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Action

Executive Committee

Approval of the November-December 2006 Executive Committee Minutes

Executive Summary: Staff will recommend that the Committee approve the minutes of the November-December 2006 meeting of the Executive Committee.

Recommended Action: Approve the November-December 2006 Executive Committee Minutes.

Presenter: None.

Strategic Plan Goal: 2

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

- ◆ Continuously improve the development, distribution and dissemination of agenda and information to the Commission.

February 2007

Minutes of the November-December 2006 Executive Committee

Committee Members Present:

Leslie P. Schwarze, Commission Chair
Jon Stordahl, Commission Vice Chair, and Chair, Legislative Committee of the Whole
Catherine Banker, Chair, Credentialing and Certificated Assignments Committee of the Whole
Guillermo Gomez, Chair, Professional Services Committee of the Whole
John Kenney, Chair, Fiscal Policy and Planning Committee of the Whole

Committee Members Absent:

Gloria Grant, Chair, Professional Practices Committee of the Whole

Other Commissioners Present:

Josie Calderon, Public Representative
Caleb Cheung, Teacher
Paula Cordeiro, Public Representative
Margaret Gaston, Public Representative
Leslie Littman, Designee, Office of Superintendent of Public Instruction
Aida Molina, Administrator
Lillian Perry, Teacher Representative
Loretta Whitson, Non-Administrative Services Credential Holder Representative

Ex-Officio Members Present:

Marilyn McGrath, California Postsecondary Education Commission
Athena Waite, University of California
Beverly Young, California State University

State Board of Education Liaison Present:

Yvonne Chan

Thursday, November 30, 2006

Call to Order

The meeting of the Executive Committee was called to order by Commission Chair Schwarze at 9:10 a.m. Roll was taken.

Chair Schwarze briefly introduced new Commissioner Josie Calderon.

1A: Approval of the July-August 2006 Executive Committee Minutes

Commissioner Gomez moved to approve the minutes of the July-August 2006 Executive Committee meeting. Commissioner Kenney seconded the motion. The motion passed without dissent.

1B: Attorney General's Opinion Regarding the Participation of Ex-Officios in Closed Session

Chair Schwarze announced that there was supposed to be an opinion from the Attorney General's office in time for this meeting, but staff had been informed that there would not be one. She asked if there would be an opinion in time for the February 2007 meeting.

Mary Armstrong, General Counsel, indicated that she had contacted the Attorney General's office and was originally informed that we would receive an opinion in time for this meeting. When she followed up she was told that the Attorney General's staff needed more time and that the Commission would be receiving it sometime in early or mid December.

1C: Review and Discussion of Proposed Changes to the Commission Policy Manual

Chair Schwarze reminded the committee that an ad hoc work group was created to review the Policy Manual and bring suggested changes back to the Executive Committee. She also reminded the committee members that this item was only a discussion item and that no final decisions would be made at this meeting.

Ms. Armstrong indicated that the Policy Manual is similar to bylaws, and is what guides how the Commission conducts business and how the staff conducts the Commission's business. She directed the discussion, starting with the possible addition of the Vice Chair to sections that typically only included the Chair as the decision maker. She noted that staff did not see any problems with the addition except in situations where a final decision needed to be made. She noted the possibility of having the Chair and Vice Chair on opposite sides of an issue with no way to come to a final decision.

Commissioner Kenney said that part of the reason that both the Chair and Vice-Chair were included was to prevent having an autocratic Chair, whereas having the Chair and Vice Chair approval assures a consensus. He suggested that if there was an issue on which the Chair and Vice Chair could not agree that the issue may need to be voted on by the entire Commission. Commissioner Gomez agreed with Commissioner Kenney's comments. Commissioner Banker clarified that all of the changes made were agreed upon by the entire ad hoc committee.

Commissioner Gaston asked how including the Vice Chair might effect the efficiency of the work of the Commission. She also asked if this could potentially lead to the establishment of co-chairs instead of a Chair and Vice Chair. Chair Schwarze expressed similar concerns regarding the potential to slow the work of the Commission.

Commissioner Molina said she believes it would be beneficial to at least attempt the changes, knowing that the Commission can waive the Policy Manual. Ms. Armstrong reminded members of the Commission that waiving the Policy Manual requires action by the Commission.

Commissioner Cordeiro asked for clarification from members of the working group for their rationale for the changes related to the role of the Executive Director and the Chair.

Commissioner Banker said it was important to be able to be free from outside pressures on the Commission and felt that having the Chair and Vice Chair make decisions would help to ensure that.

Commissioner Young expressed some concern about moving toward a structure more reflective of co-chairs instead of one with a Chair and a Vice Chair. She also expressed concern that these changes might give the Chair and Vice Chair additional power. She said that there should be an established process for making changes to the Policy Manual.

Commissioner Banker said that the establishment of this ad hoc group to review the Policy Manual and discussion at this meeting was the beginning of the process to review the manual. Chair Schwarze, Commissioners Gomez and Commissioner Kenney commented that they agreed that this was the beginning of the process for changing the Policy Manual.

Ms. Armstrong said that several sections of the Policy Manual had been taken directly from the Bagley-Keene Open Meeting Law. She indicated that these sections are not changeable and asked if those sections should remain in the Policy Manual or whether they should be removed. Commissioner Banker said she thought it was a good idea to leave those sections in.

Ms. Armstrong said that there was a suggested change to have the Executive Committee be the decision making body for whether or not to include certain remarks and materials in the meeting minutes. She said that this could become difficult because the Executive Committee does not necessarily meet at every meeting. Commissioner Kenney said this suggestion was the result of not wanting to allow particular people to remove certain information to the minutes. Commissioner Kenney said he would be fine having the entire Commission be responsible for that.

Commissioner Littman asked if the removal of a section regarding public comments meant that there would be no more audience cards. Chair Schwarze clarified that the section in question was regarding members of the public who requested to have an item agendaized or requested to speak prior to the meeting. It was not meant to impact the current process for public comment on items already on the agenda.

Ms. Armstrong said that there was a suggested change to require the Executive Committee meet at every meeting, but staff thought this might be too prohibitive and that the committee currently meets on an as needed basis. Commissioner Molina suggested putting the language in the Policy Manual that says the committee will meet as needed.

Ms. Armstrong discussed concerns about the recommendations regarding panels. She explained that staff included both the recommendations from the ad hoc group as well as an alternative that mirrors the Commission's previous discussions on this matter. Commissioner Banker asked if the whole Commission had previously discussed this issue. Ms. Armstrong indicated that the Commission had discussed the issue at the December 2005 meeting at which time staff was directed to develop new language regarding panels in conference to the Commission's

discussions. Commissioner Banker asked if the Commission had already approved the new language. Ms. Armstrong responded that they had not.

Commissioner Banker said their recommendations were intended to ensure that there was ample expertise on the various panels, as well as being more inclusive of as many organizations and groups as possible. She suggested that there needed to be more discussion on this topic.

Commissioner Kenney said that by naming particular groups in the Policy Manual, it could give the perception of excluding certain groups and not allowing other groups to give their input. He reiterated that the goal was to make the panels more inclusive.

Commissioner Gomez also reiterated that the goal of the ad hoc group's recommendation was to make the process more inclusive.

Commissioner Young expressed concern that this topic had already been discussed in the past with significant stakeholder input indicating that they preferred the current format for selecting panels.

Commissioner Kenney reminded everyone that the ad hoc group did not have staff's recommendation when looking at the Policy Manual. He indicated that he supported the staff recommendations. Commissioner Banker supported Commissioner Kenney's comments.

Mr. Janssen said that staff recommendations were a part of previous agenda item, but were not submitted to the ad hoc group for editing and review.

Commissioner Littman asked if there was common agreement with the alternative staff recommendation for the first paragraph of section 490. Seeing that there was, Chair Schwarze directed staff to make that change.

Ms. Armstrong commented on the recommendations related to the Executive Director's power to delegate. She asked for clarification about whether the recommendations were intended to remove the Executive Director's power to delegate and whether it was intended to remove the power of the Commission to delegate anything to the Executive Director that they did not reserve to itself. She said that both of these areas were important areas for the running of the agency.

Ms. Armstrong said that control agencies prefer to see that the Executive Director has the authority and thought that section should remain intact. Commissioner Banker said that she felt the previous section covered everything, but if it did not, that she was fine with keeping both sections. Ms. Armstrong noted that the previous section does not duplicate the language and purpose of the section under question, and that both were necessary.

Sharon Robison, Association of California School Administrators, said that she supported the staff recommendation regarding panels. She also indicated that she supported the idea that a quorum should be based on the number of appointees, not based on the number of current appointed Commissioners. She expressed concern about having the Chair and Vice Chair be included in all decisions.

Bruce Kitchen, School District Human Resource and Personnel Administrators of San Bernardino and San Diego Counties, cautioned the Commission because changing the Policy Manual means changing the way the Commission operates. He suggested the Commission wait until the Chair and Vice Chair elections and a permanent Executive Director was selected before making changes to the Policy Manual.

Ken Burt, California Teachers Association, recommended the Commission take the Education Code and previous Policy Manuals into consideration when looking at changing the Policy Manual, particularly with regards to the delegation powers of the Executive Director. He also said that he did not support the idea of having the Chair and Vice Chair making decisions. He suggested having an evaluation of the Executive Director once a year using a fair evaluation process.

Susan Westbrook, California Federation of Teachers, supported the staff recommendations regarding panels.

Kathy Harris, California Teachers Association, thanked the Commission for their inclusiveness throughout this process. She suggested that the Commission should not take action until a permanent Executive Director is in place. She also commented that the quorum should be based on the total number of appointees and not based on the number of current appointments. She supported the staff recommendations regarding panels, but suggested that the types of panels be simplified and all referred to as advisory panels. In addition, she commented that the Executive Director should be in charge of announcing the need for a panel and making the appointments to the panel based upon the recommendations of the Commission.

Commissioner Kenney suggested that staff return at the next meeting with an action item for those sections that are not controversial and an information item for those sections that need more discussion.

Commissioner Littman asked for clarification as to whether the approval of the Policy Manual is done by the Executive Committee or the entire Commission. Ms. Armstrong responded that the Executive Committee makes a recommendation to the entire Commission, and the Commission chooses to accept or deny the recommendation.

Commissioner Littman suggested voting on the Policy Manual by discussing sections, allowing the committee to focus on particular areas. Commissioner Young voiced support for staff's ability to take the comments of Commissioners at this meeting and to determine which items appear to have general support and which topics are in need of further discussion. She suggested allowing staff to come back with an action item at the next meeting for those items that can be agreed upon and setting priorities for which items should be discussed further and in what order. The Executive Committee agreed with this approach.

1D: Proposal to Develop a Strategic Plan

Mr. Janssen presented a proposal for creating a Strategic Plan.

Commissioner Young asked how previous Strategic Plans would be used in conjunction with a new Strategic Plan. Mr. Janssen indicated that he believed it may be more advantageous to begin with a blank slate rather than to be limited to updating an old Strategic Plan.

Commissioner Gaston asked for some clarification about how the surveys would be designed. Mr. Janssen replied that some staff members in the Professional Services Division along with an independent consultant would be creating the surveys.

Commissioner Young noted that a permanent Executive Director should have an opportunity to have input in the Strategic Plan.

Commissioner Kenney suggested also asking questions about issues of concern.

Commissioner Kenney moved approval of the plan to create a Strategic Plan. Commissioner Gomez seconded the motion.

Commissioner Young asked if the Commission would have an opportunity to see the surveys before they went out. Mr. Janssen responded that due to the timing, it would be difficult to present the information in an agenda item, but would probably be able to present the information in the *Weekly Updates*.

Commissioner Cordeiro asked if this item would go to the full Commission. Mr. Janssen replied that any action that the Executive Committee takes would be a recommendation to the full Commission. Commissioner Cordeiro then clarified that Commissioners who were not a part of Executive Committee would not vote at this time, but would vote when the Executive Committee reported out.

The motion carried.

1E: Ex-Officio Reimbursement

Ms. Hickey presented this item recommending the reinstatement of the reimbursement of Ex-Officio members.

Susan Westbrook, California Federation of Teachers, supported the reimbursement of Ex-Officio members.

Commissioner Young thanked the staff and other Commissioners for their gestures.

Commissioner Gomez moved the approval of Ex-Officio reimbursement. Commissioner Kenney seconded the motion. The motion carried.

1F: Discussion of the Commission's 2007 Meeting Schedule

Ms. Hickey presented two potential alternative schedules for the 2007 meeting schedule. Schedule A would add three additional one-day meetings, while Schedule B would add three one-day meetings but reduce three existing meetings to one-day meetings.

Commissioner Kenney supported the idea of meeting more frequently.

Commissioner Young expressed some concern about having one-day meetings in months immediately after months where there is no scheduled meeting. Mr. Janssen responded that the meeting lengths were selected based on workload trends.

Commissioner Gomez said that he preferred Schedule B because it meant fewer sequential days out of the classroom for the teachers serving on the Commission.

Chair Schwarze shared her concerns about the strain that is put on teachers by increasing the number of meetings and the difficulty of being out of the classroom.

Commissioner Littman indicated that there were some Commissioners who would not be able to attend the May meeting due to Advanced Placement exams.

Commissioner Kenney asked if it would possible to move the May meeting back a week.

Vice Chair Stordahl said he preferred Schedule B because it is easier to be out of the classroom for one day than it is for two days. He also expressed concern about the May meeting.

Ms. Hickey said the Committee of Credentials meets the week after the proposed date and that budget hearings take place toward the end of May.

Commissioner Waite expressed her support for having more meetings. She asked about the staff time necessary to prepare for meetings. Mr. Janssen said the scheduling of agenda items was based on the previously approved schedule, so changing the frequency of meetings would not create significant timeline problems.

Commissioner Cheung asked what times of the year would be typically heavy workloads. He also asked if holding the one-day meetings on Fridays would make more sense. Ms. Hickey responded that the spring is typically a busy time. Mr. Janssen replied that Fridays were avoided because Commissioners typically did not want to travel on Fridays. He indicated that stakeholders had asked for some consistency regarding the meeting dates.

Members of the Commission discussed various possibilities for a revised schedule for 2007.

Ms. Chan thanked everyone for taking their time to attend Commission meetings. She also noted that the State Board has requested someone from the Commission attend their meetings. She indicated that it would be beneficial for the Commission to have more meetings.

Chair Schwarze responded that the Commission does not have a liaison. Instead, a Commission staff member will attend the meetings for the Commission. She noted that the level of detail of the questions from Board members made it more appropriate for staff to attend rather than members of the Commission.

Commissioner Perry asked how the Commission meeting dates are selected. Chair Schwarze responded that the original six meeting dates were decided upon at earlier in 2006. She also

noted that since there is a full compliment of Commissioners, it is possible to have meetings where some Commissioners may not be able to attend.

Vice Chair Stordahl moved to adopt Schedule B with the addition of a second day for the April meeting and cancelling the May meeting. Commissioner Banker seconded the motion. The motion carried.

1G: Proposal For Off-Site Commission Meeting

Mr. Janssen presented the possibility of holding the Commission's June 2007 in the Los Angeles area. He noted that there were a couple of venues that were already available thanks to Commissioners Young and McGrath.

Commissioner Young asked if the action requested was to approve having the meeting off-site and then staff would find a specific meeting location at a later time. Chair Schwarze responded affirmatively.

Commissioner Cordeiro expressed her support for this proposal.

Commissioner Kenney moved approval of the plan to hold an off-site meeting in the Los Angeles area. Commissioner Gomez seconded the motion. The motion carried.

Chair Schwarze adjourned the Executive Committee meeting.