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Information/Action

Executive Committee

Review and Discussion of Commission Policy Manual

Executive Summary: The Executive Committee will review the Commission's Policy Manual. The Committee will provide staff direction and/or action on possible changes in the following areas: a) Evaluation of the Executive Director; b) Definition of Quorum; c) Adoption of revisions to Policy Manual section 490 "Role and Responsibility of Panels and Design Teams"; and d) Other items as determined by the committee including whether to establish a working group to explore possible additional changes to the policy manual.

Recommended Action: That the Commission direct staff to prepare proposed amendments and revisions to the Policy Manual as necessary; provide assistance to working group, if established; and adopt proposed revisions to section 490 of the Policy Manual.

Presenter: Mary Armstrong, General Counsel

Strategic Plan Goal(s): 1

Promote educational excellence through the preparation and certification of professional educators.

- ◆ Evaluate and monitor the moral fitness of credential applicants and holders and take appropriate action.

Review and Discussion of Commission Policy Manual

Summary

The Executive Committee will discuss the Commission's Policy Manual. The Committee will provide staff direction for possible revisions to the Policy Manual in the following areas:

- (a) Evaluation of the Executive Director;
- (b) Definition of Quorum;
- (c) Adoption of proposed revisions to section 490, Role and Responsibility of Panels and Design Teams; and
- (d) Other items as determined by the committee including whether to establish a working group to explore further proposed amendments and revisions to the Policy Manual for future consideration.

Recommendations

- 1) Direct staff to amend the Policy Manual in accordance with the Executive Committee's discussion and to prepare proposed changes, as necessary, for action by the Committee.
- 2) Establish a working group to consider further proposed amendments and revisions to the Policy Manual, as necessary.

Discussion

The Commission's Policy Manual sets forth the rules governing the conduct of the Commission's business (Section 101). The Executive Committee is charged with the responsibility of periodically reviewing the provisions of the Policy Manual and determining the need for revision and repeal or adoption. The last revisions to the Policy Manual occurred in January, 2004. In the interim the conduct of the Commission's business has undergone change as a result of the efficiencies adopted by the Commission in 2005 as well as a change in the membership of the Commission. As a result the Chair has requested that the Policy Manual be agendized for the Committee's consideration. In addition, the Chair has asked that the Committee's initial review focus on the following topics. An electronic copy of the Policy Manual is available online at www.ctc.ca.gov. Reprinted below for reference are the pertinent sections from the Policy Manual for each of the topics under review.

A. Evaluation of the Executive Director

§ 310 (b) of the Policy Manual provides, as follows:

The Chair and the Vice-Chair will meet periodically with the Executive Director to review the Director's accomplishments. Following the review, the Chair and Vice-Chair will issue a preliminary report to the members of the Commission and solicit comments. Members of the Commission may submit responsive comments to the Chair within thirty (30) days of receipt of the report. The Chair will summarize any comments received in a final report to the Executive Committee. A copy of the final report will be maintained in the Executive Director's official personnel file.

In addition section 422 provides in that one of the roles and responsibilities of the Executive Committee is the review the annual report of accomplishments of the Executive Director.

Previously the Policy Manual provided that the evaluation of the Executive Director would occur on an annual basis. Each Member of the Commission was provided an opportunity to complete an evaluation form and submit it to the Chair and Vice-Chair who would then summarize the report in a meeting with the Executive Director and report out to the Commission.

B. Definition of Quorum

Currently the Policy Manual is silent with regard to how to determine whether a quorum of the full Commission has been established. Because of the continued existence of vacancies over the last five years, it has sometimes been difficult to establish a quorum. Education Code section 44212 does provide that *ex officio* members of the Commission may be permitted to vote in order to establish a quorum but is silent as to how a quorum is determined. The Policy Manual also provides in section 230 that "the rules contained in the latest edition of "Robert's Rules of Order" shall govern the Commission, except that they shall not take precedence over state laws or regulations (e.g. the Bagley-Keene Act)."

Robert's Rules of Order provides a choice for how to determine whether a quorum has been established: (1) determine a quorum based on the total number of members currently serving; or (2) determine the quorum on the total number of members who could be appointed including vacant positions. Robert's Rules further discusses that whatever method is chosen it should be noted in the group's bylaws or policy governing its rules of operation. This view is clearly supported by current case law at both the federal and state level which takes the view that unless a quorum is specifically set by a statute then the group determines how the quorum is to be counted. Although the Commission's past *practice* has been to determine a quorum by counting a majority of the total number of members who could be appointed, there is no written record of formal action being taken to establish any policy regarding how to determine a quorum.

C. Selection of Advisory Panels

§ 490 of the Policy Manual currently governs the establishment and structure of panels and design teams, as follows:

§ 490. ROLE AND RESPONSIBILITY OF PANELS AND DESIGN TEAMS

The Executive Director may establish and appoint an advisory panel, task force, or design team when either staff or the Commission has determined that they require additional expertise, viewpoints or experiences to obtain further input in the formulation or resolution of a complex issue under consideration. Staff will be responsible for summarizing the work and conclusions of any group, so appointed, in a report to the Executive Director.

This issue was discussed by the Committee at the December 2005 Commission meeting. Following discussion and input from stakeholders, staff was directed to revise section 490 as follows:

§ 490. ROLE AND RESPONSIBILITY OF PANELS AND DESIGN TEAMS

(a) Definitions:

(1) Panel – The term “panel” as used in this guide is a generic term referring to any group of individuals that provides insight, advice and perspective on functions such as product development (i.e., examination, standards, and guideline development), implementation and accountability (i.e., program review, accreditation, and examination validation), and research and policy development (i.e., reading study and accreditation pilot project). The procedures for panels defined throughout this guide are generally applicable to all such groups.

(2) Examples of various kinds of panels include, but are not limited to the following:

a. Advisory Panel – A group formed to provide policy recommendations for a particular topic.

b. Work Group – A group formed to do background work leading to policy recommendations.

c. Design Team – A group formed to do more specialized work in developing new structures, such as developing standards or examinations.

d. Program Reviewers – Individuals selected to be members of visiting accreditation teams or to review program proposals.

e. Standing Committee – A group appointed to perform an ongoing function.

(b) The Commission may direct the Executive Director ~~may to~~ establish and appoint an advisory panel. The Commission may also specifically establish and

appoint an advisory panel to accomplish a particular task. Each nominee shall submit an application regarding the nominee's willingness to serve, background qualifications, and reasons for wishing to serve. A majority of the panel members shall have technical expertise. Any panel appointed by the Commission is subject to the provisions of the Bagley-Keene Open Meeting Act.

(c) The Executive Director may establish a task force, design team, or working group when either staff or the Commission has determined that they require additional expertise, viewpoints or experiences to obtain further input in the formulation or resolution of a complex issue under consideration. Staff will be responsible for summarizing the work and conclusions of any group, so appointed, in a report to the Commission and the Executive Director.

(d) Whenever the Commission determines it is necessary, a Member of the Commission may be appointed to serve as a liaison on any advisory panel, task force, design team or working group.

The Executive Committee may choose to act on the proposed revisions to section 490 and recommend adoption to the Commission or suggest further revisions.

D. Other Items to be Determined

The Executive Committee may wish to discuss or propose other topics for adoption, amendment or adoption to the Policy Manual. Sections 102 and 103 govern the revision and addition of items to the Policy Manual. As a part of this discussion the Committee may also wish to discuss whether to establish a working group to review the Policy Manual and bring back other items for the Committee's consideration.

§ 102. DEFINITION OF POLICY

For purpose of inclusion in the Policy Manual, a policy is defined as a rule of general application to govern the conduct of the Commission, its individual members, or staff under recurring circumstances which do not necessitate the promulgation of regulations.

§ 103. POLICY ENACTMENT, DURATION AND AMENDMENT

Adoption, amendment, or repeal of a policy is accomplished only by action of the Commission and is evidenced by its entry in the official minutes of the Commission with designation as policy. A policy regularly enacted by the Commission remains in full force and effect until repealed, amended, or accomplished. A policy may be repealed by its own terms on a date certain or upon the happening of a specified event. If any provisions of this manual or the application thereof to any person or circumstances are held invalid, the remainder of this manual and the application of such provision to other persons or circumstances shall not be affected thereby. Policies of the Commission may be enacted, amended, or repealed at any regular meeting of the Commission by the affirmative vote of a majority of the voting members of the Commission.