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## Action

*Executive Committee*

### **Review and Discussion of Proposed Changes to the Commission Policy Manual**

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**Executive Summary:** The Executive Committee will review and discuss proposed revisions to the Commission's Policy Manual.

**Recommended Action:** That the Executive Committee adopt the proposed revisions which it previously discussed and on which it reached agreement.

**Presenter:** Mary Armstrong, General Counsel

**Strategic Plan Goal: 2**

Continue to refine the coordination between Commissioners and staff in carrying out the Commission's duties, roles and responsibilities.

March 2007

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# Review and Discussion of Proposed Changes to the Commission Policy Manual

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## **Introduction**

The Executive Committee will review the Commission's Policy Manual. The Committee will take action to recommend adoption of proposed revisions that it previously discussed and reached agreement. The Committee will also discuss (1) proposed revisions to multiple sections throughout the Policy Manual that reference the Chair; and (2) inclusion of a new section for Ex Officio Members.

## **Background**

The Commission's Policy Manual sets forth the rules governing the conduct of the Commission's business (§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, at the July/August 2006 meeting of the Executive Committee, a working group was formed to review the current provisions of the Policy Manual and suggest proposed amendments. Discussion of the proposed revisions began at the November/December 2006 Executive Committee meeting. At the February 2007 meeting, the Executive Committee took action to recommend adoption of the revisions to the following sections of the Policy Manual: §§ 215, 216, 217, 219, 230, 231, 244, 301, 320, 420, 422, 440, and 503. The Executive Committee also recommended adoption of a revised §490 with the words "and appoint" stricken from the second sentence of paragraph (b) and recommended that the proposed revision to §500 not be adopted and that the current provision with the language listing specific stakeholder groups be retained.

At the February 2007 meeting, the Committee directed staff to return in March with the following items as action items:

- (1) A proposed revision dealing with the evaluation of the Executive Director.
- (2) Revisions to §§ 402, 405, 406, 407, 410, and 411 of Chapter 4 in accordance with its discussion.
- (3) Revisions to §§530-532 relating to the Committee on Accreditation which were previously discussed at the December 2006 Executive Committee but withdrawn from final action in February 2007 due to typographical problems in the printed text.

The Committee also scheduled a discussion of the working group's proposal to add the words "and Vice Chair" to all references to the Chair currently in the Policy Manual. In addition, as a result of the Commission's action at the February 2007 General Session directing staff to revise the Policy Manual to reflect the January 16, 2007 Opinion from the Office of the Attorney General regarding the participation of Ex Officio Members in Closed Session, the Committee will also discuss proposed revisions to Chapter 3-Members of the Commission.

### **Action Items**

- **Procedure to Evaluate the Executive Director**

At the February 2007 meeting the Executive Committee considered three alternatives for the evaluation of the Executive Director. First, the current Policy Manual provides in §310(b) for a *periodic* evaluation of the Executive Director by the Chair and Vice Chair. Second, the working group proposed a *quarterly* evaluation of the Executive Director. Third, the Commission considered previous Policy Manual provisions which provided that the evaluation of the Executive Director would occur on an *annual* basis with each Member of the Commission being 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. The Executive Committee concluded that the previous Policy Manual provision providing for an annual evaluation should be reinstated and directed staff to bring back the provision for final action. The provision is set forth below:

#### **§602. EVALUATION OF THE EXECUTIVE DIRECTOR**

The evaluation of the Executive Director's performance will be based upon the annual goals established by the Executive Director in consultation with the members of the Commission. The Executive Director's annual performance evaluation will occur prior to the last Commission meeting of each year.

- In January the Executive Director will establish annual goals and submit them to the members of the Commission. The Chair and Vice Chair will meet periodically with the Executive Director to discuss goals and make adjustments as needed.
- Prior to October 31 each year, the members of the Commission will be provided with a report of the Executive Director's prior year's accomplishments and an evaluation form revised each year to reflect the goals that were established in January or as revised throughout the year.
- The members of the Commission must submit evaluations, postmarked no later than November 15<sup>th</sup>, of the Executive Director's performance to the Personnel Officer at the Commission. Only timely submissions will be included in the Executive Director's evaluation.
- The Chair and Vice Chair will meet with the Executive Director to review the evaluations submitted by the members of the Commission prior to the last Commission meeting of the year.

- (e) At the last Commission meeting of the year, the Chair will report during the General session a summary of the evaluations. The report will be maintained in the Executive Director's Official Personnel File.

The first sentence of §310(b) dealing with the General Duties of Officers will also be revised to strike the word "periodically" and insert "yearly" to accurately reflect the process set forth in §602, as follows:

**§310. GENERAL DUTIES OF OFFICERS**

The Chair and the Vice Chair will meet ~~periodically~~ yearly with the Executive Director to conduct an evaluation in accordance with the provisions set forth in §602. (Rest of section discussing periodic procedure deleted.)

• **Revisions to §§ 402, 405, 406, 407, 410 and 411 of Chapter 4**

Both the working group and staff proposed revisions to Chapter 4 to reflect the Commission's current practice of, with the exception of the Executive Committee, utilizing only Committees of the Whole. At the February meeting the Commission discussed retaining those provisions dealing with separate standing committees to provide for such committees when, and if, they are needed in the future. As set forth below the following sections in Chapter 4 have been retained to provide for the possibility of separate standing committees:

**§402. TIME AND PLACE OF SEPARATE STANDING COMMITTEE MEETINGS**

Each separate standing committee shall meet at such time and places as may be convenient and necessary, on call of the Chair of the committee.

**§405. EFFECT OF COMMITTEE RECOMMENDATIONS**

All separate standing committee recommendations must be submitted and approved by action of the Commission.

**§406. MINUTES OF SEPARATE COMMITTEE MEETINGS**

All committees shall keep minutes of their respective meetings. A written record of the actions of every committee shall be prepared by the Executive Director and ~~furnished to the members of the Commission.~~ reported to the Commission.

**§407. SEPARATE STANDING COMMITTEE PROCEDURES FOR PUBLIC COMMENT**

A person wishing to address a separate standing committee of the Commission shall be guided by procedures established by the committee.

#### **§411. RECORD OF SEPARATE STANDING COMMITTEE ATTENDANCE**

The committee Chair will keep a record of attendance at meetings of separate standing committees.

- **Committee on Accreditation**

At the June 2006 Commission Meeting the Commission took action to revise the procedures for selection and membership of the Committee on Accreditation. The current Policy Manual provisions reflect past practice. The revised provisions reflecting the Commission's action are set forth below:

#### **§530. MEMBERSHIP ON THE COMMITTEE ON ACCREDITATION**

(a) The Committee on Accreditation consists of twelve members. Six members are from postsecondary education institutions, and six are certificated professionals in public schools, school districts, or county offices of education in California. Selection of members is based on the breadth of their experience, the diversity of their perspectives, and "their distinguished records of accomplishment in education" (Education Code Section 44373-a). All members serve as members-at-large. No member serves on the Committee as a representative of any organization, institution, or constituency. To the maximum extent possible, Committee membership is balanced according to ethnicity, gender, and geographic regions. The Committee includes members from elementary and secondary schools, and from public and private postsecondary institutions. The elementary and secondary school members include certificated administrators, teachers, and at least one member involved in a professional educator preparation program. ~~The elementary and secondary school members include at least one certificated administrator, one teacher, and one role specialist.~~ The postsecondary members include administrators and faculty members, both of whom must be involved in professional educator programs. ~~at least one administrator and one faculty member, both of whom must be involved in professional teacher education programs.~~

(b) Criteria for Membership

The criteria for membership on the Committee are:

- (1) evidence of achievement in the education profession;
- (2) recognized professional or scholarly contributions in the field of education;
- (3) recognition of excellence by peers; experience with and sensitivity to issues of human diversity;
- (4) distinguished service in the field of educator preparation; knowledge of issues related to the preparation and licensing of education professionals; length of professional service;
- (5) and possession of appropriate educational degrees and professional credentials.

**§531. SELECTION OF MEMBERS OF THE COMMITTEE ON ACCREDITATION**

- (a) A Nominating Panel of ~~six~~four distinguished members of the education profession in California identifies and nominates individuals to serve on the Committee on Accreditation. The Nominating Panel is comprised of ~~three~~two college and university members and ~~three~~two elementary and secondary school members. The Nominating Panel is comprised of two educators appointed by the Committee on Accreditation and two educators appointed by the Commission. Each entity will appoint one college or university member and one elementary or secondary school member to the Nominating Panel.~~The Commission and the Committee on Accreditation will reach consensus on the members of the Nominating Panel.~~ The terms of Nominating Panel members are four years and they may not serve more than one term.
- (b) To select members for the Committee on Accreditation, a vacancy notice is posted on the Commission website and nominations are solicited, in writing, from a broad base of professional organizations, agencies, institutions, and individuals in education.~~the Nominating Panel solicits nominations from professional education institutions, organizations, agencies, and individuals.~~ Each nomination must be submitted with the consent of the individual. A written endorsement from the nominee confirming understanding of and agreement to the nominee's participation on the Committee must be submitted (Commission provides travel, per diem, and substitute reimbursement, if needed).~~and~~ ~~†~~The nominee's professional resume must be submitted. Self-nominations are not accepted.
- (c) Based on the membership criteria and the principles of balanced composition set forth in section 530, the Nominating Panel screens the professional qualifications of each nominee and recommends at least two highly qualified nominees for each vacant seat on the Committee. The Commission fills each Committee seat and alternate position by selecting from the nominations.
- (d) The Commission appoints members of the Committee on Accreditation to ~~three~~four-year terms. A member may be re-nominated and re-appointed to a second term of ~~three~~four years. A member may serve a maximum of two terms on the Committee.
- (e) Terms of appointment shall commence on July 1, or the date of the appointment, whichever is later, and shall expire on June 30.

**§532. VACANCIES ON THE COMMITTEE ON ACCREDITATION**

- (a) A committee member's position shall be declared vacant by the Commission upon absence without sufficient cause from three consecutive Committee meetings or four Committee meetings in one calendar year. The co-chairs of the Committee shall inform the Committee member regarding concerns

related to the attendance of that Committee member and are to notify the Chair of the Commission and the Executive Director of the Commission that a vacancy has been established by virtue of three consecutive absences.

- (b) When a seat on the Committee becomes vacant prior to the conclusion of the member's term, the ~~Commission~~Executive Director fills the seat for the remainder of the term by appointing a replacement from the list of alternate members.

### **Recommended Action**

Staff recommends adoption of the following:

- (1) Proposed §602 and a revised §310(b) relating to the annual evaluation of the Executive Director.
- (2) Revision of §§ 402, 405, 406, 407, 410 and 411 of Chapter 4, relating to separate standing committees.
- (3) Revision of §§530, 531, and 532 relating to the Committee on Accreditation.

After adoption, the Executive Committee's recommendation will be presented to the full Commission for approval.

### **Items for Discussion**

- **Addition of “and Vice Chair” to various sections of the Policy Manual**  
The working group proposed that all sections in the current Policy Manual referring to duties and decisions of the Chair should be revised to include the Vice Chair. Currently the Vice Chair is included in §310 discussing the General Duties of Officers, however the Chair is included as the sole decision maker throughout the Policy Manual. At its December 2006 meeting the Executive Committee discussed the working group's proposal, could not reach consensus, and in February 2007 directed staff to schedule the item for discussion in March.
- **Addition of new section providing for Ex Officio Commissioners' participation and attendance in Closed Session**  
At its February 2007 meeting the Commission reviewed and accepted a January 16, 2007 opinion issued by Office of the Attorney General which concluded that Ex Officios “are commission members who, with certain exceptions, have no voting privileges. Absent a conflict of interest, they can participate in closed sessions” of the Commission. This includes closed sessions held to discuss adverse actions and reinstatements of credentials, pertaining to pending and potential litigation and pertaining to the appointment and termination of the Executive Director as provided in Government Code sections 11126 and Education Code sections 44420 and 44245. Staff was directed to revise the Policy Manual to reflect the Attorney General's opinion and schedule a discussion of the revised language at the March 2007 Commission meeting. Staff proposes the addition of a new §320 and a revision to current §321 as follows:

**§320 EX OFFICIO MEMBERS OF THE COMMISSION ATTENDANCE AT CLOSED SESSION**

- (a) Ex Officio Members of the Commission serve, with some exceptions outlined in (b), as non-voting members of the Commission and may attend and participate in any and all closed sessions held by the Commission pursuant to Government Code section 11126 and Education Code sections 44420 and 44245.
- (b) Ex Officio Members of the Commission shall be entitled to vote in separate standing Committees of the Commission as provided in §412 of the Policy Manual.

**§321 ABSENCES BY EX OFFICIO MEMBERS OF THE COMMISSION REPRESENTATIVE**

If an ex officio Member of the Commission ~~representative~~ is absent from any four regularly scheduled meetings in any calendar year, the Chair of the Commission shall contact that ~~representative~~ ex officio to ascertain the reason for such absences and to initiate steps to assure attendance at future meetings, including, but not limited to, notifying the organization sponsoring the ex officio.