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Action

Executive Committee

Proposed Changes to Section 490 of the Commission's Policy Manual

Executive Summary: The Ad Hoc Committee will present the proposed revision of Section 490 of Commission's Policy Manual and recommend it for adoption by the Commission.

Recommended Action: After discussion and any revisions the Executive Committee determines appropriate, staff recommends the Commission adopt the proposed new language for Section 490 of the Policy Manual pertaining to the appointment of advisory panels and work groups contained in Appendix B.

Presenter: Nanette Rufo, General Counsel

Strategic Plan Goal

III. Communication and Engagement

- b) Maintain effective communication and coordination between Commissioners and staff in carrying out the Commission's duties, roles and responsibilities.

Proposed Changes to Section 490 of the Commission's Policy Manual

Introduction

At the October 2014 meeting of the Commission on Teacher Credentialing, the Commission engaged in a retreat to review the Commission's Strategic Plan and Policy Manual. Numerous suggestions were made about how the Policy Manual could be improved and updated.

The Chair of the Commission appointed an Ad Hoc Committee to work on integrating the suggestions into a draft Policy Manual for consideration by the Commission at its December 2014 meeting. On November 11, 2014 the Ad Hoc Committee, consisting of Commissioners Michael Cooney, Constance Blackburn and Juliet Tiffany-Morales, met to discuss proposed revisions to the Manual.

When the item was considered by the Commission at its December 2014 meeting, the Commission adopted Chapter 3 of the Commission's Policy Manual and referred the remaining chapters back to the Ad Hoc Committee for review and consideration at the February 2015 Commission meeting. At the February meeting, the Commission adopted a revised Policy Manual, with the exception of Section 490. The Ad Hoc Committee offered to hold an additional meeting to receive input from interested stakeholders concerning Section 490.

On March 9, 2015, the Ad Hoc Committee met and received input from several stakeholders. The following issues were discussed at this meeting:

1. **Application of the Bagley Keene Open Meeting Act (BKOMA).** Some stakeholder organizations read statute as requiring advisory bodies to be subject to the BKOMA. Others expressed concern about the more limited flexibility the Commission would have in conducting its business if a strict adherence to the BKOMA became policy. The law clearly requires that any advisory group appointed by direct action of the Commission conduct its business within the boundaries of the BKOMA. The proposed policy for appointment of Advisory Panels addresses this requirement.

2. **Distinguish Advisory Panels from other Workgroups.** The Commission works with a wide variety of advisory groups; some are appointed to make policy recommendations; others to engage in deep background work leading to policy. Two types of advisory groups are identified in statute with specific functions pertaining to examination development and participating in Accreditation visits and reviews; these statutorily recognized groups are not subject to Section 490 of the Policy Manual. There was general agreement among the stakeholders that the Commission's policy

should identify two categories of advisory group, with clearly defined jurisdictions. The proposed policy provides this distinction.

- 3. Definition of Affected Stakeholder Organizations.** The stakeholders requested that the Commission's policy define an affected stakeholder organization as including any statewide organization that prepares, represents or employs a credential holder that would be impacted by the issue under discussion. The proposed policy maintains flexibility based on the content area being considered.
- 4. Appointment of Organizational Representatives.** The stakeholders were in consensus that the authority to appoint a designated representative of the affected stakeholder organization should reside with the organization. The proposed policy language maintains that authority.
- 5. Reimbursement of Travel Expenses.** The Commission's current policy is silent regarding the Commission paying the costs of member participation on Advisory Panels or Work Groups. In practice, however, the Commission has historically offered to cover travel and lodging costs for Advisory Panel and Work Group members. The Commission's financial resources are increasingly unable to support panel work in this manner, without reducing resources available for mandated work or delays in implementing the Commission's policy priorities. The proposed policy calls for the Executive Director to establish a budget for all Advisory Panels and Work Groups and to reimburse travel expenses for the Commission's appointed members contingent upon and within the scope of the available budget.

Following that meeting the Committee proposed an extensive revision to Section 490, after balancing the issues presented by stakeholders and the Commission's business needs.

Attached to this Agenda item is existing Section 490 (Appendix A) and proposed new language for a revised Section 490 recommended by the Ad Hoc Committee (Appendix B).

Staff Recommendation

Attached is proposed revision to Section 490 for consideration by the Executive Committee. After discussion and any revisions the Committee determines appropriate, staff recommends the Commission adopt the proposed new language for Section 490 of the of the Policy Manual pertaining to the appointment of Advisory Panels and Work Groups contained in Appendix B.

Appendix A

EXISTING SECTION 490

§ 490. ROLE AND RESPONSIBILITY OF PANELS AND DESIGN TEAMS

(a) Definitions:

(1) Panel – The term “panel” as used here 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 may also be applied to design teams and task forces and 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 to establish an advisory panel. The Commission may also specifically establish 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. In addition the Commission shall ask the representatives of affected stakeholder organizations to designate a representative to each panel. 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, 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.

Participants shall include members suggested by the Commission as well as members designated by affected stakeholder organizations. 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.

Appendix B

PROPOSED SECTION 490 RECOMMENDED BY THE COMMISSION'S AD HOC COMMITTEE

§ 490. APPOINTMENT OF ADVISORY PANELS AND WORK GROUPS

- (a) Advisory Panels. The Commission may appoint or direct the Executive Director to appoint Advisory Panels as needed to acquire insights, perspectives and technical expertise that support the formulation, consideration, and adoption of policies. Advisory Panels established by formal action of the Commission are subject to the Bagley-Keene Open Meeting Act pursuant to Government Code Section 11120 et seq.
- (b) The term “Advisory Panel” as used here is a generic term referring to a group of individuals established by formal action of the Commission to provide technical expertise, insight, and advice and policy recommendations to the Commission. The Commission shall establish criteria for membership on each Advisory Panel it appoints or directs the Executive Director to appoint.
- (c) Appointment procedures and considerations
- (1) Commission staff will engage in broad solicitation for potential appointments to an Advisory Panel in order to secure a wide range of qualified applications with expertise related to the issue or policy area under consideration. Each applicant shall submit an application regarding the applicant’s willingness to serve, background, qualifications, and reasons for wishing to serve.
 - (2) A majority of Advisory Panel members shall have expertise in the matter under consideration. Reasonable effort will be made to ensure that Advisory Panels include classroom teachers, school administrators, other school services personnel, members of the public, and public and private higher education institutions, with expertise pertinent to matter under consideration. Appointments shall reflect, to the extent feasible, the ethnic and cultural diversity of the California public schools.
 - (3) Whenever the Commission determines it is necessary, a Member of the Commission may be appointed by the Commission Chair to serve as a liaison on an Advisory Panel.
- (d) Work Groups. The Executive Director may establish a Work Group when staff has determined that they require additional expertise, viewpoints or experiences to obtain further input in a complex matter under consideration. Work Groups are not subject to the Bagley-Keene Open Meeting Act pursuant to Government Code Section 11120 et seq.
- (1) Each applicant shall submit an application regarding the applicant’s willingness to serve, background qualifications, and reasons for wishing to serve. A majority of the panel members shall have technical expertise.
 - (2) To the extent feasible, the Executive Director shall provide reasonable public notice of Work Group meetings and assure that these Work Groups provide an opportunity for comment from members of the public and stakeholders.
 - (3) The Commission shall invite affected stakeholder organizations to designate a representative to each Work Group.

(e) Reimbursement of Travel Expenses for Advisory Panels and Work Groups:

- (1) The Executive Director shall establish a budget for each Advisory Panel and Work Group. Contingent on the availability of funding and within the limits of the budget set for the Panel or Work Group, the Commission may reimburse Panel and Work Group members for reasonable and necessary travel expenses associated with meeting participation, not to exceed the then current state travel limits.
 - (2) Travel and lodging expenses for an individual designated under subsection (d)(3) to serve as a representative of an affected stakeholder organization ordinarily shall not be paid by the Commission. In the case of financial hardship, an organization may appeal to the Commission and provide factual information supporting the hardship request.
- (f) Accreditation review teams and subject matter examination panels are neither Advisory Panels nor Work Groups as defined in this Section, and are subject to EC §44288 or §44228.