

Minutes
State Board of Education
Monday, February 22, 2010

The Arizona State Board of Education held a regular meeting at the Arizona Department of Education, 1535 West Jefferson, Room 417, Phoenix, Arizona. The meeting was called to order at 9:05 AM.

Members Present:

Dr. Vicki Balentine, President
Ms. Anita Mendoza, Vice President
Supt. Tom Horne (Arrived at 9:18 AM)
Mr. Larry Lucero
Mr. Jaime Molera
Mr. Jacob Moore
Dr. Karen Nicodemus
Ms. Diane Ortiz-Parsons
Ms. Cecilia Owen (Joined telephonically at 10:04 AM)

Members Absent:

Dr. John Haeger

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

1. BUSINESS REPORTS

A. President's Report

Dr. Balentine provided the Board with a power point presentation to discuss the state's budget and the crisis related to K-12 education. The presentation included a review of Gov. Brewer's budget proposal and the legislative budget options. Dr. Balentine stated one of the 2010 legislative priorities the Board had approved at the February meeting included School Funding and read the information for this priority.

Dr. Balentine stated the reductions for a typical district would be of \$6,580,152 and listed other negative impacts the proposal or options would have on K-12 education. Dr. Balentine said the level of funding loss would be devastating to the K-12 educational system and also a negative impact to Arizona's economy in general.

In order to avoid an additional 20-30% funding cut, the legislature has referred a sales tax referendum to the voters. Dr. Balentine said the measure would increase the current state tax rate by 1 cent per dollar and generate approximately \$1 billion annually. Two-thirds of the new revenue generated would be dedicated to public primary and secondary education, with the remaining third dedicated to health and human services and public safety. The voters must approve the referendum by majority vote in May. If approved, revenues would start in June, 2010.

Dr. Balentine stated the State Board of Education's support for the passage of the Governor's sales tax referendum was vital to the future of K-12 education.

Dr. Balentine continued with Board member reports.

B. Superintendent's Report

Supt Horne recognized the Accountability Division's Office of English Language Acquisition for the annual OELAS conference held in December. There were 590 attendees and they received training in a wide range of strategies including verb tense study, morph house and syntax surgery. The highlight of the event was the heartwarming Student Success stories where 15 former ELL students from all grade levels were honored for their academic success in the mainstream classroom.

C. Board Member Reports

Mr. Molera stated he agreed with the information Dr. Balentine provided and the urgency to have the public understand the importance of the referendum. Mr. Molera said the deadline to submit a letter of support was February 26th and it would be in the best interest of the Board to submit a collective letter. The letter would express the negative impact of the budget reductions and the Board's support of the referendum. Mr. Molera said he was willing to help draft the letter.

Dr. Nicodemus agreed with Mr. Molera and the information provided by Dr. Balentine. Dr. Nicodemus asked if consensus on the matter could be addressed when the legislative update agenda items were presented. Mr. Yanez said that would be the appropriate time.

Supt. Horne arrived at 9:18 am

Dr. Nicodemus stated she supports and agrees with Dr. Balentine and Mr. Molera and would like to discuss reaching a consensus during the legislative update agenda item.

Dr. Balentine asked to return to the Superintendent's report.

D. Director's Report

1. Arizona Online Instruction process update
2. Other items as necessary

Mr. Yanez said the process for the online schools application continues and it should be completed and presented to the Board in March. Mr. Yanez stated the draft application would be reviewed February 23rd and welcomed the Board to attend the review meeting.

2. CONSENT AGENDA

- A. Consideration to approve State Board of Education minutes
1. December 17, 2009
 2. January 25, 2010

- B. Consideration to Approve Contract Abstracts
1. Intel® Teach Affiliate Program 2010 Grant Approval
 2. QWEST Foundation Grant Allocation
 3. Mountain Plains Adult Education Conference Registration Assistance

- C. Consideration to permanently revoke the teaching credentials held by Sixto Rocabado, pursuant to A.R.S. § 15-550

- D. Consideration to accept the voluntary surrender of the teaching credentials for the following individuals:
1. Mary McCreary
 2. Annette Gray-O'Leary

- E. Consideration to accept the voluntary surrender of the teaching credentials for the following individuals:
 - 1. Jose Mada
 - 2. Kimberly Tolman
 - 3. David Robertson

- F. Consideration to approve additional monies for teacher compensation for fiscal year 2009-2010, pursuant to A.R.S. §§ 15-952 and 15-537

- G. Consideration to accept the recommendations of the Career Ladder Advisory Committee and approve the following Career Ladder programs for fiscal year 2010 - 2011:
 - 1. Agua Fria Union High School District
 - 2. Amphitheater Unified School District
 - 3. Cave Creek Unified School District
 - 4. Chandler Unified School District
 - 5. Crane Elementary School District
 - 6. Dysart Unified School District
 - 7. Eat Valley Institute of technology
 - 8. Flagstaff Unified School District
 - 9. Flowing Wells Unified School District
 - 10. Kyrene Elementary School District
 - 11. Scottsdale Unified School District
 - 12. Tolleson Elementary School District

- H. Consideration to approve professional preparation program review team recommendations for Prescott College

- I. Consideration to approve the funds from Arizona Board of Regents, pursuant to A.R.S. § 15-204

Dr. Balentine tabled item G.

Mr. Moore moved to approve the consent agenda with exception of item G.

Motion second by Ms. Mendoza

Motion passes

3. CALL TO THE PUBLIC

No requests to speak

4. GENERAL SESSION

- A. Program update from the Office of English Language Acquisition Services

Mr. Stollar stated the presentation would provide information on the program statistics, monitoring, model implementation, and teacher training/standards.

The outline for the information provided is as follows:

- State statistics
 - ELL Counts

- Data
- Assessment History
- Monitoring
 - Data
 - Procedures
 - Observation
- Model Implementation
 - Components
 - ELL Student Performance
 - Castañeda v. Pickard
- Teacher Training/Standards
 - Data
 - Revision Process

Mr. Stollar provided statistical information on the K-12 average daily membership, percentage of ELL students in 2009, top 50 districts by percentages for school year 2008-2009 and the percent of ELL students by grade span for FY 2009.

Ms. Kelly Koenig stated the monitoring process is in compliance with federal and state statutes. An overview of the desk audit process and on-site visitation was presented. Ms. Koenig said OELAS has conducted 20 on-site corrective action follow-up visits, 20 on-site monitoring visits and there would be 20 more visits throughout March and May. Also presented was statistical information on SEI classroom observations from 2008-2009 and 2009-2010.

Ms. Marlene Johnston's presentation reviewed the SEI model components, reclassification rates and the difference in AIMS Reading scaled score by AZELLA for 3rd, 5th, 8th and 10th grade. A 2-year FEP study reflects that students who exited the ELL program are exceeding in each area of the AIMS test.

Ms. Adela Santa Cruz outlined the ELL training that has been offered to teachers in order to assist with the implementation of the English language Immersion models. Ms. Santa Cruz stated technical assistance is also provided to districts this includes individual trainings and monitoring visits. The next phase of training will include the use of the IDEAL portal and webinars. Ms. Santa Cruz said the English Language Proficiency standards are in the process of being revised. The mission of the revision is to link the ELP standards to the English Language Arts standards and to the language of the content standards. A timeline of the process was provided and a list of the stakeholders that make the revision committee. Ms. Santa Cruz stated the purpose of revising the standards was not to re-write the standards. The standards and their concepts will remain what is being reviewed and considered are the performance indicators.

Other areas of the revision process are:

- Strengthening of listening and speaking domain
- Focus on grammatical foundation of prerequisite language skills
- Feedback from public elicited on-line at completion of process

A COPY OF THE POWER POINT CAN BE PROVIDED BY THE STATE BOARD OFFICE

- B. Presentation and discussion regarding legislative affairs. The Board may take action to identify 2010 legislative priorities and to support, oppose or remain neutral on specific legislative proposals.

Ms. Owen joined the meeting telephonically at 10:04 AM.

Ms. Susie Cannata stated the Governor called the Legislature into a 6th special session to address the remaining 1.4 billion dollar deficit for fiscal year 2010. The special session bills would eliminate a portion of the deficit with revenue enhancement. Additional agency cuts were not at issue in this special session. As discussed the legislature did pass a referendum to put a temporary 1 cent sales tax on the ballot in a May 18th special election. Ms. Cannata asked Dr. Balentine if she would like to address the issue.

Mr. Yanez said a motion to state the Board would like to take a position in support of the initiative for the tax increase would be necessary.

Mr. Molera moved to support the Governors sales tax initiative; draft and submit a letter in favor of the initiative.

Mr. Moore second the motion

Dr. Nicodemus asked that the letter provide enough detail to articulate the issue and inform voters that the Board is in favor of the sales tax.

Supt. Horne and Ms. Ortiz-Parsons abstained from voting

Motion Passes

Ms. Cannata reviewed HB2235- This bill would make it mandatory that the Board to provide information and reports related to the investigation of a certificate holder to a school district that either employs or is considering to employ the certificate holder. The bill would also require the ADE to maintain a data base of certified persons that are under investigation. Mr. Yanez met with the bill sponsor to work on the clarification on the requirements of the bill.

HB2281 would prohibit district and charters from including courses or classes that are designed primarily for students of a particular ethnic group or that advocate ethnic solidarity. Mr. Yanez stated the Board would hold the decision on the sanctions to a district. The process would require a hearing.

Dr. Nicodemus and Ms. Mendoza stated they are concerns on the subjectivity and the language of the bill.

HB2298 would allow a variety of teacher preparation program providers to offer courses of study to teaching candidates with a bachelor's degree from an accredited postsecondary institution. The bill would require the Board to create an application and procedures that are less restrictive and those for traditional teacher preparation programs. Ms. Cannata said the bill had passed the House Education Committee and also the House Committee of the Whole.

HB2413 is a strike everything amendment relating to teacher evaluations. This bill was formerly the digital curriculum institute. The amended bill would require the Board to provide a model frame work for ensuring individual student progress and achievement. The frame work would be due by December 1, 2010 and the school districts would be required to implement the model by the 2011-2012 school year. The Bill would also require the Board to approve multiple professional development programs for use by school districts and a task force would conduct annual evaluations.

Dr. Balentine asked if this bill was related to RTTT application. Ms. Cannata said the bill was related to RTTT but was not sure if it was sponsored by the Governor's office.

HB2556 is a bill on the ADE reduction reform and the striker proposed would abolish office of County

School Superintendent in counties with a threshold population of more than a specified number. It would prohibit a school district governing board from transporting pupils to another district, unless pursuant to a field trip, athletic event or another type of extracurricular activity. Ms. Cannata reviewed the complete bill and said the bill has been the subject of controversy and it had not had a hearing yet.

Dr. Nicodemus asked if the legislature can be informed the conflicts and problems of the bill. Mr. Yanez stated there are administrative factors for school districts that would be troublesome and on the state level the issue would be the proposed reductions to the ADE. These reductions would impact the department and the field. Dr. Balentine asked the Board to address this bill at the March Board meeting and consider taking action if the proposals of the bill move forward.

Ms Cannata also reviewed HB2721, HB2725, HB2731, HB2732, and SB1286.

Mr. Molera asked if the bill representatives could be invited to the next Board meeting to discuss further the concerns of the Board on certain bills.

Dr. Nicodemus moved to convey that the Board has serious concerns with the legislation to the Education Leadership.

Motion second by Mr. Moore

Motion passes

Dr. Balentine asked to move to item 4E1

- C. Presentation, discussion and consideration to accept the recommendation of the Certification Appeals Advisory Committee and deny the application for certification for Robert Martz, pursuant to A.R.S. § 15-534.01

Ms. Jan Amator provided information on the process ADE follows for certification and stated the Certification Unit fairly and consistently applies the established rules of certification. Mr. Martz failed to submit the proper required coursework to the ADE. On January 7, 2010 Mr. Martz provided coursework to the CAAC which was geared for community college students rather than K-12 students. Ms. Amator stated that by a unanimous vote, the CAAC recommend that the State board affirm the decision by ADE to deny Mr. Martz a secondary teaching certificate.

Ms. Mendoza asked if Mr. Martz had passed the professional knowledge portion of the AEPA test. Ms. Amator said he had.

Mr. Martz stated there are several potential outcomes to the process; the first the denial of his request, the second would be the proper understanding and interpretation of the rules where experience, drive and determination are assessed and overrule a course catalog description and thus granting him the ability to continue his teaching career. Mr. Martz stated several issues remain unanswered from the initial hearing. There was no agreement of understanding if any or at all of the 22 hours of course work from his graduate studies would count towards the state requirements. In the hearing there was little review of the materials and evidence provided. Mr. Martz said he could have entered actual work from the courses and written testimonies from past professors attesting to the fact that in the classes he met the Arizona Academic Standards. Mr. Martz said he has entered this information for the Board. Mr. Martz stated that as educators strive for excellence for high school students to become lifelong learners they must be treated as adults in terms of their education therefore instructors should be more capable of college level performance than kindergarten.

Mr. Molera moved to overturn the recommendations of the CAAC. Mr. Molera stated he does not agree

with the decision of the CAAC.

Mr. Lucero second the motion

Dr. Balentine asked if Ms. Amator could further explain the options Mr. Martz could have. Dr. Nicodemus asked for clarification from Ms. Pollock.

Ms. Pollock stated the CAAC made their decision based on R7-2-609 and R7-2-602. Ms. Pollock said the course work completed did not meet the requirements established.

Dr. Nicodemus asked if the rule that is not clear could be modified. There should be immediate attention to the rule to find consistency in the process and the requirements for certification.

Ms. Pollock stated the rule is not the same word for word as the information on the application. The information on the application is the interpretation of the rule.

Supt. Horne returned at 11:54 am

Mr. Yanez said there is a motion on the floor and legal council should be contacted for clear information on the motion and additional motions that may be needed.

Recess at 11:59

Reconvened at 12:14

Mr. Molera withdrew his initial motion

Motion second by Mr. Lucero

Motion Passes

Mr. Molera moved to modify the proposed findings as follow; Mr. Robert Martz did demonstrate the completion of 30 semester hours of education courses which could teach the knowledge and skills described in R7-2-602 as exhibited by testimony as well as the applicant's exhibits 1-12

Motion second by Mr. Lucero

Supt. Horne his vote would be in favor of the motion and stated the staff in certification apply the rules as written however it is appropriate that Mr. Martz should be certified. Supt. Horne stated this case would not be used as a precedence.

Motion passes

Mr. Molera moved modify the proposed conclusions of law as follows; Mr. Martz meets the requirements for provisional secondary certificate as delineated in A.A.C. R7-2-610

Motion second by Mr. Lucero

Motion passes

Mr. Molera moved to grant Mr. Robert Martz's provisional secondary teaching certificate

Motion second by Mr. Lucero

Motion Passes

Recess for lunch at 12:17pm

Reconvened at 12:50 pm

Mr. Lucero did not return after the recess.

Dr. Balentine asked to continue with item G

- D. Presentation and discussion regarding the Common Core State Standards Initiative. Discussion may include, but is not limited to, the initial draft of the standards transition plan

Ms. Cheryl Lebo stated the ADE is committed not only to developing clear and rigorous standards, but to supporting and assisting schools in implementing those standards so that all Arizona's students have the opportunity to learn them. Ms. Lebo said with that goal in mind, and to be responsive to the field, the ADE has developed an implementation plan to transition to the AZ Common Core Standards (2010).

An outline was provided of the professional development and technical assistance the Arizona Department of Education will sponsor to ensure that districts, schools and teachers receive the assistance they need in integrating the Common Core Standards into a comprehensive course of study in K-12 including Reading, Writing, Listening, Speaking, Mathematics, Science, Social Studies, Fine Arts, and Health/Physical Education. Ms. Lebo said the goal is to help teachers recognize how the standards complement one another and how learning is strengthened when connections are made across curricular areas.

The support and assistance plan is comprised of two components:

- I. Professional Development
 - a. Mathematics and English language arts content and the new standards
 - b. Integrating mathematics and English language arts: Cross-curricular connections
 - c. Curriculum alignment and development including developing assessment systems aligned to the new standards
- II. Technical Assistance
 - a. Resources: The built-in instructional support that provides clarification/explanation of the performance objectives and supporting instructional examples to assist teachers in understanding and teaching the content of the standards
 - b. Resources: The selection and use of instructional materials that support the mathematics and English language arts standards
 - c. Closer to home: Regional assistance in implementation
 - d. Communication networks

It is not an all-inclusive or rigid plan; the ADE will modify, adjust, and add as the plan progresses. It is our belief that careful and intentional planning will allow educators to experience a natural and smooth transition from the "old" to the "new" standards and enhance their abilities to effectively teach in a standards-based system.

Ms. Lebo said the standards would be posted on-line for 30 days to make the information available for the public to provide input. Dr. Balentine asked if Ms. Lebo could provide the Board with the information received by the public. Ms. Lebo stated she would make sure to keep the Board updated and provide all information received.

- E. Presentation, discussion and consideration to determine non-compliance with the USFR for failing to correct deficiencies and to withhold state funds, pursuant to A.R.S. §15-272(B), from the following districts:
 - 1. San Carlos Unified School District
 - 2. Continental Elementary School District

Mr. Chad Sampson provided an overview of information for the San Carlos USD and provided a list of the Auditor General's findings. Mr. Sampson said representatives from the district were present.

Supt. Richard Wilde stated Ms. Catherine Steele and Ms. Sharon Nosie were also present to address any questions the Board may have.

Supt. Wilde provided a handout with the list of areas where the Board has made modifications to move towards compliance. The 10 step list included:

1. Creation of action plan for improvement. Creation of procedure manual outlining processes and USFR rules (FY 2010)
2. In-service key staff in July 2010 on the procedures manual
3. Clarifications on the accountability roles and disciplinary practices for intentional non-compliance
4. Quarterly reviews of processes by outside consultant. In-service related to process errors. Discipline intentional non-compliance
5. Engage Tax Accountant to address Internal Revenue Service issues
6. Begin closing accounts with vendors not included in Purchasing Cooperatives
7. Require monthly meeting between Federal Projects and Business Manager
8. Decentralize budgets and budget decisions. Hold building and administration accountable
9. Implement electronic requisition system to eliminate loss of duplication of orders
10. Training, checking and modifying procedures. Implementing an improvement cycle to the business functions

Mr. Molera asked when the district expects to be back in compliance. Supt. Wilde stated they expect to have another mini-audit in March and thereafter make the changes needed and expected to be back in compliance in June.

Mr. Molera asked if the Auditor General's office was provided the information Supt. Wilde presented to the Board with a goal time frame of June.

Supt. Horne left the room at 11:09 am

Mr. Molera moved to find San Carlos USD in non-compliance with the USFR but hold any action until a new visit from the Auditor General's office.

Dr. Nicodemus asked to amend the motion and include the June deadline.

Motion second by Mr. Lucero

Motion passes

Supt. Horne did not vote

Item 4E2

Mr. Sampson provided the summary of the Auditor General's Findings for Continental Elementary School District.

Supt. Horne returned at 11:16 am

Supt. James Nelson provided information on the actions that brought the district to non-compliance and stated the district has taken this matter very seriously. Supt. Nelson stated new staff has been hired and the various changes to move towards compliance have been made. Supt. Nelson said the district is ready for a new visit from the Auditor General's office and requested to not have additional withholdings.

Supt. Horne stated he had to be excused from the meeting due to a demonstration against him at the legislature. Supt. Horne left the meeting at 11:18 am

Mr. Moore asked if the district would be ready for a visit from the Auditor General's office before June. Mr. Nelson said the district anticipates being ready and would request a visit within 30 days.

Dr. Nicodemus moved to find Continental Elementary School District in non-compliance with the USFR but do not withhold the recommended 3% and allow time for a new visit from the Auditor General's office that shall take place no later than June.

Motion second by Mr. Moore

Motion passes

Supt. Horne did not vote

Dr. Balentine asked to continue with Item C.

- F. Presentation, discussion and consideration to initiate rulemaking procedures for proposed rule, R7-2-615(F), regarding reading endorsements

Ms. Amator requested to open the rulemaking process on the proposed amendment to R7-2-615(F). Proposed amendment would allow a passing score on the AEPA reading Specialist exam to be substituted for 21 semester hours of reading endorsement course work.

Mr. Moore moved to initiate rulemaking procedures for proposed rule, R7-2-615(F), regarding reading endorsements

Motion second by Dr. Nicodemus

Motion Passes

- G. Presentation, discussion and consideration to initiate rulemaking procedures for proposed rule, R7-2-1002, regarding school district procurement

Mr. Yanez requested to open the rule making procedures for proposed rule R7-2-1002.

Mr. Molera moved to initiate rulemaking procedures for proposed rule, R7-2-1002, regarding school district procurement.

Motion second by Mr. Moore

Motion passes

- H. Presentation and discussion regarding proposed rules, R7-2-604.03, R7-2-604.04 and R7-2-614, relating to Alternative Professional Preparation Programs and Intern Certificates

Mr. Yanez stated the Board instructed staff to prepare proposed rules designed to broaden the scope of alternative teacher certification in Arizona. The following are the key aspects of the proposal:

- The creation of two new sections of rule specifically designed to govern Alternative Professional Preparation Programs. The rules pertaining to traditional preparation programs are not amended
- Streamlined application and evaluation procedures for organizations seeking approval as Alternative Professional Preparation Programs
- Clarification that a variety of public and private organizations may qualify as approved programs
- Amended to existing rule R7-2-614(E) that are designed to enhance the utility of the Teaching Intern Certificate

Mr. Yanez stated the rulemaking procedures related to these proposed rules opened on January 25, 2010 and on February 16th staff held a public hearing, in accordance with Board policy. Mr. Yanez said given

the substantive nature of the amendments to the rule additional time should be permitted for public input.

Call to public for item 4H

- Mr. Andrew Morrill, Vice-President of the AEA, stated AEA was in support of the change made on the length of program approval from 10 to 7 years. Mr. Morrill said the amendment made to the evaluation of candidate's field experience should not be shortened.

Ms. Ortiz-Parsons asked to change her vote on letter in support of the 1cent sales tax and add to the record that she would abstain from the vote.

No objections to the change.

Mr. Molera rescued from Item I

- I. Update Regarding *Gilbert Unified School District No. 41 v. The State of Arizona et. al.* The Board may convene in executive session, pursuant to A.R.S. §38-431.03 A(3) and (4), to receive legal advice and/or consult with and instruct counsel on Board's position on matters relating to *Gilbert Unified School District No. 41 v. The State of Arizona et. al.* The Board may, in general session, take action to authorize Board counsel to act on the Board's behalf in this matter in accordance with instruction given in executive session

Dr. Balentine stated there were request to speak from the ASBA and the AEA before moving to Executive Session.

Public comment for item 4I

- Ms. Beth Sauer from the ASBA stated a letter was submitted from ASBA's General Counsel, Mr. Chris Thomas regarding the legal basis for the appeal based on the uniformity clause. ASBA would like to see all districts join career ladder or another locally determined professional development program.
- Mr. Andrew Morrill said the AEA would request to enter the appeal. Career ladder is a time proven tool and requested to file the appeal.
- Ms. Michelle Marshall on behalf of Scottsdale Unified School District submitted a statement. Mr. Yanez read the written statement which read: Scottsdale Unified School District supports a vote in favor of appealing the decision in Gilbert USD v. Arizona. Career Ladder has improved individual teacher performance and it has benefited our teachers as well as our students. We agree that all districts should have the opportunity to participate in career ladder or a similar program that promotes individual teacher performance. However, rather than ending Career Ladder in its entirety, we support finding a way to expand it so that all have the opportunity to participate.

Dr. Nicodemus motioned to moved to Executive Session

Motion second by Ms. Ortiz-Parsons

Motion passes

Executive Session at 12:32 PM

Reconvened at 2:08 PM

Mr. Moore moved to give direction to the Solicitor General's office to appeal the decision.

*Motion second by Supt. Horne
Nay-Ms. Mendoza*

5. ADJOURN

*Dr. Nicodemus moved to adjourn
Motion second by Ms. Mendoza
Motion passes*

Meeting adjourned at 2:13 PM