

**Minutes
State Board of Education
Monday, March 26, 2007**

The Arizona State Board of Education held its regular meeting at the Arizona Department of Education, 1535 West Jefferson, Room 417, Phoenix, Arizona. The meeting was called to order at 9:00AM.

Members Present

Mr. Jesse Ary	Mr. Larry Lucero
Dr. Vicki Balentine	Ms. Anita Mendoza
Dr. John Haeger	Mr. Jacob Moore
Ms. Martha Harmon	Dr. Karen Nicodemus
Superintendent Tom Horne	Ms. Cecilia Owen
Ms. Joanne Kramer	

1. BUSINESS REPORTS

A. President's Report

Dr. Karen Nicodemus reported on the following meetings she has attended:

- Governor's P-20 Council and Education Alignment Committee
 - The state has acquired funding from the Ellis Foundation to support an endeavor with Achieve to look at the math standards and their alignment to national/international standards as well as appropriate entry level math skills
 - Reports will be available in late October
 - ADE personnel also participate in these meetings
- Virginia Scholars Program looking at college readiness
 - Report was provided regarding early scholars, assessing and preparing for the workforce
 - Per pupil expenditure information also available in materials provided showing Virginia's expenditure is almost double that spent in Arizona
- Participated on a panel with Congresswoman Giffords, who represents Southeastern Arizona, around NCLB where the Congresswoman took comments

Dr. Nicodemus asked members to consider a special meeting, to be held off-site, to engage in substantive discussions regarding the policy issues, work plan, etc., before the Board at this time.

B. Superintendent's Report

Superintendent Horne reported on the following ADE achievements which are detailed in the attached material:

- Academic Achievement Division
 - 2nd annual spring NCLB meeting
 - Professional Development and Leadership Academy
 - Summer Food Service Program Kick-Off Event
- School Effectiveness Division
 - Ongoing monthly training for principals, site coaches and district coordinators
 - Forum at ASU West with turn-around personnel
- Standards and Assessment Division
 - School safety program administrator training

Superintendent Horne introduced a new staff member, Mr. Kelt Cooper, who will be serving as Director of Technical Assistance in English Acquisition Services. Mr. Horne noted that the recent

Flores decision referred to Mr. Cooper as having been referred to as “super Cooper”. Mr. Horne reiterated that under Mr. Cooper’s leadership the Nogales Unified District had four schools where students who were ELLs in 2003 were passing the AIMS English test in 2005. Mr. Horne noted that Mr. Cooper, during his tenure as Superintendent of the Nogales Unified School District, instituted significant changes including eliminating social promotion, instituting intervention for kids who were falling behind, summer remediation, advanced programs for students in grades 4-8 science and math, reducing class size, eliminating aides and focusing on hiring and supporting highly qualified teachers, eliminating bilingual and emphasizing English immersion, and eliminating interdisciplinary courses.

Superintendent Horne reviewed the accomplishments of the Department in the last four years:

- Arizona has been listed as 49th out of 50 in its spending; however our students perform above the national average on all comparisons due to wise decisions made by SBE particularly in rigor and accountability
- Several years ago students were failing and the SBE decided to stick with its decision which motivated students to study harder
- SBE has emphasized accountability and improvement which is showing in schools as they achieve performance levels
- We are seeing Arizona scores go up on aptitude tests which enforces high stakes tests
- SBE has also instituted strong standards as represented by a study done by the History channel; math standards ranked 10th in country
- The ADE and SBE have worked well together and it is hoped that this will continue
- Need to get legislature to raise spending amount and then Arizona can rank among the top ten in the country

C. Board Member Reports

Mr. Ary shared that he has been asked to serve on a KAET Channel 8 education programming committee which will work toward:

- formulating a plan to bring about prime time weekly programming relating to education in Arizona
- including feature segments and related topics
- involving ADE, business, public education, higher education and non-profit communities

Mr. Ary stated that the hope is to bring about public awareness on these issues and that he is delighted to serve in this capacity.

D. Director’s Report

1. Update Regarding AIMS Calculator Study

Mr. Vince Yanez, Executive Director, State Board of Education, stated that the SBE approved a research proposal with AEPI to look at whether calculator use on the high school AIMS test has a significant impact on the test results and if so, to develop a conversion to make sure the integrity of the test is maintained and the test results are valid so that those students can count as taking the test for the purpose of AYP calculations. Mr. Yanez added that ADE supplied data to the research group; however, the specific data required is not collected in the current process for administering the AIMS test in that there is an indication that students used non-standard accommodations on the math test but the specific accommodations were not indicated. Mr. Yanez noted that a condition of the research moving forward was that the data be clean and based on the present data the study cannot move forward.

Mr. Yanez then explained a second research proposal that began in December that looks at whether any accommodation has an impact on the high school math test and if it does not then the SBE will have the option of submitting to the feds that any accommodation on the high school

math test does not impact the results and therefore the students should count for the purposes of AYP calculations. Mr. Yanez added that this is subject to peer review before it can be approved. Dr. Balentine asked if there is a way to get data at the present time from students taking the test and then move forward with this year's data, and Mr. Yanez responded that AEPI is still willing to complete the study if schools could be surveyed and students who have appropriate IEPs that are permitted to use calculators on the high school AIMS test are identified. Mr. Yanez noted that there would have to be a very high return on survey results and assistance would be necessary from the ADE to accomplish this.

Superintendent Horne stated that ADE could assist in this effort but the biggest issue is to get the information back from schools in a timely manner.

Ms. Mendoza noted that smaller schools have opted not to use the accommodation since they need to be able to count the students as having been tested. She added that a number of returns might be questionable regarding valid information. Mr. Horne noted that the civil rights division has a ruling that says that even though the IEP calls for a non-standard accommodation, it is permissible for schools not to allow students to use those accommodations on the test as long as they get it in their instruction.

Dr. Nicodemus clarified that there is still research being conducted on behalf of the ADE which will provide some information around this issue. In addition, Ms. Roberta Alley noted that these results are due in April. Dr. Nicodemus asked if we find that the use of a calculator as a standard accommodation does not invalidate the test, if there would then be an effort to hold harmless students that are testing in April and if that were to affect the school ratings or whether it would be related to the 07-08 year. Superintendent Horne responded that this affects the schools, not the student, and AYP is determined in August. He added that if this determination is needed prior to August, it can be done. He noted that the idea of the ASU study was to try to adjust for the scores and that the workbooks would have to be amended, which has been requested of the feds. He added that if the study shows that there is not a significant impact, they could go ahead. Mr. Horne added that if they are unable to get information from the schools they will report this also.

Ms. Owen arrived at 9:30AM during the previous discussion.

2. Update Regarding Flores v. State of Arizona

Mr. Vince Yanez, Executive Director, State Board of Education, stated that follow-up information will be brought to the SBE as it is available. Mr. Yanez noted that a more formal update will be brought by State Board Counsel at a later time, possibly at a special meeting, regarding the specifics of the ruling and future possibilities with this case. Mr. Yanez outlined the background:

- In January 2000 the federal district court held that the state's minimum funding level for ELL programs was arbitrary and bore no actual relationship to the cost of providing those programs to students
- Over the next several years there has been additional court rulings
- Last year HB 2064 was passed in an attempt to address the court order and when this legislation went into effect, the district court initially held that it was not adequate and didn't meet court requirements
- On appeal the 9th circuit held that the federal district court had to have an evidentiary hearing in order to make a fair determination
- This hearing was held resulting in the order issued last week

Mr. Yanez quoted the court's declaration, "HB 2064 fails to satisfy the court's judgment because it does not provide funding for ELL instruction for all ELL students that is rationally related to the cost of that instruction". Mr. Yanez noted the key findings:

- HB 2064 violates federal law by requiring the use of federal funds to offset the state obligation

- Two-year limitation placed on funding for those students was not permissible

Mr. Yanez noted that members received a copy of the complete 16-page order which is included in the materials packet and that a more formal presentation/update will be scheduled in the near future.

Dr. Balentine asked for additional information regarding how this commission established through this house bill is actually determining instruction for the next year and what this is going to look like in the field.

Mr. Yanez responded that the ELL Task Force has been asked to present this information to the SBE in the near future.

2. CONSENT AGENDA

A. Consideration to Approve State Board Minutes

1. February 26, 2007

B. Consideration to Approve Contract Abstracts

1. State of Arizona's General Fund (HB 2140)

2. Federal Title I – Part C, Migrant Education Program Section 1304 (c) (1) (B) and (D) of NCLB PL 107-110

3. Federal Title I – Part C, Migrant Education Program Section 1301, et. seq.

4. State Leadership funds from Title II of the Workforce Investment Act of 1998, Federal P.L. 105-220: The Adult Education and Family Literacy Act (P.L. 105-220), A.R.S. § 15-234, and The State Plan for Adult Education

C. Consideration to Accept the Voluntary Surrender of the Teaching Credentials for the Following Individuals:

1. Bruce W. Hatfield, Case # C-2004-116

2. Robert C. Roberts, Case # C-2007-004

D. Consideration to Approve Request from Window Rock USD to Budget and Accumulate in the Unrestricted Capital Section for Fiscal Year 2006-2007

E. Consideration to Approve Receipt of Funds Directed to the ELL Teacher of the Year Program

F. Consideration to Approve Qualified Providers for the Full Structured English Immersion Endorsement

G. Consideration to Approve Additional Monies for Teacher Compensation for Fiscal Year 2007-2008, Pursuant to A.R.S. § 15-952 and A.R.S. §15-537

H. Consideration to Reappoint Dr. Tacy Ashby to the WestEd Board of Directors

Motion by Dr. Balentine and seconded by Ms. Kramer to approve the Consent Agenda. *Motion passes.*

3. CALL TO THE PUBLIC

There were no additional requests from the public at this time.

4. GENERAL SESSION

A. Presentation and Discussion Regarding Framework for Professional Development Delivery and the National Staff Development Council Standards

Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, presented the item per the materials provided in the packet.

Ms. Donna Campbell, Education Program Administrator, Title II Highly Qualified Professionals, Arizona Department of Education, presented perspectives and information from the external partners, LEAs, ESA, school educators and staff, parents, and students in ways they work together in professional development efforts.

Ms. Owen noted her concern regarding systemic issues in schools to support ongoing staff development, noting the absence of department heads and under-staffed departments in some districts. Ms. Campbell noted the lack of understanding of quality professional development which is something they are working on by strengthening leadership's understanding and utilizing the standards inventory and noted that 5-10 years is needed to implement this work. Ms. Campbell added that it is the hope that career ladder will fit into the programs they are introducing.

Dr. Haeger asked about the link to student performance from professional development and Ms. Campbell noted that there may never be a direct link but correlations should be obvious over time just as Reading First efforts have shown an increase in reading scores. Dr. Haeger noted his concern regarding not being able to show a direct link as there has to be a way of knowing what works. Ms. Campbell noted that too many issues are being focused on at this time and that professional development is the most likely to have positive effects when it is the main focus of changing teaching practices.

Ms. Mendoza noted that ADE's opportunities have increased over time, however, the small, rural and charter schools are not always able to participate due to their smaller numbers. She suggested continued accessibility for these situations and Superintendent Horne added that a requirement of a larger number of participants should be looked at. He added that the IDEAL system has assisted in these efforts and should also be expanded.

Dr. Nicodemus noted the issue regarding professional development in terms of time, money, teacher morale and time taken from the classroom and asked if there should be discussion regarding a professional development policy perhaps having it outside the school year and perhaps grant funds to support these activities. Superintendent Horne noted that a proposal for \$15M for mentoring has been put before the Legislature and other requests in this area will be brought to the Legislature.

B. Presentation and Discussion Regarding the Educator Performance Assessment

Mr. Vince Yanez, Executive Director, State Board of Education, noted that at the January meeting the SBE discussed fee authority related to the existing proficiency assessments as well as the performance assessments which the SBE adopted in June 2005. Mr. Yanez noted that some members expressed concerns about moving forward with the performance assessment as approved and asked Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, to provide a summary of this item.

Ms. Amator presented the following points:

- SBE rule states that there will be a performance assessment to move from the provisional to standard certificate
- No action was taken by SBE and there was a deadline of June 2005 by which the SBE should make its decision
- Certification Task Force was convened during this timeframe and a sub-committee which looked at this assessment
- The unanimous decision was to have a performance assessment
- Certification Committee recommended to move forward
- ADE went forward and the development of the performance assessment began
 - Rubric is being used in the Master Teacher Program
- This is a high stakes assessment and the applicant would need to pass psychometric reliability and accountability
- Take One was considered, which is one entry of National Board Certification, which embodied every attribute developed by the task force and was set to be part of a teacher's meaningful everyday work
 - SBE accepted Take One to be contracted with ETS at June 2005 meeting
 - Cost is \$390 and has proved to be problematic in the field

- Connecticut pays this fee and the outcome is increased teacher retention and student performance

Mr. Yanez noted that:

- Current Board rule reads conditionally so if we have a performance assessment the expectation is “this” and if we do not have a performance assessment the expectation is “this”
- Since 1999 the field has been working with the understanding that the performance assessment is a possibility
- June 2005 was the cut-off date for SBE to make a decision as to whether a performance assessment would be implemented and SBE chose to do that
- Current SBE rule, R7-2-602, defines professional teaching standards and the performance assessment is designed to measure teacher competency around those specific standards in Board rule
- Following adoption of performance assessment, fee authority became a question and in September last year, SBE was notified that clarification was needed in statute, HB 2382
 - After SBE’s discussion in January, the SBE elected to remove that language from the bill; therefore fee authority was not requested this year
 - This would mean that the timeline, should the SBE move forward with performance assessment, would be extended even further

Superintendent Horne reported that if the SBE asked for legislative authority to charge the \$390 to teachers, he felt it probably wouldn’t be approved. He added that his Superintendent’s Advisory Committee asked to convey opposition to proceeding with this assessment.

Dr. Haeger stated that performance assessment leads to certification and asked about the teacher quality and support committee, which looked closely at a professional standards board where certification would depend on a teacher-dominated organization. Dr. Haeger added that there is a meeting later this week of this committee and the Governor’s P-20 Council that will look at these issues including not only performance assessment and but also those in the best position to accredit people in the teaching profession. Dr. Haeger asked if today’s decision would take precedence over the other meetings this week or whether this is an advisory issue.

Mr. Yanez clarified that currently the statutes are clear regarding authority related to teacher certification that is vested with the SBE, however, there have been discussions regarding the creation of a professional standards board for quite some time. He added that the SBE is responsible at this time to make this decision and the field is in a position where they don’t know what the expectation is, so the SBE has to look at performance assessment and decide whether to move forward and whether to move to a professional standards board.

Dr. Haeger asked for clarification on this matter and Superintendent Horne responded that his view has been that policy decisions related to certification are inexplicitly connected with other policy questions and that the SBE should retain its authority over questions pertaining to certification. He added that he supported a bill that would have created this board for the purpose of dealing with discipline cases only but the bill did not reach a hearing.

Dr. Balentine responded that in general the support for performance assessment is very strong and National Board Certification is highly regarded and valued. She noted that the challenge is perhaps related to the struggle that the committee went through in identifying that the Department didn’t have the capacity to develop and/or implement the program.

Dr. Haeger asked if there is an implementation plan that provides necessary funding in the development of the performance assessment.

Ms. Amator responded that performance assessment is a certification issue and therefore each individual’s responsibility; however, some districts have considered taking this on as part of a benefit package. She noted that there is an implementation timeline and the advantage of utilizing an

external Take One is that it has online support. However, she added that Arizona's teacher shortage creates a lot of pressure on districts to offer benefits that some other districts cannot offer.

Ms. Harmon asked if this is an item that needs context and asked that this be discussed further.

Dr. Nicodemus clarified that Take One is a professional development effort and Arizona would be the first state to use this for professional development aside from national board certification. Ms. Amator clarified that while this is a national board product, Arizona teachers would be involved in setting the score, but that if established as too easy the fee could be called into question if both "good" and "not so good" teachers can earn the same score.

Mr. Andrew Morrill, Vice President, Arizona Education Association, noted that this Board has adopted professional teaching standards and determined that each will be assessed, and if the SBE does not adopt this, he challenged the SBE to quickly figure out what is going to be used to assess the four critical areas that are not now being assessed. Mr. Morrill pointed out that:

- National Board Certification costs \$2500 and has a 40%-50% failure among first time tries
- Highly qualified indicators are national mandates but are all content specific
- If orientation were around quality this would be a slam dunk
- Must figure out how to assess whether teachers are meeting the standards
- Assessment is not cheap and may be an issue for legislature to cover the expenses and it shouldn't be that hard for them

Superintendent Horne pointed out that the standards are a minimum, not a maximum, and to assess these kinds of skills is not cheap. Ms. Mendoza reminded members that there is a professional site administrator, not assessed by the state, but may be assessed by the site. She added that an assessment is not always the answer to performance in the classroom.

Dr. Haeger asked how it could be paid for and how to create equity among the districts and Mr. Morrill responded that many other professions have to take this kind of exam and this fee is among the lower end of cost in comparison. He added that deferment and other options could be considered. Superintendent Horne added that a teacher can teach on a provisional for six years and that they wouldn't have to take the test until the 6th year.

Mr. Yanez clarified that when the SBE discussed this late last year, it postponed, indefinitely, implementation of the performance assessment, so the field is under the impression that performance assessment has been adopted. However, the SBE has not set a date as to when teachers will be expected to take that assessment. Mr. Yanez noted that when rule change occurs, changing a provisional certificate from two years to three years, the individuals that receive that first three-year provisional certificate will be required to take the performance assessment. However, he added that since that rule package has not moved forward, everyone in the field at this time is not expected to take the assessment.

Ms. Amator added that there is no conversion at the present time and Mr. Yanez noted that teachers now receive a two-year provisional certificate that is converted to a standard certificate; however, there is no performance assessment. Dr. Nicodemus added that since this would require legislative action, then implementation could, at best, begin after the 2008 Legislative session. Mr. Yanez added that if legislation is successful in 2008 and rules accompanied that legislation to change from a two-year to a three-year provisional, then the first requirement to pass the performance assessment would be in 2011 unless they chose to continue under a provisional certificate.

Mr. Moore asked about the price and Ms. Amator noted that this proposal from ETS was accepted by the SBE. Mr. Yanez noted that a stop order has been put on the contract with ETS to develop a statewide performance assessment.

Dr. Haeger asked if there is a way to add that the SBE would still have the responsibility of the test's implementation, the actual cost, etc. Mr. Ary asked if half-funding would be feasible with legislature and Mr. Horne responded that there is a lot of negative view at the legislature at putting more burden

on teachers and that it would be better to ask legislature to fund the test. He noted that there also has to be consideration that those who don't pass the test may sue.

- C. Presentation Regarding WestEd Report: *High School Rigor and Graduation Project: A Review of the Literature and of Current Efforts and Recommendations About Next Steps*

Dr. Nicodemus reported that this item will be tabled to a future date.

- D. Update Regarding Legislative Affairs. The Board May Take Action to Support, Oppose or Remain Neutral on Specific Legislative Proposals. Pursuant to A.R.S. § 38-431.03(A) (3), the Board may Vote to Convene in Executive Session for Consultation and/or Legal Advice Regarding HB2382.

Mr. Vince Yanez, Executive Director, State Board of Education, noted that very little change has happened since the last meeting on items related to SBE bills, and highlighted the following:

- HB 2382 related to fees failed at the House and failed on re-consideration
- Progress on this bill will be communicated to members

- E. Presentation, Discussion and Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Suspend the Certificates Held by Steven M. Linder, Case # C-2005-053

Mr. Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education, summarized the information provided in the materials packet. Mr. Easaw noted that the PPAC's hearing was in 2006 which would have resulted in approximately one year's suspension.

Mr. William Holder, Legal Counsel for Mr. Linder, presented the following:

- PPAC hearing was in January 2007
- Mr. Linder has been a quality instructor for about 30 years
- The SBE must believe that it is necessary to protect the general public
- Mr. Linder pled guilty and paid the fine and served the punishment
- Question as to whether further discipline from the SBE is needed:
 - Incident did not affect children or students
 - Administrator's testimony
 - Dr. Perrin's report, a licensed psychologist
 - Another case involving this same offense where the PPAC brought no complaint against the certificate but the applicant was required to go through a screening process and the PPAC placed a letter of censure in the person's file
 - The role of the state is not to protect the reputation of the profession as there was no danger to the public
- Suggested that a suspension through today might be appropriate as TUSD has agreed to place Mr. Linder back in the classroom after the penalty has been served

Mr. Ary asked for clarification regarding protecting the public versus protecting the profession's reputation. Mr. Holder explained that protecting the public may involve keeping a teacher in the profession where that teacher represents a danger of some kind to teachers or students and protecting the reputation of the profession would involve conduct which did not endanger the public or any particular individual under the evidence presented but may damage the reputation of the profession itself.

Mr. Steven Linder stated that he has taught for 37 years with excellent evaluations and has dedicated his life to this work and that he wouldn't do anything to hurt children. Mr. Linder listed the committees he has served on, working closely with parents and fellow teachers, and that this incident happened in 2004. Mr. Linder stated that he is looking to start teaching in Fall 2007 and that his district is looking forward to this opportunity. He noted that if the suspension goes through

December 31, 2007, as proposed by the PPAC, he wouldn't be able to go back to the classroom as the districts hire at the beginning of the year.

Ms. Harmon asked about the relevance and Mr. Linder responded that this wasn't involving children, that he didn't use good judgment and that this will not happen again. He noted that he has dedicated his life to teaching and that this will never happen again.

Ms. Harmon asked Mr. Easaw why a one-year suspension was recommended by the PPAC and Mr. Easaw noted that the PPAC indicated that Mr. Linder's counsel suggested the one-year period.

Ms. Mendoza asked about the psychologist report and Mr. Holder noted that he recommended a psychologist's evaluation and that it be included in the report.

Dr. Nicodemus noted the suspension process and that if the certificate is automatically active, and Mr. Yanez stated that the Investigative Unit will have to work with the district(s) to make sure there were no further incidents.

Motion by Ms. Kramer and seconded by Mr. Ary to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and suspend the certificates held by Steven m. Linder through December 31, 2007. *Motion passes. Ms. Harmon and Ms. Owen voted no.*

F. Presentation, Discussion and Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Deny the Applications for Certification for the Following Individuals:

1. Gregory Cobb, Case # C-2005-175 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education, summarized the information provided in the materials packet, noting that Mr. Cobb nor counsel were present. Motion by Ms. Mendoza and seconded by Mr. Lucero to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and deny Gregory Cobb's application for certification. *Motion passes.*

2. Albert Ng, Case # C-2004-119 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education, summarized the information provided in the materials packet noting that Mr. Ng originally answered no on the application to a question regarding having ever been arrested.

Mr. Albert Ng stated that he made a human error and copied from a previous application incorrectly. Mr. Ng stated that he was afraid of appearing in front of a board, that he had nothing to hide, but that this was just an error.

Ms. Mendoza noted that his statements are believable and asked if the misunderstanding came from the fact that his specific problem was not among the listed items and Mr. Ng answered yes.

Mr. Yanez clarified that if this application is denied Mr. Ng would have a five-year waiting period before he can apply and if he voluntarily withdraws his application, there is no waiting period. Dr. Nicodemus asked Mr. Ng whether he thought about withdrawing and re-submitting and Mr. Ng stated he didn't want to wait and that he wanted to help students.

Motion by Superintendent Horne and seconded by Ms. Harmon to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and deny Albert Ng's application for certification. *Motion passes.*

3. Rhonda Payne, Case # C-2006-044 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education, noted that Ms. Rhonda Payne is out of state and asked that this item be tabled.

4. Francisco Segovia, Case # C-2005-030 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education, noted that Mr. Segovia's attorney has requested that this matter be tabled to the April calendar.

5. Geoffrey West, Case # C-2006-117 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education, noted that this matter came to the PPAC as substantively incomplete and that the requested information has not been received.

Motion by Dr. Balentine and seconded by Ms. Kramer to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and deny Geoffrey West's application for certification. *Motion passes.*

6. Kim Youngblood, Case # C-2003-095 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education, stated that Ms. Youngblood is present.

Ms. Kim Youngblood introduced herself as Ms. Kim Youngblood Coyle and stated the following:

- Denied hitting student; any physical contact characterized as a hit is unjust
- Hearing officer found that she did not inflict pain and any admonishment was for conduct and not for speaking Spanish
- Regarding the aggravating factors:
 - Contract was terminated
 - Was successfully employed for three years, including substitute teaching
 - Student testimony is misleading; three students were not allowed to testify, three students were not present, three students gave differing testimony than was originally given to officers
 - Teaching assistant was hired contrary to protocol; she was not included in the hiring process
 - Teacher aide's testimony was not true
 - Conduct was not causing pain and was not for speaking Spanish
- Had a clean record for 10 years and since this incident
- Conduct of some students is questionable
- Allegations were made six weeks after the fact
- If credibility of students was an issue before, it may now be an issue
 - Three of four have criminal records
 - Believes students were manipulated and blames adults, parents or administrators or another group
- Hopes someone will look into the administrator's actions and decisions
- This incident has followed her wherever she goes
- Students have made declarations that vary and should be of concern
- Clarified that not at Scottsdale, but later on, some students were provoking her to hit them
- The process threw her into an area of disingenuousness
- She sees politics in the workplace

Ms. Kramer asked Ms. Youngblood Coyle to demonstrate a "re-focusing touch" and Ms. Youngblood Coyle demonstrated a pat on the back or grasping an arm indicating the student should take a seat. Ms. Youngblood Coyle stated she felt betrayed at the statement that she hit students for speaking Spanish when she always thought being bilingual is special. Ms. Youngblood Coyle added that some students were middle school and some were high school. Ms. Mendoza asked if there was an opportunity to gain perspective and collaboration of her stated circumstances which may have been advised by legal counsel and Ms. Youngblood Coyle responded that there was only an aide in the classroom.

Ms. Harmon asked if Ms. Youngblood Coyle thought she did anything wrong and Ms. Youngblood Coyle stated that she would always do what she was told to do. She noted that she

was not allowed to give corporal punishment but that she doesn't think it is morally wrong, but will not do it when it is not allowed. She added that she sends students to the office rather than try to control the behavior in her room, but that students could miss an entire day of instruction if they were sent to the office.

Mr. Moore asked about the reference to the student's conviction and Ms. Youngblood Coyle noted that the district made the student pay for the cost of a door she defaced. Mr. Moore asked why students retaliated and Ms. Youngblood Coyle noted that she thought the students were "egged on" and also the relationship with the students declined/changed after the teacher aide was hired.

Ms. Owen noted that a relationship between teacher and student is very important, especially for struggling students. Ms. Youngblood Coyle stated that she inherited the class where the problems occurred in February and didn't have a relationship with them at that point. Ms. Owen asked if teachers have an opportunity to collaborate with other teachers or someone else that could assist with difficult classes/students and Ms. Youngblood Coyle responded that she was unaware that there were hard feelings.

Ms. Kramer stated her concern regarding a Spanish term used by Ms. Youngblood Coyle noting that the term is very derogatory.

Mr. Ary asked about Ms. Youngblood Coyle's reference to possible retaliatory actions based on ethnicity and she responded that she didn't know about the student writing something until a year later.

Motion by Ms. Kramer and seconded by Ms. Owen to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and deny Ms. Kim Youngblood's application for certification. *Motion passes. Ms. Harmon and Mr. Lucero voted no.*

G. Presentation Discussion and Consideration to Grant the Applications for Teacher Certification for the Following Individuals:

1. Cynthia Cardona, Case # C-2006-089 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education, stated that Ms. Cardona was present and Ms. Cardona stated that she had no further information to present to the SBE.

Motion by Dr. Balentine and seconded by Mr. Lucero to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and grant Cynthia Cardona's application for certification. *Motion passes.*

2. James M. Houston, Case # C-2006-043 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education, noted corrections to the summary:

- Paragraph "In 1998..." should be corrected to read "In 1998, he was hired as the outpatient program supervisor in an Oregon treatment center called "ADAPT."
- Paragraph "During a call..." on the sixth line beginning "provided." The following sentence should read, "Dr. Houston explained that the allegations stemmed from email communications he sent to the principal and the superintendent that hired him..."

Mr. Easaw added that Mr. Houston indicates that the email contained a single foul language word as opposed to foul language generally.

Dr. Houston stated that he had nothing further to add.

Ms. Harmon reiterated to Dr. Houston that he had been through several programs for assistance with his alcohol problem and that he has been sober for one year. Ms. Harmon asked Dr. Houston if he had any concerns that the present program might not work and Dr. Houston referenced the letter from Dr. Oswald, included in the packet, indicating that their work together had made a big difference in his life.

Ms. Owen noted her concerns regarding the series of relapses noted in the materials, with one year of sobriety and Dr. Houston noted that aside from the work done by the Investigative Unit, there were more periods of recovery with some incidents of relapse than there was a picture of constant drinking. Ms. Owen asked if certification was a requirement for Dr. Houston's job at a grant school and Dr. Houston responded that upon review of his qualifications by the school, the requirement was exempt.

Mr. Ary asked how Mr. Houston felt about his recovery in addition to how the psychologist felt and Mr. Houston stated he felt very confident.

Motion by Dr. Balentine and seconded by Mr. Lucero to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory committee and grant Dr. James Houston's application for certification. *Roll call vote results:*

<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
<i>Dr. Balentine</i>	<i>Superintendent Horne</i>	<i>Dr. Haeger</i>
<i>Mr. Lucero</i>	<i>Mr. Ary</i>	
<i>Mr. Moore</i>	<i>Ms. Harmon</i>	
<i>Dr. Nicodemus</i>	<i>Ms. Kramer</i>	
	<i>Ms. Mendoza</i>	
	<i>Ms. Owen</i>	

Motion is denied.

Mr. Yanez noted that the SBE can determine if it wants to offer an alternative motion to deny certification.

Ms. Pollock clarified that the SBE needs to take an affirmative vote in order to deny the application and that the applicant may withdraw an application prior to it coming before the SBE; however, since this application has come to the SBE and the SBE has already made a motion in its regard, withdrawal is not an option.

Dr. Houston asked if the matter could be tabled until the next meeting so he could consult an attorney as he had expected approval today.

Ms. Pollock explained that the SBE has the ability to table the matter to the next meeting with the understanding that the applicant waives any timeframe considerations in place at this time.

Ms. Pollock added that if the action is denied, the applicant has the ability to request a hearing within 15 days, which would be a full hearing before the PPAC where all information will be reviewed in an adversarial process.

Motion by Mr. Ary and seconded by Mr. Moore to table this matter until the next meeting with the understanding that the applicant waives any rights in terms of timeframes. Dr. Houston stated that he understands the conditions and waives the timeframe considerations. *Motion passes.*

The Board broke for lunch at 12:15PM and reconvened at 1:05PM

3. Kenneth B. Pearce, Case # C-2006-066 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education, stated that Mr. Pearce is present and that there is no further information to present from the Investigative Unit.

Mr. Kenneth Pearce stated that he has coached for 16 years and emphasizes personal accountability to his students. He added that his actions, both negative and positive, will always be viewed and judged as part of his moral character. Mr. Pearce noted that he moved here in 2000 and in 2001 he substituted at Desert Vista High School, trying to do the right thing all along. He stated that he later returned to Florida to be near his father and continued to teach in Florida. He stated that his father passed away a year ago and after that he returned to Arizona and volunteered as a coach back at the same school. Mr. Pearce asked the SBE to accept the PPAC's recommendations

and grant him further opportunity to continue his teaching career in Arizona. Mr. Pearce added that he asked his supervisor, who has known him for seven years, to make a statement on his behalf. Mr. Stan Lukotich, Special Education teacher for 32 years and head coach of the baseball program, stated that he felt that a tie vote last month indicates that the SBE wouldn't know Mr. Pearce any better today than it did a month ago. Mr. Lukotich stated that:

- he has known Mr. Pearce as a classroom teacher and as a baseball coach
- Mr. Pearce was a highly recommended substitute teacher who was in demand by many teachers
- he respects Mr. Pearce as a colleague and has enjoyed having him work alongside him in the school
- Mr. Pearce "blew it" as a young man and has paid the price
- Mr. Pearce is ready to move on
- Mr. Pearce has gone through the intervention process and has learned his lesson
- we live in a society where people pay the price and then are allowed to move on
- Mr. Pearce is doing positive things for kids
- Mr. Pearce is trying to get back on the right track
- he would be proud to teach next to him

Motion by Dr. Balentine and seconded by Ms. Harmon to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and grant Kenneth B. Pearce's application for certification. *Motion passes. Mr. Ary and Superintendent Horne voted no.*

4. Roxanne Scoville, Case # C-2001-99 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education, stated that Ms. Scoville's legal counsel is present and the Investigative Unit has no further information to add. Mr. Scott Dosek stated that Ms. Scoville is out of state and that he is available to answer any questions.

Motion by Ms. Mendoza and seconded by Ms. Kramer to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and grant Roxanne Scoville's application for certification. *Motion passes.*

H. Presentation, Discussion and Consideration to Revoke the Teaching Credentials of the Following Individuals:

1. Thomas Dubrish, Case # C-2003-096 C

Ms. Jennifer Pollock withdrew as counsel on this matter as she had worked on an adversarial process at some point when representing the PPAC in this matter. Ms. Nancy Oyen, Assistant Attorney General, advised the State Board in this matter.

Mr. Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education, stated that there is no additional information to offer at this time.

Motion by Mr. Lucero and seconded by Ms. Harmon to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and revoke the teaching credentials held by Mr. Thomas Dubrish. *Motion passes.*

2. Samuel M. Hernandez, Case # C-2005-172

Mr. Charles Easaw, Chief Investigator, Investigative Unit, State Board of Education, noted that Mr. Hernandez is not present but did receive notice of this hearing and that the Investigative Unit had no additional information.

Dr. Nicodemus asked about the discussion by the PPAC regarding whether to revoke or suspend, and in the process there was discussion about suspension to the point of the incident versus being over two years later when it is coming to the SBE.

Mr. Chad Sampson, Assistant Attorney General, noted that he represented the petitioner in this matter and that the SBE staff asked for revocation as of the date the SBE makes its decision today. He added that the PPAC entertained some discussion regarding suspension retroactive to the time the incident occurred, but ultimately the SBE's position prevailed.

Ms. Pollock explained the legal implications of revoking retroactively per se, as there is some precedent for suspension retroactively, and that the only consideration is if the individual has been teaching during that time. She added that technically a person cannot teach on a revoked certificate if teaching in an Arizona public school, as current certificates are required.

Mr. Sampson would take exception to a retroactive revocation as the issue could get murky.

Motion by Mr. Ary and seconded by Ms. Owen to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and revoke the teaching credentials held by Samuel Hernandez. *Motion passes.*

Mr. Yanez announced that Ms. Lauren Buhrow, Investigator, Investigative Unit, is going to work for the ADE in Exceptional Student Services, after three years in the Investigative Unit.

- I. Presentation and Discussion Regarding Board Procedures and Legal Requirements for the Consideration of Petitions for Receivership Issued Pursuant to A.R.S. § 15-103. Pursuant to A.R.S. § 38-431.03(A)(3) and (4), the Board may Vote to Convene in Executive Session for Consultation and/or Legal Advice.

Mr. Vince Yanez, Executive Director, State Board of Education, stated that in the past several months issues have been brought to the SBE relative to several districts and that the procedures put in place previously by the SBE have not been reviewed recently. Mr. Yanez added that when the authorizing legislation was passed in 2005, Colorado City USD was essentially the only district being talked about. Mr. Yanez noted that he met with representatives from the Solicitor General's Office, as the Attorney General's Office was representing the SBE, to determine the necessary procedures in order to execute the SBE's authority under that statute. Mr. Yanez noted the following possibilities that were discussed:

- Whether this could be done in an abbreviated setting much like the USFR non-compliance issues
- Whether something more formal is needed, analogous to PPAC hearings

Mr. Yanez explained that it was determined that in cases of receivership the latter must be done involving a full administrative hearing. Mr. Yanez outlined the process:

- Once allegations are made, a formal petition has to be filed with the SBE which will then be served on the school district
- District will be given an opportunity to respond to the petition within a standard timeframe
- Once the timeframe has lapsed or a response has been received, the matter is scheduled for a hearing where the SBE will be represented by legal counsel
- The SBE would receive legal advice from the Solicitor General's Office

Mr. Yanez stated that his recommendation is to use the Office of Administrative Hearings (OAH) to conduct these hearings and given that these could be multi-day hearings, a hearing officer would be used to present the findings, conclusions of law and recommendations as to whether or not to place the district in receivership.

Mr. Yanez added that the SBE has one other option when dealing with receiverships, as was used in the Colorado City case:

- a formal hearing is not conducted but rather settlement discussions are held with district representatives
- if district governing board agrees to the terms, the settlement agreement is presented to the SBE for final approval/action

Mr. Yanez noted that in order to make findings relative to whether or not a district should be

placed in receivership the formal administrative hearing must be held. Mr. Yanez added that a school district can only be petitioned for receivership for two reasons:

- Gross mismanagement, which is relatively undefined in statute
- Insolvency, which has very specific elements in statute
 - violation of any one of these elements would constitute insolvency and qualify the district for receivership

Mr. Yanez included the detailed procedures in the materials packet, as well.

Dr. Nicodemus asked who can present the original petition and Ms. Pollock noted that statute is not specific as to who can bring allegations, but thus far the practice has been that the Attorney General's Office brings the petition on behalf of the specific claimants, and thus far the claimants have been the Superintendent of Public Instruction and Mr. Vince Yanez representing the SBE. Ms. Pollock added that technically the SBE is included as a complainant and is also the quasi judicial body that hears the matter. Ms. Pollock explained that anyone can bring forward an allegation which can be turned into a petition and the SBE may pursue some investigation regarding receivership if it so wishes. Ms. Pollock added that thus far, the Attorney General's Office then investigates to determine whether the allegations are substantiated sufficiently enough to bring a petition before the SBE.

Motion by Dr. Balentine and seconded by Ms. Harmon to go into Executive Session for legal advice in this matter. *Motion passes.*

The Board went into Executive Session at 1:34PM and reconvened at 2:19PM

- J. Presentation, Discussion and Possible Consideration to Approve Initiation of the Financial Recovery Plan for the Saddle Mountain Unified School District. Pursuant to A.R.S. § 38-431.03(A) (3) and (4), the Board may Vote to Convene in Executive Session for Consultation and/or Legal Advice.

Mr. Vince Yanez, Executive Director, State Board of Education, presented the following information regarding the Saddle Mountain USD:

- over the last three fiscal years the district has over-expanded its budget in excess of 5%
- it was recommended that the SBE pursue recovery options short of receivership
- this would have to include a well-documented financial recovery plan that would be monitored closely by representatives from ADE
- the District would be required to submit periodic updates to the SBE most likely on a quarterly basis
- if progress is seen, a petition to place the District in receivership would not be filed
- if no progress is seen or good faith efforts to make progress are not evident, a petition for receivership would be initiated as prescribed previously

Mr. Yanez stated that he met with Ms. Roxanne Morris, Superintendent, Saddle Mountain USD and the ADE's School Finance Division when Ms. Morris was informed of the SBE's proposal and that she agreed to present a financial recovery plan to the SBE at today's meeting. Mr. Yanez added that because of the quick turn-around, there was not sufficient time with the ADE to put together specific benchmarks and timetables but this will be shared with SBE at a later time if approval for initiation is given today.

Ms. Roxanne Morris, Superintendent, Saddle Mountain USD, stated that she made contact with the ADE well before today's meeting, that the District has been very pro-active in putting together a recovery plan and noted the following:

- Saddle Mountain is a small, rapidly growing District which includes Pre-K through grade12
 - has one elementary school and they opened a high school in 2005
- presented the District's financial plan and stated that it is believed to be a solid, strong plan,

- with a structured budget
- have a challenge as it is a fast-growing area
- diligent in efforts; takes this seriously
- goal is to have a balanced budget
- non-state aid status
- strong team that is committed to recovery efforts
- administrative team is present today including two of the principals, special education director, and board president
- four areas appearing to have most challenges noted in plan are:
 - salaries and benefits
 - continuing to make adjustments in these areas to make sure they are not over-staffed
 - operating costs
 - maintain and operate water/wastewater treatment plant
 - transportation
 - tuition
 - students used to be “tuitioned out” to Buckeye and Wickenburg
 - not able to use tuition “out” factor on Form O due to unification statute so some of the costs cannot be re-couped
 - maintenance of facilities
- working closely with Heinfeld and Meech, the governing board and community members

Dr. Nicodemus asked if the recovery plan includes specific numbers for the coming years and the actual scope of the budget.

Ms. Kathy Elliott, Financial Consultant, Heinfeld and Meech, who was brought in to assist in the recovery plan in October 2006, noted that a simple one-page document was provided to Mr. Yanez which summarizes the maintenance and operations budget that is similar to the format received from the Colorado City receiver, outlining the specific dollar amounts for salaries, benefits, supplies and purchased services. Ms. Elliott added that a very detailed budget plan has been put together for next year, itemizing every individual salary, total benefits, supplies and purchased services by site and department, cost of benefits provided, utilities and any other expenses that may be incurred. Ms. Elliott stated that the District has not had the benefit of having such a detailed budget in the past which has been to the detriment of the district. She noted that the tuition factor has been very big in the district’s financial situation and has amounted to over \$1.3M in FY 04 and FY 05.

Dr. Nicodemus asked if the District would have a balanced budget if it were not for the tuition payback and Ms. Elliott responded that this year’s budget includes a payback of a little over \$800,000 for the FY 05 over-expenditure and if the District was not required to pay back that amount from FY 05 they would, in fact, have pretty close to a balanced budget this year. Dr. Nicodemus clarified that by paying this back, another deficit for the current year is created and Ms. Elliott confirmed that this is correct. Ms. Morris added that two of the deficit years have been paid back and the goal is to pay back the monies in five years or sooner, which the District is unified in accomplishing. Ms. Elliott explained that the budget for 07-08 includes a reduction to the budget of \$700,000, noting that there is proposed legislation to allow the District to re-pay the FY 06 deficit and the projected FY 07 deficit over a period of five years instead of the mandatory two. She stated that this amount is estimated to be \$700,000 per year for the next five years and next year’s budget does include this reduction.

Ms. Morris added that Ms. Elliott has been very conservative in her numbers as there is revenue coming to the District through grants, e-rate and other forms that are not shown on the present

budget. Ms. Morris stated that they have put a conservative budget together in an effort to make sure they are working with what they have. She noted that the \$700,000 payback is a little more than what is typical, but that their goal is to pay this back within the five years. She added that the growth is strong, 27% at this date, which shall continue and that they will continue to monitor and work with the needs.

Ms. Mendoza asked how the expected growth may affect the ongoing expenses and Ms. Elliott responded that:

- there has been an average growth of about 14% since 2000
- they are monitoring the new housing starts and closings on a weekly basis
- projection of growth for FY 08 is 34%
- they are working with these projections for the fall semester

Dr. Nicodemus asked if it is reasonable to expect information at some point that might include historical student data, some prior year information with actual and current year projections, to make up a comprehensive budget projection. Mr. Yanez noted that this information could be included in the first quarter report if the SBE determines to proceed with the recovery plan.

Mr. Chris Stewart presented four reasons to believe that an administrative option of financial benchmarks should not be considered to restore financial stability to the Saddle Mountain USD:

- this is one of four districts in the state not receiving state equalization aid
 - state has little leverage outside of receivership
- receivership statute seems to require the SBE to pursue the receivership process once the allegation have been made
- receivership process takes a lot of time
 - 60 days have passed since this allegation has been made
 - if receivership is pursued, there will be many opportunities for the SBE to look at the District's progress toward reforming its spending culture
- there is no historical reason to believe that setting financial benchmarks will work

Mr. Stewart noted that:

- financial benchmarks are in place now
 - despite intense pressure by the Saddle Mountain community and scrutiny of the ADE, no significant change has been affected in the District's physical policies for nearly four years
- over-spending has worsened
- some of the debt was caused by pre-maturely opening a school
 - yet another school will probably be pre-maturely opened next year
- it is unrealistic to believe that anything other than an external, disinterested, objective, competent authority can correct the deficiencies that prevent Saddle Mountain authorities from rescuing the District at the local level

Mr. Paul Roetto noted that he is on the team for the school and is advocating for the children. Mr. Roetto stated that he has found that a little nudge in the right direction is not enough to get the district in order and that he would like to see receivership pursued. Mr. Roetto stated that the proposed budget is short as there are not enough teachers scheduled for the number of students expected. Mr. Roetto stated that he would hope that we proceed with benchmarks to see what we can get out of that and also keep very close tabs on receivership as this is the only thing the State can use.

Mr. Ary asked about the re-districting efforts and Ms. Morris responded that the current district would not be affected by these efforts since it is already unified. She added that the growth in the District is exorbitant but that the District is already unified and providing the PreK – 12 alignment. She added that the state will continue to monitor and observe the growth in the District.

Dr. Nicodemus asked if the District's financial consultant firm would acquire any liability for the

financial recovery plan, information presented, projections made and Ms. Elliott responded that they will make sure the District has a budget, that the District is in fiscal compliance, and the firm will provide information to get the District on track; however, they can only make recommendations.

Ms. Harmon asked how the district got to this point and Ms. Morris responded:

- not sure about the motives of a couple of the community members in trying to get the District into receivership
- the District is clear that this is serious and they are going to do whatever it takes to balance the budget
- the District has made some staffing changes
- with unusual obligations needing to be addressed, i.e. water plant operators, it is difficult to garner necessary staff
- making every effort to communicate what they are doing
- have had budget board study sessions and felt they were positive and well-received
- trying to get the correct information out to the people
- they know what the big picture is
- she has been the superintendent for 6 years

Dr. Nicodemus noted the serious concerns that have been raised and stated that if the SBE can move forward with the district it must get all the facts. Mr. Yanez added that receivership is still on the table if progress is not made by the district.

Mr. Ary noted that the summary submitted by Mr. Stewart causes some consternation regarding:

- the District's inability to meet imposed standards, construct a budget, follow a budget
- arithmetic errors
- unrealistic projections

Mr. Ary continued that it seems that a recovery plan would help the community work toward a solution and that this kind of plan is an effort to try to work out a solution.

Mr. Stewart responded that he was a member of a group that gave over \$100,000 to the district because it needed the money, but the District spent monies on turf for a football field. Mr. Stewart stated that the district lacks the ability to manage its funds and Mr. Ary asked if a recovery plan would be the way to solve these problems. Mr. Stewart stated that their claim is that the District cannot recover and that they stand by their request for receivership.

Dr. Balentine stated that information from the ADE School Finance Division would be helpful regarding the recovery concerns the SBE needs to initiate and documentation of improvement from the past two years in order to see if a recovery plan has the potential to solve the problem. Mr. Yanez noted that he will work with ADE staff to provide this information at the next meeting.

Mr. Roetto stated that the improvement plan has no specifics and no action and that they didn't want the matter to come to this level but their ongoing concerns bring them to this point.

Ms. Elliott stated their firm was brought in as of October 2006 to mitigate the financial woes and balance the budget and that the one-page document is a summary of their 80-page detailed plan.

Ms. Elliott noted that as student enrollment increases the revenue stream will also increase and the firm and Ms. Elliott are competent to get the district through its recovery and balance its budget.

Motion by Dr. Balentine and seconded by Mr. Ary to authorize staff to proceed with the financial recovery plan for the Saddle Mountain Unified District as presented, including comments/requests made during discussion, to determine if further action is required. *Motion passes.*

K. Presentation, Discussion and Possible Consideration to Approve Framework for State Integration of the AZ Scholars Initiative

Mr. Vince Yanez, Executive Director, State Board of Education, presented the information included in the materials packet noting that the SBE received information at the last meeting

regarding the proposed plan for state integration of the Arizona Scholars Initiative. He noted that Arizona Business and Education Coalition (ABEC) is looking for a way to move this forward by finding a home and funding for this program as outlined in the materials provided.

Ms. Harmon mentioned her support for this program and asked if this could be a pathway to graduation or whether a series of model programs could be suggested where Districts might participate.

Ms. Mendoza noted her agreement with the comments and that with the addition of Economics, etc., this program should be integrated in the discussions.

Ms. Bobbie Cassano, ABEC, noted that federal funds are available until the end of May but that districts need to be notified before that time so they won't lose the momentum of their participation. She added that if this were held for another month to get a broader perspective, it would be workable and would allow for a more objective decision.

Dr. Nicodemus noted that further discussion regarding high school graduation requirements, high school reform, etc., need to take place before this item is decided.

L. Presentation, Discussion and Consideration to Close the Rulemaking Record and Adopt Proposed Rules R7-2-613 Regarding the Structured English Immersion Endorsement

Mr. Vince Yanez, Executive Director, State Board of Education, stated that this is to correct an oversight in the original rule adopted in 2004. Mr. Yanez stated that this is typically not a problem for new teachers coming from a Board approved program because pursuant to Board rule and statute those approved programs are required to integrate the training for the SEI endorsement into their courses of study. He added that for those teachers coming from an out of state institution or program not Board approved, they would not have taken the necessary coursework to receive a provisional SEI endorsement and very likely may not have knowledge about a Structured English Immersion Endorsement. He noted that this rule proposal would grant a one-year waiver for individuals who come from a non-Board approved program if they have met all the other appropriate criteria for certification. Mr. Yanez noted that this rule package was presented to the Certification Advisory Committee on February 13, 2007 and a public hearing was held on March 12, 2007, which was attended by two individuals whose comments are summarized in the materials packet. Mr. Yanez noted that these comments generally were directed at the SEI requirement as a whole but not specifically at the change being brought today.

Mr. Yanez added that the rules for reciprocity and out-of-state applicants now read almost identically.

Dr. Balentine added that certificated teachers who are not presently employed and may not be aware of this requirement should be considered and Mr. Yanez responded that the SBE should discuss this further and perhaps provide guidance to the Certification Advisory Committee.

Motion by Ms. Mendoza and seconded by Mr. Ary to close the rulemaking record and adopt the proposed amendment rule R7-2-613, regarding the Structured English Immersion endorsement.

Motion passes.

M. Presentation and Discussion Regarding the High School Graduation Requirements Survey. Discussion may Include Possible Timelines for the Initiation of Rulemaking Procedures Relating to the Minimum Course of Study.

Ms. Cheryl Lebo, Associate Superintendent of Standards & Assessment, Arizona Department of Education, presented information on this item via PowerPoint Presentation, included in the materials packet.

Mr. Ary asked about what type/level of response is received on these types of surveys and what the total number of districts were asked and Ms. Lebo responded that the total number is 293, 27 is repetitious or charters that didn't go to 12th grade, which left 266 of which 256 have responded.

Ms. Harmon asked about the total graduation credits and if there is a commonality among the small percentages.

Ms. Carol Warren, Social Studies Content Specialist, School Effectiveness Division, Arizona Department of Education, noted that some are large districts and some smaller and/or charters that have different reasons and there isn't a common thread in the Social Studies area.

Ms. Mendoza noted that schools that go this route might be able to be acknowledged, especially in light of the Arizona Scholars Initiative.

N. Presentation and Discussion Regarding the Intergovernmental Agreements and Consensus Documents as the State Intervention Plans for the Following Schools:

1. Naylor Middle School (Tucson USD)
2. Rice School (San Carlos USD)
3. Union Elementary/Middle School (Union ESD)
4. Baboquivari Middle School - Statement of Needs

Ms. Phyllis Schwartz, Associate Superintendent, School Effectiveness Division, Arizona Department of Education, announced the following staff changes in her division:

Ms. Tommie Miel will retire in June 2007, and Ms. Kimberly Allen will assume the responsibility of Deputy Associate Superintendent.

Ms. Tommie Miel, Education Program Administrator, State Intervention Section, Arizona Department of Education, presented the PowerPoint Presentation included in the materials packet, outlining the many steps that are involved in assisting a school/district in the improvement process. Further discussion ensued for clarification on specific schools/districts. Complete information as presented is included in the materials packet.

O. Presentation and Discussion Regarding the AIMS Science Online Pilot Test

Ms. Roberta Alley, Deputy Associate Superintendent, Assessment Division, Arizona Department of Education, shared that they are piloting the 8th grade Science test to be given online.

Mr. Rich Young, Vice President, State Assessment, Pearson Testing, introduced and demonstrated a sample of the online testing that has these primary purposes:

- online versus paper
- understand Arizona's preparedness for online testing
 - encompasses 11 counties
 - broad spectrum of participating schools
 - wide range of connectivity
- testing sessions will be set up next week and testing (pilot) after that

E-measurement services:

- 2 different programs
- test-nav – student testing environment
- released tests are available for perusal
- student information is loaded and login/password information will be sent out next week

Web site address is: Etest.pearson.com

5. ADJOURN

Motion by Mr. Lucero and seconded by Ms. Mendoza to adjourn. *Motion passes.*

The Board adjourned at 4:52PM.