Commission for involving stakeholders in the process.

**Kathryn Benson, Pajaro Valley Unified School District and Tri-County Personnel Association.** She thanked the Commission for the commitment to qualified teachers and the recognition that there are some circumstances when qualified teachers cannot be found. She said the two permits will meet the goals of providing staff when there is an unanticipated need or a need that cannot be met. She said the permits ensure there is strong subject matter knowledge, as well as consistency in the classroom. She thanked the staff for facilitating the process.

**Martha Zaragoza-Diaz, Californians Together Coalition,** composed of organizations throughout the state who advocate on behalf of English learners and their parents. She said that parent organizations did not appear to be represented in the stakeholder group that worked on the regulations. She said that the issue of parental notification is critical and reiterated that NCLB has the intent of engaging parents in their children's education. Among other things, districts need to inform parents about the academic progress of their children, how well the school is doing and inform them of the caliber of teacher instructing their children. The Commission's proposed language does not meet the intent of NCLB with regard to parent notification. A general posting of a nonqualified teacher on a school board meeting agenda will not reach most parents, she said. Attending such meetings is difficult for parents who may not have transportation or who may have night jobs. She asked the Commission to consider requiring the districts to notify parents directly. Short of that, she asked the Commission to adopt the recommendation by Public Advocates to include the name of the school where the teacher will be placed.

**Beverly Jones, Assistant Superintendent for Temple City Unified School District** in the San Gabriel Valley and representing the School Employers Association of California. She supported the regulations. She said neither legislation nor good intent can eliminate the teacher shortage; the permits recognize that districts may not be able to fill positions despite their best efforts, while clearly holding districts accountable for a diligent search. She urged adoption of the regulations.

Chair Madkins asked Mr. Janssen to address the parental notification requirements. Mr. Janssen said the Commission discussed the issue at the August meeting when it considered a proposal that echoed NCLB – notifying parents if students had a teacher who was not fully qualified for four weeks. The thinking was that the Commission does not need to require notification because it is already required under the federal act; enforcement of that act is up to the Board of Education and not the Commission. He said the proposal that the school district name the school in the agenda item should not be an overwhelming problem for a district. He said the determination of whether a teacher is NCLB compliant is up to the district, but that the Commission is making no pretense that the two permits are compliant with NCLB. The issue of compliance and notification is a matter that is between the district and federal agencies.

A motion to adopt the proposed regulations was made (Lilly) and seconded (Johnson). Commissioner Lilly said that the Commission has come a long way in creating workable permits that replace the emergency permits. He said he favors parental notification but believes it is the prerogative of the State Board of Education to establish the proper process. He said there is an important distinction between the Commission's role as a licensing body and the Board's role regarding compliance with NCLB.

Ex Officio Representative Wilson asked about including the name of the school on the agenda item. Commissioner Lilly said his motion did not include it, but he would not have an objection to putting it in. Vice Chair Johnson, who seconded the motion, also said it was fine with her. Commissioner Lilly reframed the motion as adopting the regulations with the addition that the school of assignment would be provided in the governing board agenda item.

Commissioner Banker asked if staff will be tracking the number of permits that are issued. Mr. Janssen said there is an annual report on emergency permits and waivers, and that the Commission constantly monitors the number and types of documents that it issues.

Commissioner Clopton said he supported the motion as proposed and asked if it would be appropriate for the Executive Director to send a note to the State Board sharing the concern about parental notification. Chair Madkins said it could be done, but that the Board's liaison, Ruth Bloom, was present and could carry the issue back to the Board.

The vote on the motion was taken; it carried without dissent. Ex Officio Representative Waite asked staff not to lose track of the request to do something regarding rehabilitative services.

At this point, pursuant to Education Code 44212, Ex Officio Representative McGrath was chosen by lot to be a voting member to re-establish a quorum upon the departure of a Commissioner.

## **CREDENTIALING AND CERTIFICATED ASSIGNMENTS COMMITTEE OF THE WHOLE**

In Commissioner Lilly's absence, Chair Madkins convened the Credentialing and Certificated Assignments Committee of the Whole.

### **8A: Proposed Title 5 Regulations to Implement Assembly Bill 2210**

Mr. Janssen presented the item. AB 2210 was signed into law in 2004. It clarified that there are two exceptions to when a beginning teacher must participate in induction to gain a clear credential. One is if induction is not available; the other is if the teacher is taking subject matter coursework because of the requirements of NCLB. If a person falls into one of these two exception categories, then they may complete a fifth-year program instead. The bill requires the Commission to adopt regulations to implement it. Staff presented a draft in September, which was then revised and presented at the November/December meeting. Further revisions were then made based on meetings with e-mail input from stakeholders.

Mr. Janssen reviewed the chart on the top of page C&CA 8A-2 and explained that induction programs offered by employing agencies, consortiums or college and universities must all meet the same induction standards. Mr. Janssen also pointed out that the fourth box should read “To become NCLB compliant as determined by the employing agency.”

Mr. Janssen said the stakeholders, at a meeting held in December, were largely focused on the comparability of induction programs to fifth-year coursework. Staff then asked for input on the guidelines via e-mail and received several suggestions, all of which supported a simple and clear process for determining whether an induction program is available. Only a relatively few districts do not offer induction programs as currently 99 percent participate. Under the proposal, the Commission would make available on its web site a list of approved induction programs. It would be up to the hiring district to determine if an induction program is available.

Mr. Janssen said the proposed regulations were in the agenda material. If approved by the Commission, there would be a public hearing in April on the regulations.

A motion to approve the proposed regulatory language was made (Banker) and seconded (Molina).

Commissioner Clopton asked Mr. Janssen to clarify that a district would determine if an appropriate program for the individual was available. Mr. Janssen said rather than develop guidelines for 1,000 different districts, it would be up to the district to determine what is available and appropriate. In addition to such factors as geographic distance from a program, a program might not offer a good mentor match for the teacher’s specific area.

Commissioner Bustillos asked if the Commission will be monitoring to make sure that induction is used whenever possible. Mr. Janssen said it is difficult to verify a negative – that a program is not available and that the Commission will notify the districts about their responsibility.

Commissioner Banker asked if the districts without induction programs are known. Mr. Janssen said there are 43. Dr. Swofford said that additional districts may have difficulty in matching a teacher to an appropriate mentor. But overall the Commission will not be able to monitor compliance because there is no reporting mechanism and the Commission does not have staff and resources for such activities.

Chair Madkins called for the question. The motion carried without dissent.

## **PROFESSIONAL SERVICES COMMITTEE OF THE WHOLE**

Commissioner Molina reconvened the Professional Services Committee of the Whole.

### **7D: Discussion of the Fifth Year of Study Option**

Larry Birch , Administrator, and Rod Santiago, Consultant, both from the Professional Services Division, presented this item.

Mr. Santiago noted that prior to the passage of AB 2210, induction was added as a requirement for a clear credential, subject to availability of funding. The new law, as discussed in the

previous item, provides for only two exceptions: unavailability of induction or coursework required for NCLB compliance.

In light of the change, the Commission directed staff to meet with stakeholders on the issue, which occurred on Sept. 10, 2004. The meeting focused on two issues: who is eligible for a fifth-year program and what changes need to be made. Two views emerged. One was that the fifth-year program should be made equivalent to induction to ensure that they have the same rigor. The other view was that offering an alternative to induction is important – and that if it is equivalent, then it is not really an alternative. Instead, it is just induction with another name.

Because there was such a divergence, the stakeholders and staff agreed to meet again, which will occur the day after the Commission meeting.

There were no questions from the Commission and no action was required.

Chair Madkins asked the record to reflect that, pursuant to Education Code 44212, Ex Officio Representative Waite had now also been chosen by lot to be a voting member to re-establish a quorum upon the departure of a Commissioner.

#### **7F: Update on the Accreditation Review**

Dr. Birch and Cheryl Hickey and Teri Clark, both consultants with the Professional Services Division, presented this item as an update on the accreditation work group; background was provided in the agenda materials. The materials also included a list of National Council for Accreditation of Teacher Education (NCATE) reviews that have taken place since the spring of 2003 when the Commission suspended its independent accreditation reviews of non-NCATE institutions, as well as dates for NCATE review through 2006-07.

Ms. Hickey said that the Committee on Accreditation (COA) workgroup and staff have been working on the issue for about six months. As has been reported at prior Commission meetings, the workgroup has been addressing numerous and complex issues, with a major focus recently on the structure and cycle of accreditation. Under the current framework, reviews take place about every six years. The workgroup has looked at a dozen variations for structure and cycle, narrowing those down to four for further investigation. They then selected one that looked like a viable option so that the model could be fleshed out for Commission consideration. Ms. Hickey said there is still a lot of work to do before it is presented to the Commission.

Ms. Clark said that staff plans to return at the March meeting with a substantive written report, including the concept of adhering to standards, quality, accountability and improvement. The investigation has included examining other states, countries and professions for best practices. The goal is to have a professional accreditation that is flexible, rigorous, efficient and cost effective. Early indications are that accountability will be increased by examining programs and institutions across time rather than just once every six years. There is a focus on having data-driven decisions and on decreasing narrative input. A site visit would be included, but it would be streamlined and very focused. The early proposal also envisions more communication between the Commission and the COA.

Commissioner Molina invited public comment. Glen Basey from William Jessup University said the university's program was approved the prior week. He said he wanted to commend the COA and staff for the process. He said it was burdensome, but thorough, comprehensive and very helpful. He said staff was knowledgeable, professional and responsive, answering questions with clarity and grace. He said he found a common sense of concern for the state's children and teachers. He said his goal was simply to thank the Commission for a valuable process.

Chair Madkins thanked staff for continuing with a thorough and inclusive process. This was an information item, so no action was taken.

## **FISCAL POLICY AND PLANNING COMMITTEE OF THE WHOLE**

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

### **5A: Update on the Proposed 2005-06 Governor's Budget**

Leyne Milstein, Director, Information Technology and Support Management Division, thanked Chair Madkins and Executive Director Swofford for their earlier praise and good wishes for success in her new job.

She reviewed the items that affect the Commission in the Governor's proposed budget for 2005-06. Among other things, the proposed budget envisions the Commission capturing savings by having all colleges and universities submit credentialing applications electronically. However, that feature is not included in the Commission's technology project and the Commission does not have the capability needed. Therefore, Ms. Milstein said, the savings that the budget is based on are not feasible at this time. In addition, electronic submission would require that all applicants have credit cards to pay the fees and that might be problematic for some of the population affected.

The proposed budget also envisions borrowing \$2.2 million from the Test Development Administration Account for the Teachers Credentials Fund to maintain the solvency of the Commission. This is in addition to a \$2.9 million loan last year. This ongoing need to borrow funds is a strong indicator of structural problems with the \$55 fee. Even though the Education Code says the Commission is to set the fee at a level that covers costs of the Commission's activities, the fee cannot be raised in the current budget year because of language in the Budget Act that maintains the \$55 fee.

Ms. Milstein explained that if everything remains the same, the new loan will take the Test Development Administration Account down to \$9,000 from a fund that three years ago had a balance of \$5 million. The Commission has faced increasing costs from outside agencies, such as the Controller and the Department of Finance, and from policy changes, such as increased retirement costs, but has not been able to raise its fees. At this point – after several years of cutbacks and headcount reductions – the costs are \$2 million more than the revenues that are coming in. At some point, she said, the structural deficit will have to be addressed.

In addition, the Commission's proposed budget has been reduced \$600,000, on top of last year's reduction of four positions and \$400,000. Ms. Milstein said the cuts appear to be based on the

same “efficiencies” that are non-existent. Workload has gone up and staffing has gone down, but the budget proposes further reductions.

During the current year, the Commission has come up short about \$336,000. If the Department of Finance authorizes a loan to take care of the current year shortfall, there will not be enough left in the fund to address the proposed budget year loan. That will leave the Commission with a negative balance.

Ms. Milstein said the Commission is at the point where staff has provided information to legislative staff and to the Department of Finance repeatedly, but there has yet to be a discussion about how to resolve the structural deficit so that both funds are solvent.

Ex Officio Representative Wilson asked when the Commission could raise fees. Ms. Milstein said that the budget language limiting the fees expires on July 1, 2005 – but that the Administration has advised the Commission to not raise fees. She said the Commission could approve a motion that establishes the intent to raise fees on July 1. Or the Commission could act to raise fees on July 1 and see what the Administration’s response is.

Ms. Milstein said the Commission has already significantly modified business practices, including cutting back on phone hours and availability to address customer service issues. Staff has been reduced so far that it is not possible to meet the regulatory requirement of processing credentials within 75 days; the current time is about 89 days.

Ex Officio Representative Waite said she believes the meeting itself, with a variety of people talking at length about important issues, demonstrates the real value of the Commission. She said she thinks it is important for the Commission to address the funding issue. Doing nothing does not appear to be a viable option.

Ms. Milstein said the Bureau of State Audits looked at a proposal to combine the Commission with the Department of Education and concluded that there is no one doing what the Commission does and that there would be no savings. The Governor’s CPR workgroup recommended that the Commission raise fees.

Chair Madkins said it appears that staff has done everything that it can do to bring the problem to the attention of the right policy makers. He said it may be time for the Commissioners to go on record as saying higher fees need to be instituted and to explain in detail the cuts that have been made and the work that needs to be done. He said the bottom line is that education pays less for licensure than any other professional body.

State Board of Education Liaison Bloom asked about where the budget comes from. Dr. Swofford said the Commission is not supported from the General Fund, but receives revenues from exams and licensing. A significant growth factor has been misconduct cases, which are handled by the Attorney General’s Office – which keeps raising its fees, making it costly for the Commission to perform one of its primary functions: protecting children.

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Ms. Bloom asked if the Commission could meet its needs with a fee of \$70 or \$75. Ms. Milstein said the Education Code caps the fee at \$70. The Commission has been in a deficit spending situation since 1999. The Legislature cut the fee to \$55 in 2000 because of the \$6 million surplus in the Teachers Credentials Fund and said it would look at the issue again when there was no surplus. In addition, the Commission took on paying for \$4 million of the IT project, which was originally paid for from the General Fund.

Ex Officio Representative McGrath asked what a \$70 fee would mean. Ms. Milstein said that for every \$5 increase in the fee, the Commission gains about \$1 million in revenue.

Commissioner Banker noted there was no action item on the agenda. Chair Madkins said it opened the door for valuable discussion about what the Commission would need to do. Ms. Milstein said a letter could be sent to the Department of Finance and Secretary for Education, explaining the situation and justifying a fee increase. An item could be placed on the March agenda describing the Commission's intent to take action.

Ex Officio Representative Wilson said he thinks the Commission should move in that direction. He said even if the Administration has told the Commission not to raise its fees, such an action would be restoring a prior fee rather than raising one. He asked Dr. Swofford if he has received direction that the Commission cannot do that. Dr. Swofford replied that he had received direction not to restore the fees beyond the \$55.

Dr. Swofford said Commission staff continues to provide justification and rationale to the Department of Finance, but with a further reduction in resources, the Commission is looking at a reduction in services. Studies in 2001 showed that the Commission needed 18 more people to process licenses; today there are even fewer people, not more. He said that's why the discussions about accreditation are important; the Commission can no longer conduct accreditations in the way it has in the past. The Commission needs to begin to discuss options across a whole range of responsibilities and decide what can be done and what has to be deferred or dropped. He said staff will bring forward more information and recommendations in the future.

Commissioner Bustillos asked for a breakdown of the actual budget, with salaries, wages, operational expenses, etc.

This was an information item; no action was taken.

## **LEGISLATIVE COMMITTEE OF THE WHOLE**

Chair Madkins convened the Legislative Committee of the Whole.

### **6A: Items of Interest to the Commission**

Anne Padilla said the Legislature is just beginning to get under way. Staff will have information at the next meeting about legislative proposals that impact the Commission or are of general interest because they affect education.

**GENERAL SESSION**

**3H: New Business**

The quarterly agenda for March, April and May/June 2005 was presented.

There were no Commissioner reports.

There were no audience presentations.

**3J: Adjournment**

The Commission adjourned. The next Commission meeting will be held on March 10, 2005 at the California Commission on Teacher Credentialing office, 1900 Capital Avenue, Sacramento, California.