

Minutes
State Board of Education Special Session
Monday, July 10, 2006

The Arizona State Board of Education held a Special Session at the Arizona Department of Education, 1535 West Jefferson, Room 417, Phoenix, Arizona. The meeting was called to order at 1:10 PM.

Members Present

Dr. Vicki Balentine (via telephone)
Ms. JoAnne Hilde
Superintendent Tom Horne
Mr. Larry Lucero
Ms. Anita Mendoza (via telephone)
Dr. Karen Nicodemus

Members Absent

Mr. Jesse Ary
Dr. Michael Crow
Mr. Bill Estes
Ms. Joanne Kramer
Ms. Cecilia Owen

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

1. GENERAL SESSION

- A. Presentation and Discussion Regarding the Teacher Certification Fee Schedule. Discussion May Include, but is not Limited to Fees Associated with Certificate Issuance and Evaluation, AZ/US Constitution and Proficiency Tests, Including the Educator Performance Assessment. Pursuant to A.R.S. § 38-431.03 (A) (3), the Board May Vote to Go into Executive Session for Consultation and/or Legal Advice.

Motion by Mr. Lucero and seconded by Dr. Nicodemus to go into Executive Session for Consultation and/or Legal Advice. *Motion passes.*

Ms. Jennifer Pollock, Assistant Attorney General, explained that the State Board has authority to go into Executive Session for specific items and that this item is designated for Executive Session to receive legal advice pursuant to the above-stated statute. Ms. Pollock noted that information discussed in Executive Session is confidential and that the individuals participating in Executive Sessions are not authorized or allowed to discuss any information discussed in Executive Session.

The Board went into Executive Session at 1:15 PM.

Motion by Dr. Nicodemus and seconded by Mr. Lucero to reconvene in Open Session. Motion passes.

The Board reconvened in Open Session at 2:03 PM with Item 1B.

- B. Presentation, Discussion and Consideration to Adopt the Augmented Version of Arizona's English Language Proficiency Assessment, Approve Recommendations of the Standards Setting Committee and Approve Related Contract with Harcourt Assessment, Inc. Pursuant to A.R.S. §38-431.03 (A) (3) and (4), the Board May Vote to Go into Executive Session for Consultation and Legal Advice and/or for Instructing the Board's Attorneys Regarding the Board's Position Pertaining to the Contract that is the Subject of Negotiation and/or Litigation in Connection with this Matter.

Ms. Irene Moreno, Deputy Associate Superintendent, Academic Achievement Division, English Acquisition Services Unit, Arizona Department of Education, expressed the Department's apologies for any confusion and/or misunderstanding with Board members regarding the development of AZELLA. Ms. Moreno outlined the background information per the information in the overview:

- Under current law the SBE shall prescribe the method in which students whose primary language is not English will be assessed and evaluated

- USDOE requires the state to use a proficiency exam that is aligned with the state standards
- Original SELP contract was awarded in 2004 to Harcourt with four additional options noted per March 29, 2004 SBE minutes
 - Emphasis was placed on alignment with the state standards in an off-the-shelf test as an augmented test could not be developed in the timeframe required by the USDOE
- Under the contract awarded to Harcourt, ADE had the right to renew the contract for up to five years
 - Contract was issued by Mr. Doug Peeples, Manager, Contracts and Purchasing Unit, Arizona Department of Education
 - Mr. Peeples reported to the SBE that there were four additional options for contract renewal for a total of up to five years
 - If requirements have been met the contact can be renewed for the following year for up to five years per SBE minutes, March 29, 2004
 - This method was utilized in the augmentation process as it was quicker and less expensive than designing a custom assessment
 - The assessment was required to be in place no later than Spring 2006
 - The English Acquisitions Services (EAS) and Harcourt knew this was not possible because of the necessary field testing and production steps involved in meeting the deadline
 - Augmentation began in 2005 and a second contract modification was given to Harcourt effective September 2005 to modify Harcourt's work in assisting EAS to augment SELP
 - Tight timeline concludes on August 1, 2006, when augmented test materials are in Arizona districts and charter schools
 - EAS believed that the SBE updates concerning the augmentation status on January 23, 2006, was sufficient to continue according to USDOE requirements
 - A third modification to the contract was made effective July 1, 2006, and was signed on June 19, 2006, before July 1, 2006, in order to keep Arizona in compliance with the USDOE requirements
 - Arizona could lose approximately \$17M in federal funding if there is a delay
 - K-12 students need to be assessed for placement in August 2006
 - EAS believed the augmentation was strictly a procurement question because the SBE approved the original contract
 - Everything was done in proper sequence
 - Without the current contract amendment, ELL students cannot be assessed for placement within the 30-day timeframe required by NCLB
 - No preparation has been made to prepare the field for the possibility that AZELLA would not be approved
 - The only option would be to use SELP for a third year and some delays would occur
 - USDOE requires assessments in areas not provided in SELP
 - There is no reporting system in place for SELP as it was dismantled to make ready for AZELLA
 - Additional costs would be incurred
 - AZELLA is now ready to be implemented in the schools

Dr. Nicodemus noted that no apology is necessary, that the hope is that the ADE will perceive that the SBE's interest is to uphold its responsibilities with the ADE and work together for the good of Arizona students. She noted the changes at the high school level, regarding AIMS and SELP, and

noted that high scores of SELP students was high in AIMS but when comparing SELP to AZELLA there was a variance.

Dr. Michael Young, Psychometrician, Harcourt, went through the data, i.e., AIMS and SELP, on page 4 of the materials packet, looking at proficient and non-proficient, noting that students who are deemed proficient in SELP pass AIMS at substantially higher rates than ELLs who are not proficient on SELP. In reference to page 1, Dr. Young noted that about $\frac{3}{4}$ of the state's records have been entered, to date, with the SELP cut scores and the proposed AZELLA cut scores noted in the top chart.

Dr. Nicodemus asked if the AZELLA cut scores are different or essentially the same. Ms. Hilde stated that it was her understanding that the proficiency scores and/or cut scores are recommended by Harcourt, and that they are the same as SELP, although a standards setting process was used. Ms. Hilde asked if the proficiency scores were the responsibility of Harcourt, and Ms. Dillard, Harcourt, responded that the threshold indicators were suggestions made during the standard setting along with the computation and data analysis coming out of the items field test and considering the percentage level used in SELP. Therefore, Ms. Dillard stated, most of what was suggested by the participating teachers in the standard setting are definitely there. Ms. Dillard stated that some adjustments were made in some areas where teachers may not have understood the process. Ms. Dillard stated this was done in cooperation with the ADE and that Harcourt stands behind the cuts where they are now and regarding legal ramifications, they would need further information. Ms. Dillard added that Harcourt feels very confident with the scores and will support and defend them at all levels. She added that most were defined, but some adjustments were made in some areas, based on the excellent results from SELP.

Ms. Hilde noted how participants were involved in the AIMS standard setting and asked if the cuts were set the same way and Dr. Young responded that they were set afterwards.

In reference to the comparison of the proficiency rates between SELP and AZELLA, Dr. Young explained that AZELLA results are from field tests and were sufficient to allow them to equate SELP scores and maintain the longitudinal scores. However, he cautioned about predicting how the entire state would do based on just these field test results.

Dr. Balentine asked if the revised ELL standards that are included would also be approved today if the AZELLA is approved and Ms. Moreno responded that they did not use the revised ELL standards on AZELLA and that this would not include approval of those revised standards. Ms. Moreno added that the content objectives were part of the original standards. She noted that the feds asked them to look at math, science, and social studies and that they pulled from standards already in place to find those areas to be covered by the government assessments. Ms. Moreno noted that these items were already part of the standards and were simply emphasized/highlighted. Dr. Balentine stated that she looked at the '04 ELL correlation posted on the web and that the ELL standards posted on the web are the standards approved by the SBE in January '04. Dr. Balentine noted that the correlation standards posted on the web are dated with today's date and include new language and new standards, which looks like the standards have been revised. Ms. Moreno stated that these were already in place and the update was to assist teachers.

Ms. Mendoza also noted that there were some comprehension questions, some were detail-oriented, some were eliminated, and some questions were added in Math with more clear language in the writing choices and Ms. Moreno responded that this was used to augment SELP and teachers felt this was a proper way to clarify. She noted that the standards are the same standards approved by the SBE in January '04.

Ms. Mendoza asked if the math standards in AZELLA are standards already approved and Ms. Moreno responded, yes.

Ms. Mendoza asked about changing the standards again to include more social studies and science and Ms. Moreno noted that this is required by the USDOE but the timetable is not specific at this time.

Ms. Hilde asked if a teacher with the old standards and the old content objectives could still teach to these standards and not undermine students and Ms. Moreno responded that this is a guideline and all teachers have been instructed in the SEI endorsement training regarding use of the standards.

Ms. Moreno noted that in the process of alignment to the proficiency standards with AZELLA they just used highlights to show the content objectives that teachers should pay attention to and that these are not new standards.

Ms. Mendoza noted it is just a matter of communication and it is very helpful to see the two tests and what was added/changed and see the improvement in the language and understanding.

Dr. Nicodemus asked regarding #6, page 2, what precludes weighting of some factors to determine proficiency. Dr. Young noted that typical tests have compensatory rules in scoring the test and with this they can report out strengths and weaknesses. He added that in giving an overall determination in a particular area, they add all points in all areas and report a raw or scale score, looking at information from across all different areas, typically using the compensatory rule. In AIMS, Dr. Young explained that assessment probably had a compensatory rule to determine whether or not a student passes a test. He noted that it is important to point out how a student does, i.e., how an ELL is doing in reading. He stated that most use compensatory rule and NY uses a conjunctive rule looking at reading/writing versus speaking/listening where students have to pass both.

Ms. Hilde asked about the path of a non-English speaking student who enters 10th grade and Ms. Moreno responded that the student is assessed in the 20-day timeframe, is put into an initial classroom with intense English instruction and then moved on to other classrooms with mainstream students. Ms. Moreno added that the student is assessed, generally, once a year per NCLB, but the teacher can decide to re-assess before the school year is over, but the student is not moved to another class until the end of year. She added that if the teacher decides in February that the 10th grade student has a command of the language, 8th grade level proficiency, the student can exit. Ms. Hilde noted that the student may have a low reading score and may not be successful and she asked if the teacher has the right to say it is not time for the student to exit. Ms. Moreno responded that if the student is significantly lower in reading, but their language is ok, the student would not score proficient on the test and would not exit the program. Ms. Moreno noted that the teacher would know.

Ms. Hilde noted that the compensatory model takes a student's strengths and pulls up the weaknesses, so if a student's strength is in reading, then the student is probably not capable. Ms. Moreno responded that the student could go to a regular mainstream classroom and other issues should then also be looked at, i.e. missed classes, possible learning disability, etc.

Ms. Hilde noted that compensatory instruction in Arizona statute is allowed only before or after school and Ms. Hilde asked that this be pursued to change legislation so instruction could be given during the school day, also.

Ms. Mendoza asked what went into the decision to not have hand scoring and Ms. Moreno noted that this decision was made because scoring was not being completed in time for federal reporting.

Ms. Hilde noted that only 73% of the data to date has been sent to SAIS and Ms. Moreno added that this is another reason for doing the scoring the way they did. Ms. Dillard cited a case where the material was scored, the scores were sent out, the district said they never got the scores, and the scores had to be re-sent and will now be entered. Ms. Dillard added that there were three different scoring systems being used at the same time and now there are only two sub-tests being used in the hand scoring process, speaking and pre-writing

Ms. Dillard noted that the spring field test was done in March and gave Kindergarten students the benefit of almost a year's work with their teachers. Ms. Dillard pointed out that Harcourt has trained

staff, many of whom are retired educators, who use anchor papers and rubrics to score. She noted that there was a big temptation to manipulate scores on the hand scoring, which manipulated student results, and is now eliminated by using mechanical scanners.

Dr. Nicodemus asked about the next part of the process, AZELLA form II, and whether any modifications would be made to form I and Ms. Moreno confirmed this to be correct. Ms. Moreno explained that a form II is needed as an alternate assessment for those who have been in the system, which is a federal requirement.

Dr. Nicodemus clarified that today's request is that the SBE approve/adopt AZELLA form I with no specific mention of the threshold indicators. Mr. Yanez stated that the Board will use the publisher's designated threshold indicators.

Mr. Andrew Morrill, Vice President, Arizona Education Association, voiced concerns:

- ELL issue is complex; teachers are calling for help
 - Whatever the SBE decision, deployment of assessment to be used in the field is critical
- This is a challenge to the sense of professional development
- Understanding the terminology is critical to teacher who have to know more than just the exam they are giving
- Timeline is critical
 - Some districts will begin school in 2-3 weeks
- ADE, SBE, and AEA need to be something more than a bureaucracy
- If ADE is going to make good on its recent claims about its position as the hub of professional development, the proof won't be decided in this room
 - The proof is ultimately decided by what the teacher comes away with if they try to incorporate a new assessment
- The SBE has adopted recommendations for professional development guidelines which may not be a bad filter to assess how this gets out to teachers in the field

Motion by Dr. Nicodemus and seconded by Mr. Lucero to approve the English Language Learner Assessment and by doing so also approve the renewal of the Harcourt contract for the period of July 1, 2006 through June 30, 2007. *Motion passes.*

Superintendent Horne thanked members for their votes.

2. CONSENT AGENDA

- A. Consideration to Appoint Members to the Certification Advisory Committee
- B. Consideration to Approve 10.69% Salary Increase for the Board's Executive Director to Take Effect Immediately. Pursuant to A.R.S. § 38-431.03(A)(1) and (A)(3), the Board may Vote to go into Executive Session for Discussion or Consideration of Employment or Salary of an Employee of the Board and/or for Discussion or Consultation for Legal Advice.

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

Motion by Dr. Nicodemus and seconded by Ms. Mendoza to adjourn. *Motion passes.*
The Board adjourned at 3:03 PM.