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## Information/Action

*Executive Committee*

### Attorney General's Opinion Regarding the Participation of Ex-Officios in Closed Session

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**Executive Summary:** Staff will present the anticipated Attorney General's opinion regarding the participation of Ex-Officios in the Commission's Closed Session proceedings.

**Recommended Action:** To be determined upon receipt of the opinion.

**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.

November-December 2006

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## **Attorney General's Opinion Regarding the Participation of Ex-Officios in Closed Session**

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### **Introduction**

It is anticipated that prior to November 30, 2006, the Office of the Attorney General will release an opinion regarding the participation of Ex-Officio Commissioners in the Commission's Closed Session proceedings.

### **Background**

At its meeting of July 31 through August 1, 2006, the Commission took action to request an opinion from the Attorney General regarding the following question:

Does the Commission on Teacher Credentialing have the discretion to exclude Ex-Officio representatives appointed pursuant to section 44212 of the Education Code from Closed Sessions held under the following circumstances:

1. pursuant to sections 11126 of the Government Code and section 44245 of the Education Code pertaining to adverse actions and reinstatements of credentials;
2. pursuant to section 11126(e) of the Government Code pertaining to pending and potential litigation and subject to the attorney client privilege; and
3. pursuant to section 11126(g)(2) of the Government Code and section 44220(c) of the Education Code pertaining to the appointment and termination of the Executive Director?

Upon receipt of the opinion, an agenda insert containing the opinion and any recommended action will be posted on the Commission's website for members of the public and provided to members of the Commission via electronic mail.