
7A

Action

Executive Committee

Proposal to Remove Michael Kaufman from the Committee of Credentials

Executive Summary: Members of the Committee of Credentials have requested that Michael Kaufman be removed from the Committee of Credentials.

Recommended Action: Staff is not making a recommendation

Presenter: Dale Janssen, Executive Director

Strategic Plan Goal 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

December 2010

Proposal to Remove Michael Kaufman from the Committee of Credentials

Introduction

On September 27, 2010, Chair Sun and Executive Director Janssen received letters from Mark Rickabaugh, Chair of the Committee of Credentials (COC), and Marty Ledesma, Vice Chair of the COC, requesting that Michael Kaufman, public member of the COC, be removed from the committee (Attachment A). The letters refer to Mr. Kaufman's negativity, refusal to follow COC procedures and the related impact on the effectiveness of the COC. This agenda item outlines the process used to request the removal of Mr. Kaufman from the COC and provides background to aid the Commission in its discussion and action on the matter.

Background

The request from Mr. Rickabaugh and Mr. Ledesma, both representing the members of the COC, is unprecedented and there are no specific policies in place for the removal of a committee member appointed by the Commission. Education Code section 44240 gives the Commission the authority to appoint members to the COC. The Education Code is silent regarding the removal of an appointed member from the COC. However, if a body has appointing power it follows that they also have the power to remove appointed members. Staff is not aware of any previous situation in which the COC has asked that a member be removed.

In the absence of precedent and policy, both Chair Sun and Mr. Janssen developed a procedure to handle this request. First Chair Sun would send a letter to Mr. Kaufman immediately suspending his COC membership and request that Mr. Kaufman resign his position (Attachment B). If Mr. Kaufman chose not to resign, Mr. Janssen would prepare an agenda item for a December Executive Committee meeting. On October 25, 2010, Chair Sun, Mr. Janssen and a number of the Commissioners received a letter from Mr. Kaufman stating that he would not resign (Attachment C). This agenda item is the result of Mr. Kaufman's refusal to resign as requested by Chair Sun.

Mr. Kaufman's charges regarding DPP and the Commission are not addressed in this agenda item since the issue before the Commission is not about DPP or the Commission but rather Mr. Kaufman's ability to function within the structure of the COC.

When the Commission announces vacancies for the COC, there are a list of qualifications a potential appointee must meet (Attachment D). One of the areas that potential appointees are evaluated on is the ability to:

1. Analyze, appraise, and apply sound judgment regarding allegations of misconduct and unfitness to teach.
2. Read and comprehend investigative files in a limited amount of time.
3. Maintain a fair and impartial attitude without bias or prejudice.
4. Communicate effectively.

5. Establish and maintain cooperative working relationships with other Committee members and staff.
6. Demonstrate sensitivity to the rights and concerns of the public, the teaching profession, school employers and persons charged with misconduct.

Mr. Rickabaugh's and Mr. Ledesma's letters point out that Mr. Kaufman does not communicate effectively nor does he establish and maintain cooperative working relationships with other Committee members and staff.

Staff is not making a recommendation on this agenda item due to the fact that the request for Mr. Kaufman's removal from the COC is from the members of the COC and is not being requested by staff.



Folsom Cordova Unified School District

Mark Rickabaugh
Assistant Superintendent

Educational Options, Accountability, State & Federal Programs

September 24, 2010

Ting Sun
Chair, Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, CA 95811

Dear Chair Sun:

I am writing this letter to request that the Commission take action to immediately remove Mr. Michael Kaufman from his position as a public member on the Committee of Credentials. I know this request is quite unusual and I have only made it after serious consideration. I make this request as I have attempted to resolve the issues raised by Mr. Kaufman's behavior without involving others, but I have reached the conclusion that his presence on the Committee is negatively impacting its effectiveness. I have had several conversations with Mr. Kaufman regarding his concerns and have requested that he bring his concerns about the Committee to me as the Chair. He has repeatedly failed to follow this or any other process. He has taken on the role of an independent evaluator of perceived problems with established Committee processes that is inconsistent with his position as a member of a collaborative body. As an example, he is vocally opposed to staff counsel presenting cases to the Committee for action. Prior to Mr. Kaufman's appointment to the Committee, the decision was made to have staff counsel present criminal cases in which the respondent was not appearing before the Committee. Staff does not make a recommendation as to the outcome in the case. This concept was discussed with the Committee and was intended to expedite the presentations and free up the Committee members to concentrate on the cases involving school district issues and cases in which the respondent would appear at the meeting. I and the other Committee members have found this process to have achieved both goals and view it as a success. Mr. Kaufman considers this established procedure to be a usurpation of the Committee's authority and accuses staff of presenting the cases in a biased manner. He has presented no evidence to support this assertion and his view is not shared by the other Committee members. Additionally, this ongoing allegation is insulting to staff and demeaning to the other members of the Committee. This behavior is time consuming and disruptive to the difficult work the Committee must perform each month.

It is my understanding that Mr. Kaufman was specifically asked by the Commission during his appointment process if he would be able to refrain from acting as an attorney while on the Committee and that he agreed that he could act as a public member and not as an attorney. Despite this statement, Mr. Kaufman has continually challenged staff on the legal process, quoting sections of the Education Code, and has raised legal arguments during the presentation of cases. I and the other Committee

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www.fcusd.org



Folsom Cordova Unified School District

Mark Rickabaugh
Assistant Superintendent

Educational Options, Accountability, State & Federal Programs

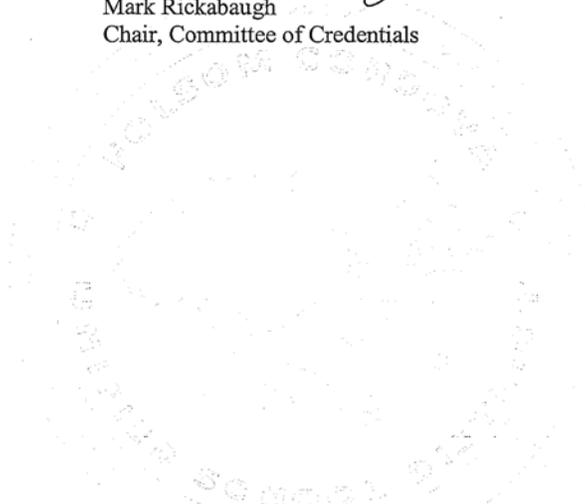
members are comfortable relying on the advice of staff and find these legal arguments by Mr. Kaufman to be inappropriate, disruptive, and time consuming. I and the other Committee members have a good working relationship with staff and value their assistance. Mr. Kaufman's behavior indicates he has chosen to expand his role as a member of the Committee.

Finally, Mr. Kaufman's constant and unsubstantiated accusations that others are biased in their presentations cause me to question his neutrality. I believe if he continues on the Committee I would be remiss if I did not continue to carefully review his cases to insure an objective presentation on his part. This has been a significant and unnecessary burden for me to undertake. Mr. Kaufman's concerns about the Committee process may be well intentioned, but his unwillingness and/or inability to function as a neutral committee member causes me to conclude that this problem can only be resolved by his removal from the Committee. The failure to do so jeopardizes the valuable work the Committee undertakes each month.

Again, I regret that I have to bring this matter to your attention. If you have any questions, please feel free to contact me.

Very truly yours,

Mark Rickabaugh
Chair, Committee of Credentials



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September 27, 2010

Ms. Ting Sun
Chair
Commission on Teacher Credentialing

Chair Sun,

I am writing to express my strong agreement with Chair Mark Rickabaugh's decision to ask for Mike Kaufman's removal from the Committee of Credentials.

I concur with Mark's observations regarding Mike's refusal to follow basic Committee processes, such as working with the Chair to address any perceived problems. His repeated and, at times, hostile challenging of staff has been detrimental to what had been a professional working atmosphere in Committee.

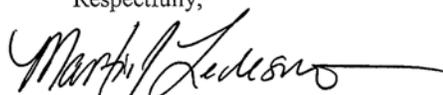
Mark's observation that Mike has chosen to become an "independent evaluator" of Committee processes and DPP staff is particularly noteworthy. Not long after Mike assumed his position as a Public Member with the Committee, he sought to involve the members of the Committee in allegations and accusations against DPP staff which were unsubstantiated, at best. Since then, he has repeatedly used Committee time to advance his theories, derailing Committee business and discussion in pursuit of his own agenda.

As the secondary teacher representative since April of 2005, I have seen the Committee function at its best. Mark has attempted to keep the Committee functioning in a manner that works best for our students and schools. He has attempted to continue facilitating open and collaborative discussions between Committee members and staff – each relying on the other's experience and expertise to help shape our decisions. I know Mark has endeavored to resolve all these issues with Mike from the very beginning – to no avail.

Mike's continued behavior undermines the work we do. Mark's recommendation is in the best interest of the Committee.

If you have any questions, please feel free to contact me.

Respectfully,



Martin Ledesma
Secondary Teacher Representative
Vice Chair
Committee of Credentials



Commission on Teacher Credentialing

1900 Capitol Avenue Sacramento, CA 95811 (916) 322-6253 Fax (916) 445-0800 www.ctc.ca.gov

October 1, 2010

Michael Kaufman


Dear Mr. Kaufman:

I am in receipt of the attached correspondence from Mark Rickabaugh, Chair of the Committee of Credentials (COC) and Marty Ledesma, Vice Chair of the COC, requesting that the Commission remove you from the COC. This is an unprecedented request and one that I am sure neither Mr. Rickabaugh nor Mr. Ledesma took lightly. The issues raised in Mr. Rickabaugh's letter demonstrate the COC can no longer function effectively if you continue as a member. Consequently, in my role as the Chair of the Commission on Teacher Credentialing, I am suspending your membership on the Committee of Credentials as of the date of this letter and requesting that you resign your membership no later than October 29, 2010. You are not to attend any further COC meetings. If a resignation is not forthcoming, I will request that the Commission's Executive Committee take action at the December Commission meeting to officially remove you from the COC.

I was particularly disappointed to learn from Mr. Rickabaugh that at times you attempted to provide legal advice to the COC when you assured us in your interview of June 3, 2009 that you would not do so. This coupled with your inability to work in a collaborative and collegial manner with other COC members and staff has proved to be a detriment to the effectiveness of the Committee

If I have not received your resignation by October 29, I will instruct Executive Director Janssen to prepare an agenda item for the Commission's Executive Committee at the December 9, 2010 meeting to request that you be officially removed from the Committee of Credentials.

Sincerely,

A handwritten signature in black ink, appearing to read "Ting L. Sun".

Ting L. Sun, Ph.D.
Chair

Cc: Members of the Commission on Teacher Credentialing
Mark Rickabaugh, Chair of the Committee of Credentials
Marty Ledesma, Vice Chair of the Committee of Credentials
Dale Janssen, Executive Director

Ensuring Educator Excellence

21 October 2010

Dr. Ting Sun, Chair –Commission on Teacher Credentialing
Members - Commission on Teacher Credentialing

Re: Committee on Teacher Credentialing
Public Member – Michael A. Kaufman

Dear Chair Dr. Sun and other Commissioners:

In response to your 1 October 2010 letter, I decline to resign as Public Member, Committee on Teacher Credentialing; resigning would lend credibility to the allegations set forth in your letter. I ask that the full body of the Commission vote on the matter of my removal as a public member of the Committee, given the unprecedented nature of the situation and the importance of the underlying issues.

My proposed removal from the Committee arises from my role as a "whistleblower" with respect to the wrongs I have seen within CTC. On May 5, 2010 I addressed the Joint Legislative Audit Committee (JLAC) in favor of the audit now underway by the Bureau of State Audit. The scope and objectives of this audit of CTC may be viewed at <http://www.bsa.ca.gov/pdfs/analyses/2010-119.pdf>.

What is truly "unprecedented" is that your General Counsel Mary Armstrong stood before the Commission on August 6, 2009 and gave a misleading answer to Commissioner Young's question, "do we have a backlog at CTC". Instead of admitting that a huge backlog existed and seeking help, Ms. Armstrong dissembled, saying CTC has "little backlogs from time to time". Ms. Armstrong also said CTC could act immediately on mandatory revocations, but did not point out that mandatory revocations might go undiscovered for years, due to the backlog. As General Counsel, Ms. Armstrong had a duty to respond truthfully to Dr. Young, her client. I invite the Commission to listen to the three-minute dialog between Dr. Young and Ms. Armstrong at <http://www.ctc.ca.gov/commission/agendas/2009-08/2009-08-agenda.html> --- Item 5A, minutes 3:00 to 5:40.

As a Committee member who has been a member of the State Bar for 36 years, I was disappointed that neither your Executive Director Dale Janssen, your Assistant General Counsel Lee Pope, nor your Senior Staff Counsel Ani Kindall stood up at the August 6th hearing to suggest to Ms. Armstrong that her "little backlogs" response to Commissioner Young might merit correction.

I heard the August dialog over the Internet in late 2009 and in January 2010 I picked up the telephone and spoke with Commissioner Beverly Young, essentially "blowing the whistle". Until we spoke, Dr. Young had accepted Ms. Armstrong's "little backlogs" response, and believed CTC did not have a large backlog of concern. I told Dr. Young I felt Ms. Armstrong's response was disingenuous because I understood the backlog to exceed 10,000 unexamined documents. I said the magnitude of the backlog was being covered-up and that staff were reluctant to speak openly on the topic for fear of retaliation by Ms. Armstrong. I said Ms. Armstrong's "little backlogs" response created a conflict of interest between her and CTC. I told Dr. Young that cases were falling through the cracks due to the backlog, to the detriment of public school students and good educators. I suggested to Dr. Young that she discuss my allegations with her fellow Commissioners and that the Board of State Audit be brought in to investigate. A few days later I spoke with you, Dr. Sun, and repeated my allegations, and again suggested the Board of State Audit be brought in to investigate.

Kaufman:Commission
Re: Public Member Kaufman
21 October 2011 – page 2

In February 2010 email, Dr. Young advised me by email that Executive Director Janssen had retained an "external auditor" to investigate my allegations. I spoke with this attorney, Elizabeth Ison, by telephone in March. Our conversation led me to conclude Mr. Janssen had retained Ms. Ison to do "damage control" and to "shoot the messenger", rather than to undertake an audit.

In his 24 September 2010 letter, Committee Chair Rickabaugh notes my opposition to having Staff present criminal cases. I believe having Staff Counsel present cases raises a potential for bias. This is because the Committee knows only what is in that month's binder, which typically excludes incident reports and exculpatory documentation. Only the person presenting the case, here Staff Counsel, has the entire file of documents. [REDACTED]

[REDACTED]

Mr. Rickabaugh also states that I challenge Staff during Committee, and act as an attorney rather than as a public member of the Committee. CTC provides each Committee member with a copy of relevant Education Code sections. One need not be an attorney to understand the language of Calif. Ed. Code §44242.5(a), which states:

Each allegation of an act or omission by an applicant for, or holder of, a credential for which he or she may be subject to an adverse action shall be presented to the Committee of Credentials. (emphasis added)

[REDACTED]

In his 27 September 2010 letter, Vice-Chair Ledesma refers to what he terms my allegations and accusations against DPP Staff, which Mr. Ledesma states "were unsubstantiated, at best." If my accusation were "unsubstantiated", JLAC would not have voted unanimously in May to undertake a \$300,000 full audit of CTC. Further, Executive Director Janssen admitted to JLAC in May 2010, that

Kaufman:Commission
Re: Public Member Kaufman
21 October 2011 – page 3

"there was a backlog in August 2009" ... which is when Ms. Armstrong told Dr. Young that CTC had "little backlogs from time to time".

I have grown increasingly critical of the practices I have witnessed at CTC over the past fourteen months. CTC at 1900 Capital Way is conducted as though it were a fiefdom in which personal loyalty to the General Counsel is paramount. Ms. Armstrong has surrounded herself with a clique of attorneys she hired based upon their previous association with her at Board of Equalization. I believe there is only one staff attorney who does not have such previous association with Ms. Armstrong. There are thousands of qualified attorneys in the State of California who might seek employment with CTC. Yet the mostly highly qualified just happen to be attorneys with a prior professional association with Ms. Armstrong. CTC is ill served when its legal counsel is essentially a clique whose primary loyalty is to the General Counsel, rather than to the client, the Commission and to the agency, CTC.

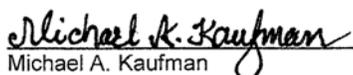
Among its responsibilities the current audit is charged with investing nepotism, to which charge Senator Alquist stated that during the JLAC hearing that "where nepotism is concerned there should be zero tolerance." Yet within CTC nepotism is accepted for loyal members of the fiefdom. Why for example did no one within CTC question the propriety of hiring two employees who just happen to be the son and the daughter of your Assistant General Counsel Lee Pope. It is difficult to believe that of all the potential candidates in the State of California for CTC employment, the most qualified candidates just happened to be Mr. Pope's children. This example of nepotism within CTC is not unique.

I have been a diligent member of the Committee who feels the role of the Committee as mandated by the California legislature should be respected by CTC Counsel. CTC is ill served when its Counsel feel they can bend facts and law with impunity, and are free to intercede with the Committee's deliberative process.

If this is the type of business-as-usual the Commission wishes to endorse, then indeed you should remove me from the Committee because I believe the rule of law must be restored to CTC, now.

The final report of the Bureau of State Audit will issue in approximately February 2011. I submit it would be proper practice for the Commission to defer voting to remove me from the Committee until then. I believe the auditor's report will substantiate what I have stated.

Respectfully submitted,



Michael A. Kaufman
Public Member
Committee on Teacher Credentialing

cc: Members of the Commission on Teacher Credentialing
Dale Janssen, Executive Director
Mark Rickabaugh, Chair – Committee of Credentials
Marty Ledesma, Vice-Chair – Committee of Credentials

COMMITTEE OF CREDENTIALS

The Commission on Teacher Credentialing invites applications from qualified persons to serve in the Public Member position and Elementary Teacher position on the Committee of Credentials.

Requirements for Consideration

The Commission on Teacher Credentialing (CCTC) is seeking nominations to fill the following vacancies:

One (1) vacancy for Public Member. Applicants may not have been employed in either a certificated public school position and/or be a member of any governing board of a school district or county board of education within the five (5) years prior to the date of appointment.

One (1) member who must be a *full-time certified classroom teacher* in the public elementary schools with no less than five years' classroom experience.

The Positions

A member of the Committee of Credentials (Committee) participates in meetings to review allegations of misconduct and unfitness to teach for which applicants for issuance of credentials may be denied, or holders of credentials may be privately admonished, publicly reprovved, suspended or revoked. The Committee meets once a month to review careful and reasoned investigation report into the fitness of the person to perform the duties authorized by the credential applied for or held. The Committee then makes a decision whether or not to recommend discipline. All work takes place at the Committee meeting.

Selection Procedure

The procedure will consist of an initial review of applications for selection of candidates to be interviewed by the CCTC. Applicants selected for an interview will receive written notice. The appointments will be effective July 1, 2010. In addition to evaluation of an applicant's relative abilities as demonstrated by quality and breadth of experience, emphasis in the interview will be on the evaluation of each applicant's:

A. Knowledge of:

1. Community standards of behavior as applied to certificated public school employees.
2. Community attitudes toward public school education.
3. Circumstances and conditions under which certificated persons are employed.
4. Evaluation of evidence.
5. Elementary parliamentary procedure.

B. Ability to:

1. Analyze, appraise, and apply sound judgment regarding allegations of misconduct and unfitness to teach.
2. Read and comprehend investigative files in a limited amount of time.
3. Maintain a fair and impartial attitude without bias or prejudice.
4. Communicate effectively.
5. Establish and maintain cooperative working relationships with other Committee members and staff.
6. Demonstrate sensitivity to the rights and concerns of the public, the teaching profession, school employers and persons charged with misconduct.

SPECIFIC INSTRUCTIONS AND INFORMATION TO APPLICANTS FOR APPOINTMENT TO THE COMMITTEE OF CREDENTIALS

Why this application is required of all persons who wish to serve on the Committee of Credentials:

The Committee of Credentials and the Commission on Teacher Credentialing are charged by law with evaluation of the moral character and fitness of all persons who wish to teach or perform certified services in the public schools. The Commission, which appoints members to the Committee, is deeply concerned that the evaluators it appoints will meet the same high standards that will be applied to the teachers and applicants whom they evaluate.

The Committee of Credentials is a working Committee which must meet three (3) to four (4) days each month in Sacramento during which it spends many hours reading investigative reports, weighing evidence, questioning credential applicants and holders and debating group decisions which deeply affect the lives and livelihoods of persons before it; all without revealing or disclosure to any other persons the information received through investigation or hearings. Successful applicants for Committee membership will receive little or no public credit for a job well done, but they will be much appreciated by a grateful Commission on Teacher Credentialing and by the school children who may never know the Committee members' names, but whose safety will have been secured by their efforts.

- 1.** Qualifications are set by law and may not be waived.
- 2.** All questions on the application form are to be answered in the spaces provided. Resumés are to be used for supplementary purposes only.
- 3.** Please type or print legibly using black ribbon or black ball-point so that your application can be reproduced.
- 4.** Please sign your application and send or deliver it to:
California Commission on Teacher Credentialing
Division of Professional Practices
1900 Capitol Avenue
Sacramento, CA 95811-4213

**APPLICATION FOR APPOINTMENT TO THE
COMMITTEE OF CREDENTIALS
OF THE COMMISSION ON TEACHER CREDENTIALING**

A. IDENTIFICATION:

1. Name
Last First Middle
2. Address
Number Street
City Zip Code
3. Business Phone: () Home Phone: ()
4. E-Mail Address _____

B. CATEGORY OF APPOINTMENT FOR WHICH YOU ARE APPLYING:

Public Member. Must be a representative of the public.

1. Have you been employed in a certificated position in the public schools within five (5) years prior to July 2009?
Yes No

2. Have you been a member of any governing board of a school district or county board of education within five (5) years prior to July 2009?
Yes No

Elementary Teacher. Must be a full-time certified classroom teacher in the public elementary schools with not less than five years of classroom experience.

C. EDUCATION AND EXPERIENCE:

High School Graduate Yes No

Passed High School Equivalency Tests Yes No

1. Name and Location of Completed Date
College or Univ. Course of Study Semester Quarter Degree Completed
2. Business, Correspondence, Trade, or Service Schools Course of Study
3. Currently valid certificates of professional or vocational competence, licenses, and expiration dates.
4. Membership in professional associations. Please include dates of membership.
5. Evidence of recent educational involvement, i.e., committees/commissions. Please include dates of membership.

D. ADDITIONAL ACHIEVEMENTS:

Please summarize your accomplishments and involvement in community service which you believe would contribute to your value as a member of the Committee of Credentials:

E. ADDITIONAL BACKGROUND:

The work of the Committee of Credentials requires sensitivity to or experience with community standards of behavior as applied to certificated persons. It also requires an ability to analyze evidence as it relates to such behavior and the circumstances and conditions under which certificated persons are employed. What skills/experiences do you have that will assist the work of the Committee?

F. HAVE YOU EVER BEEN CONVICTED OF A FELONY OR MISDEMEANOR?

Yes No

(If yes, attach explanation)

You must be eligible for a Certificate of Clearance. (See instruction sheet for further information)

G. LETTERS OF RECOMMENDATION

All applicants must provide at least two (2) letters of recommendation and a letter from their **current employer** granting time off each month for Committee work. These letters must be submitted with your application.

VERIFICATION BY APPLICANT

I hereby certify that all statements made in this application are true and correct. I understand that if I am selected for appointment I must execute an Oath of Office and abide by the laws and rules applicable to officers of the State of California.

Signature Date

You may attach a resumé and other materials you wish the Commission to consider.

General Information

Members of the Committee of Credentials serve without compensation, but receive their necessary travel expenses at rates set by the State Board of Control.

In addition, members who would lose compensation by reason of attendance receive a stipend of one hundred dollars (\$100) per day unless they are employees of a public agency, in which case their public employers are required by law to grant them sufficient time away from their regular duties without loss of income or benefits while performing their Committee meeting duties.

The Committee meets in Sacramento, usually on the Wednesday, Thursday, and Friday of the third or fourth week of each month. Members generally must spend at least one-half day immediately preceding each meeting reviewing files and materials at the Commission offices. Regular and reliable attendance is mandatory, although absence for good cause may be excused.

Applicants should demonstrate that requirements for initial consideration are satisfied and, in addition, should provide complete information relative to educational background, work and professional achievements, community service and involvement.

Your application and resumé, if submitted, will be open to public inspection as a part of the selection process. The Commission reimburses school districts for the cost of any classroom substitutes needed as a result of a Committee member's attendance at a meeting.

The Commission on Teacher Credentialing is an affirmative action agency offering equal opportunity to all regardless of sex, race, religion, ancestry or disability. We encourage applications from a diverse cross-section of qualified applicants.

Address all requests for application forms to:

California Commission on Teacher Credentialing

Division of Professional Practices

1900 Capitol Avenue

Sacramento, CA 95811-4213

This Bulletin May Be Duplicated