

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

exe-sspi-jul19item01

# California State Board of EducationJuly 2019 AgendaItem #13

## Subject

Appointment of Stephanie Gregson and Sarah Neville-Morgan to positions in accordance with Article IX, Section 2.1 of the Constitution of the State of California and the Provisions of the State Board of Education Policy Number 2: Policy for the Appointment of Constitutional Officers

## Type of Action

Action, Information

## Summary of the Issue(s)

The California Department of Education (CDE) is currently organized under four Branches: Government Affairs and Charter Schools Branch; Performance, Planning, and Technology Branch; Systems Support Branch; and Teaching and Learning Support Branch. Each Branch is led by a Branch Deputy Superintendent appointed by the State Superintendent of Public Instruction (SSPI), subject to State Board of Education (SBE) approval.

## Recommendation

The CDE recommends that the SBE appoint Stephanie Gregson and Sarah Neville-Morgan to Branch Deputy Superintendent positions in the Performance, Planning, and Technology Branch, and Teaching and Learning Support Branch, respectively, in accordance with Article IX, Section 2.1 of the Constitution of the State of California and the Provisions of the State Board of Education Policy Number 2: Policy for the Appointment of Constitutional Officers, effective May 31, 2019.

## Brief History of Key Issues

The California Constitution establishes that the SBE, based upon the recommendation of the SSPI, appoints four staff positions. The positions are exempt from civil service. The general duties assigned to each individual are to be specified by the SSPI, recognizing that specific assignments will be made based on the workload of the CDE.

## Summary of Previous State Board of Education Discussion and Action

At the January 2019 SBE meeting, the SBE approved the appointment of Lupita Cortez Alcalá to the position of Chief Deputy Superintendent of Public Instruction. At the July 2015 SBE meeting, the SBE approved the appointments of Michelle Zumot and Glen Price to the positions of Chief Deputy Superintendent.

## Fiscal Analysis (as appropriate)

The funding for these positions is annually allocated in the CDE budget.

## Attachment(s)

Attachment 1: State Board of Education Policy Number 2 (4 pages)

Attachment 2: Biographies for Stephanie Gregson and Sarah Neville-Morgan (2 pages)

# Attachment 1: California State Board of Education Policy Number 2

**California State Board of Education Policy**POLICY #

2

DATE

February

1995

## SUBJECT

**Policy for the Appointment of Constitutional Officers**

## REFERENCES

Article IX, Section 2.1 of the California Constitution states in relevant part:

The State Board of Education, on nomination of Superintendent of Public Instruction, shall appoint one Deputy Superintendent of Public Instruction and three Associate Superintendents of Public Instruction who shall be exempt from State civil service and whose terms of office shall be four years.

## HISTORICAL NOTES

This policy succeeds and replaces Policy No. 2 as adopted by the State Board in September 1990.

Section 1. To carry out the provisions of Article IX, Section 2.1 of the California Constitution, the State Board of Education (State Board) shall appoint one Deputy Superintendent of Public Instruction and three Associate Superintendents of Public Instruction to four-year terms in keeping with this policy; such officers shall be exempt from state civil service. It is the further policy of the State Board that in the event of a vacancy in one or more of those positions, the vacancy shall be filled in accordance with this policy. These positions shall be funded by the Department of Education and adequate office space for these officers shall be provided by the Department.

Section 2. Whenever any of the positions established by Article IX, Section 2.1 of the California Constitution is vacant (or is known to become vacant in the foreseeable future), the Superintendent of Public Instruction (or the Superintendent’s designee) shall, in a timely manner, nominate and present to the State Board at least one individual who, in the Superintendent of Public Instruction’s opinion, is qualified to fill the vacancy.

Section 3. The Superintendent of Public Instruction (or the Superintendent’s designee) shall inform the State Board of the general duties envisioned for each individual nominated, recognizing the Superintendent’s legal authority to make specific assignments as the workload of the Department of Education demands. The Superintendent (or designee) shall present to the State Board each nominee’s qualifications to undertake the general duties envisioned.

Section 4. Unless exempted therefrom by formal action of the State Board, each individual nominated and presented to the State Board in keeping with this policy shall be available for interview by the State Board or by an appropriate committee of the State Board in keeping with its Bylaws.

Section 5. The Superintendent of Public Instruction (or the Superintendent’s designee) shall provide information regarding each nominee to the State Board’s Executive Director. The Executive Director shall ensure that the presentation of each nominee is appropriately noticed in the State Board’s agenda, as required by the Bagley-Keene Open Meeting Act, such that the State Board, if satisfied as to the nominee’s qualifications, may take action to appoint the nominee in keeping with this policy.

Section 6. The Superintendent of Public Instruction shall nominate at least one individual to fill each position specified in Article IX, Section 2.1 of the California Constitution, such that none of the positions remains continuously vacant for more than 120 days. The 120-day limitation set forth in this section as it applies to a given position may be extended by formal action of the State Board in unusual circumstances.

Section 7. The State Board after completing its review of the qualifications of a nominee (or set of nominees) for a given position, may appoint that nominee (or one nominee from that set of nominees) or decline to appoint that nominee (or any nominee from that set of nominees). If the State Board declines to appoint the nominee (or any nominee from the set of nominees), it shall direct the Superintendent of Public Instruction within 60 days to present another nominee or set of nominees for the position. The 60-day limitation set forth in this section may be extended by formal action of the State Board in unusual circumstances.

Section 8. (a) The State Board of Education recognizes that the intent of the people in enacting Article IX, Section 2.1 of the California Constitution appears to have been to set the terms of the positions established therein on a basis coterminous with the term of the Superintendent of Public Instruction.

(b) The State Board recognizes the desire of honest, diligent, capable, and dedicated individuals to be held accountable for their job performance, as well as for their personal and professional conduct.

Section 9. (a) Any individual nominated by the Superintendent of Public Instruction in keeping with this policy has the right, prior to appointment, to agree voluntarily to the following employment conditions, which shall have the status of a contract and violation of which, if so determined by the Superintendent and by formal action of the State Board, shall terminate immediately the affected individual’s service with no compensation owed or payable to that individual beyond that point, regardless of the time remaining in the individual’s term.

(1) Compliance with all laws—federal and state—in the performance of duties.

(2) Compliance with the requirements of all other binding authority in the performance of duties.

(3) Demonstration of fitness to perform the duties of office on a continuing basis.

(4) Except as provided in this paragraph, the four-year term specified in Article IX, Section 2.1 of the California Constitution is coterminous with that of the Superintendent of Public Instruction and is running continuously whether a position established by that constitutional provision is vacant or occupied. An appointed individual’s actual period of service does not extend beyond the then-current term of the Superintendent of Public Instruction by whom the individual has been nominated, regardless of when the appointment is made during the Superintendent’s term, and no compensation is owed or payable to the individual except that earned during the individual’s actual period of service. An incoming Superintendent of Public Instruction may extend the period of service of an appointee for up to 120 days into that incoming Superintendent’s term in order to provide for an orderly transition. The 120-day limitation may be extended by formal action of the State Board. Extension of an appointee’s period of service for transitional purposes shall give the individual no right to nomination by the incoming Superintendent, reappointment by the State Board, or compensation beyond that earned for the actual service rendered.

(b) Acceptance of appointment to a position pursuant to Article IX, Section 2.1 of the California Constitution under the statement of employment conditions specified in paragraph (a) of this section is equivalent to, at the time of appointment, submission of a voluntary letter of resignation by the individual appointed, effective on the date the expiration of the current term of the Superintendent of Public Instruction by whom he or she was nominated, or at an earlier time if the State Board makes a determination as specified in paragraph (a) of this section.

(c) No individual is required to agree to a voluntary statement of employment conditions set forth in this section either to be nominated by the Superintendent of Public Instruction or considered by the State Board for appointment. Following evaluation of a nominee’s qualifications, the State Board may appoint that individual pursuant to Article IX, Section 2.1 of the California Constitution without condition without condition or restriction if convinced of the wisdom of so doing. However, failure of a nominee voluntarily to agree to the employment conditions as set in paragraph (a) of this section is a factor the State Board may take into consideration when evaluating the nominee.

(d) If a nominee agrees to the employment conditions as set forth in paragraph (a) of this section and is appointed by the State Board, but then retracts that agreement (in whole or in part) or challenges the employment conditions (in whole or in part) in a court of law or before an administrative body other than the State Board that either has or asserts authority to make determinations regarding the conditions, the making of that retraction or the filing of that challenge shall immediately and automatically rescind and invalidate the State Board’s action of appointing that individual. The rescission and invalidation of action by operation of this section may be overruled by a subsequent formal action of the State Board.

(e) By formal action of the State Board and agreement of the affected individual and the Superintendent of Public Instruction, the employment conditions set forth in paragraph (a) of this section as they pertain to that individual may be modified after the appointment has been made.

Section 10. (a) Except as permitted by formal action of the State Board, the Superintendent of Public Instruction shall make no recommendations to the Governor for appointment of deputy or associate superintendents of public instruction pursuant to Education Code section 33143 at a time when any of the positions established by Article IX, Section 2.1 of the California Constitution is vacant.

(b) The occurrence of a vacancy among the positions established by Article IX, Section 2.1 of the California Constitution shall not affect the status of any individual who has already been recommended to or appointed by the Governor pursuant to Education Code section 33143.

Section 11. This policy succeeds and replaces Policy No. 2 as adopted by the State Board in September 1990.

California State Board of Education

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# Attachment 2: Biographies for Stephanie Gregson and Sarah Neville-Morgan

## Stephanie Gregson

Stephanie Gregson has a diverse background at multiple levels of the education system—including serving as an elementary and middle school teacher, district coordinator of reading and intervention programs, school site principal, director of curriculum, assessment and learning at a local school district, and as an adjunct professor.

Dr. Gregson most recently served as the Division Director of the Curriculum Frameworks and Instructional Resources Division at the California Department of Education (CDE) and the Executive Director of the Instructional Quality Commission, which is the state board of education’s advisory board for curriculum and instruction. She led the development of several standards updates, including the first ever California K–12 Computer Science Standards. She also led the largest state adoption of instructional materials for K–8 Science. Most recently, she led the development process of the Health Education Framework.

Prior to the CDE, she was a Director of Curriculum, Assessment and Learning at Davis Joint Unified School District. She started her education career teaching at Ethel Phillips Elementary School in Sacramento, California. Stephanie holds a bachelor’s degree in Liberal Arts from California State University, Sacramento, a master’s degree in Educational Leadership from California State University, Sacramento, and doctorate in Curriculum, Instruction and Assessment from Walden University. She earned her California Teaching Credential from the California State University, Sacramento.

State Superintendent of Public Instruction Tony Thurmond appointed Stephanie Gregson, EdD, as the Deputy Superintendent for the Performance, Planning, and Technology Branch of the CDE, pending SBE approval.

## Sarah Neville-Morgan

Throughout her career, Sarah Neville-Morgan has focused on using an equity frame coupled with research, and science to influence policy that focuses on closing the opportunity gap to support thriving children, families, and communities as well as emphasizing continuous program improvement and implementation science.

Sarah most recently served as the Director of the Early Learning and Care Division at the CDE, overseeing a division that provides leadership and support to the early learning and care community, providers, and contractors statewide, ensuring high-quality early education programs for young children and their families. Her responsibilities included providing leadership and oversight to over 700 early learning and care contractors, a mix of local education agencies and community based organizations, and managing statewide quality improvement projects. In fall 2018, Sarah led California’s efforts to be awarded the competitive federal Preschool Development Grant from Birth through Five. As the state lead, she provided oversight to the grant’s core system building activities and engaged the Governor’s Office as part of a Preschool Development Grant Core Team.

Previously, Sarah served as Deputy Director of Program Management at First 5 California where she managed a team and investments focused on closing the achievement gap. These included the First 5 Preschool for All and Special Education initiatives, supporting quality early learning across the continuum of care settings as part of California’s Quality Rating and Improvement System, and launching a Dual Language Learner Pilot. Sarah was a key author of California’s successful Race to the Top-Early Learning Challenge application and then helped lead the implementation of the grant. She previously worked as the Deputy Executive Director of the Governor’s California Early Learning Council and as an Academic Child Development Specialist at the UC Davis Center for Child and Family Studies. In her earlier career, she also worked at a child care resource and referral agency, as adjunct faculty for a Foster Care Education Program, and as a Program for Infant/Toddler Care trainer consulting with the Yolo County Teen Parent Centers. She holds a Bachelor’s Degree in Psychology from Earlham College and a Master’s of Science in Child Development from the University of California Davis.

State Superintendent of Public Instruction Tony Thurmond appointed Sarah Neville-Morgan as the Deputy Superintendent for the Teaching and Learning Support Branch of the CDE, pending SBE approval.