

**Minutes
State Board of Education
Monday, September 25, 2006**

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
Dr. Vicki Balentine
Ms. JoAnne Hilde
Superintendent Tom Horne
Ms. Joanne Kramer
Ms. Anita Mendoza
Dr. Karen Nicodemus
Ms. Cecilia Owen

Members Absent

Dr. Michael Crow
Mr. Bill Estes
Mr. Larry Lucero

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

1. BUSINESS REPORTS

A. President's Report

Ms. JoAnne Hilde noted that the Nominating Committee met this morning and has nominated Dr. Karen Nicodemus, for President and Dr. Vicki Balentine, for Vice President for the upcoming year. She stated that the candidates are put on notice at this time in order to watch the operations and demands on these offices. Ms. Hilde added that the official vote will be held in January 2007 and the transition happens at that time. Ms. Hilde thanked the committee members for their participation in this process.

Ms. Hilde noted that we are saddened to be losing Ms. Rachell Tucker, Chief Investigator, and thanked her for the high level of professionalism in a very tough job.

B. Superintendent's Report

Ms. Hilde read the Superintendent's Report which is provided in the materials packet.

C. Board Member Reports

Dr. Nicodemus thanked Superintendent Horne for visiting a number of schools in Cochise County. In addition, she noted that Cochise College hosted a conference to look at alignment between high school disciplines, particularly math, reading, and science, to align with college readiness courses.

D. Director's Report

Mr. Vince Yanez, Executive Director, State Board of Education, noted also that Ms. Tucker will be missed and that Ms. Capuchino, Investigator, will be leaving to work with the Certification Unit.

Dr. Nicodemus requested that Item 4K3 be pulled from the Consent Agenda for further discussion. Ms. Hilde stated it would be heard prior to Item 2N.

Ms. Owen arrived at 9:15AM.

Ms. Owen noted that she will recuse herself from the Consent Agenda due to a possible conflict. In addition, Ms. Owen asked for clarification of the contract information included in Contract 4B4,

which will be pulled from the Consent Agenda for further discussion.

Item 2L will be heard earlier in the agenda to accommodate guest speakers.

2. GENERAL SESSION

- A. Presentation, Discussion and Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Grant the Application for Certification for Paul T. Lewis, Case #C-2004-151R

Ms. Rachell Tucker, Chief Investigator, State Board of Education, presented the background information as provided in the materials packet.

Motion by Dr. Nicodemus and seconded by Ms. Kramer to accept the findings of fact, conclusions of law and recommendation of the PPAC and grant the application for certification for Paul T.

Lewis. *Motion passes.*

- B. 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. Antwan Farag, Case #C-2004-001R

Ms. Rachell Tucker, Chief Investigator, State Board of Education, presented the background information as provided in the materials packet.

Motion by Ms. Owen and seconded by Dr. Balentine to accept the findings of fact, conclusions of law and recommendation of the PAPC and deny the application for certification for Antwan Farag.

Motion passes.

2. Joseph Lawson, Case #C-2005-169R

Ms. Rachell Tucker, Chief Investigator, State Board of Education, presented the background information as provided in the materials packet.

Motion by Ms. Mendoza and seconded by Mr. Ary to accept the findings of fact, conclusions of law and recommendation of the PPAC and deny the application for certification for Joseph

Lawson. *Motion passes.*

- C. 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) for the Following Districts:

1. Gila Bend Unified School District No. 24

Mr. Chad Sampson, Assistant Attorney General, presented the background information as provided in the materials packet and recommended that the SBE withhold a total of 10% of state funds.

Mr. James Mosley, Superintendent, Gila Bend USD, stated that they have hired accounting personnel, a business manager and a district clerk to work with the various accounts. Mr. Mosley provided a copy of the progress being made via a corrective action plan for FY 2006-2007. Mr. Mosley asked that the SBE continue to hold 5% as it is already in place and they are working on the items recommended by the Auditor General. Mr. Mosley noted that the district will be asking for a follow-up audit with the Auditor General's Office possibly in late Spring.

Mr. Sampson noted that the Attorney General's Office just informed him that the district has submitted the audit report for FY 2005.

Motion by Mr. Ary and seconded by Dr. Balentine to take no additional action against the District at this time. *Motion passes.*

2. Red Mesa Unified School District No. 27

Mr. Chad Sampson, Assistant Attorney General, presented the background information as provided in the materials packet and recommended that the SBE withhold 20% of state funds.

Dr. Balentine asked if a district can operate with 20% of its funds being withheld and Mr. Jerry Strom, Manager, Accounting Services, Auditor General's Office, responded that he couldn't answer the question. Mr. Sampson stated that the reason for this request is that this is 3 years of continuing to be out of compliance and noted that the 5% current withholding is not a deterrent. Mr. Don Lawrence, Assistant Superintendent Support Services, Red Mesa USD, noted the district's intense turnover, 4 in the last 5 years, and the activities of the past Superintendent and Business Manager, which have contributed to the present situation.

Ms. Priscine Jones, Business Manager and Business Service Director, Red Mesa USD, stated that she started May 8, 2006, and has done the following to date:

- Put out an RFP for financial and audit services which is almost complete
- Made a financial report
- Engaged Heinfeld and Meech to assist in audit

Ms. Jones asked the SBE not to hold 20% as they could not operate. She stated that she came to the school with an understanding of the existing problems and that they are working on fixing them.

Mr. Lawrence noted that:

- A new medical facility is coming into the area which could add up to 100 students
- The school has made AYP for the past two years
- AZ LEARNS made in all four school sites

Ms. Owen asked how impact aid monies would be used if 20% is withheld and Ms. Jones noted that some of the impact aid monies are already being withheld. She noted that grants are being used and some of the withholding is pushed back to instruction. She added that monies are also being used for textbooks as they work to improve the curriculum.

Ms. Kramer asked about the timeline for the district to be back in compliance and Ms. Jones noted that if an RFP is awarded by mid-October it could be possible to be in compliance within one to one and one-half years.

Mr. Sampson noted that being rural is not an excuse for not doing books correctly, however, this is the same school board that was in place in January 2006 with the same problem. Mr. Sampson noted that the people in charge are paid more than teachers and should be held to the highest of standards.

Mr. Ary asked if a 20% withholding would doom this district and Mr. Lawrence noted that the capital budget is \$3.7M in the red and the M&O is overspent by \$2.7M. Ms. Jones noted that during her first four weeks she learned these facts and that she is putting a cost containment plan together for the school board's consideration.

Mr. Lyle Friesen, Legislative Advisor, School Finance, Arizona Department of Education, responded that:

- Red Mesa is exceeding its budget limit from prior years
- There is not an over expenditure for 2003 and 2004
- Figures for 2005 and 2006 are not available at this time
- Payback defaults to one year but if there is a hardship they can go to two years at the discretion of the Superintendent

Dr. Nicodemus noted that previous decisions were based on good faith in prior school representatives and now we have evidence that corrections were not made and those individuals are not here, except for the school board members.

Mr. Lawrence noted that the school board was told everything was okay but evidence was not provided.

Ms. Jones noted that they are currently working with the Auditor General's Office regarding these issues.

Ms. Mendoza asked for clarification regarding the over expenditures and Ms. Jones responded that three years ago they were only \$16,000 over, which was not reduced in the following year's budget. Ms. Jones noted that the over-spending did occur and that she will be working with Mr. Friesen. Mr. Friesen clarified that Red Mesa did over-expend by \$1.7M in 2004-2005 for the three major funds.

Mr. Ary asked for clarification regarding the timeframe and whether any district school board members have taken any action in this dilemma. Ms. Jones stated that she has met with each board member individually, but action could not be initiated until a Superintendent was hired, 2-3 weeks ago and at this time, no action has been taken. Ms. Jones also noted that school board members were aware that today's meeting was taking place but they were not asked to attend.

Dr. Balentine asked if a meeting has been scheduled to inform the public and Mr. Lawrence noted that a letter is being drafted and will be posted as well as communicated in Navajo to the constituents. Dr. Balentine asked if the SBE has authority to specify areas where the monies can/cannot be withheld from and Ms. Pollock noted that the SBE may withhold a portion of state funds but statute only addresses the amount of funds to be withheld.

Superintendent Horne noted that we don't want to withhold funds that will deter education of students but want to withhold an amount that will deter this situation. He added that if the situation continues the state has the ability to go into receivership and suggested not withholding an amount that will harm the school's operation.

Mr. Lawrence noted there was also a one-time expense to get a new high school into operation last year.

Mr. Vernon Tweedie, employee and taxpayer of Red Mesa USD, and a highly qualified teacher, noted he is against the issue as it does not go far enough. He stated that he has written, with no response, regarding the district's situation and the outrageous continuing mismanagement. He added the following factors:

- The problem is with the school board
- The new Superintendent hired by the school board is Mr. Peter Boletto, from Ganado, who was hired with no public comment being allowed
- Misappropriation of student activity funds may be in the process of correction per Mr. Boletto
- Mr. Boletto was hired in spite of the county attorney's recommendation that he not be hired
- Neither Mr. Boletto nor the current Business Manager have posted fidelity bonds even though it is required by board policy
- District has spend over \$1M over budget in the last year
- Former Director of Business Services pled guilty to 7 counts of issuing a bad check
 - Board stated it was not interested in gossip
- In August the multi-million dollar shortfall was announced to the public and then the Business Manager resigned
 - The Business Manager's father was employed by the district to clean up the situation
- School board needs guidance and supervision and a corrective plan to fix the problems and move forward
- SBE needs to impose a corrective plan or appoint a receiver

Superintendent Horne made a formal request to the Attorney General's Office for an investigation as to whether or not a recommendation for receivership should be made.

Motion by Superintendent Horne and seconded by Dr. Balentine to increase the withholding to a total of 10% in an effort to not hurt the students. *Motion passes. Ms. Mendoza voted no.* Mr. Sampson noted that he will take this request to the Attorney General's Office and bring a follow-up report at the next SBE meeting. Ms. Pollock noted that in order to withhold any more monies, additional findings would have to be brought by the Auditor General's Office. Mr. Ary noted his support of the motion/recommendation and asked that involvement of the district's school board be included.

3. Santa Cruz Valley Union High School District No. 840

Mr. Chad Sampson, Assistant Attorney General, presented the information provided in the materials packet.

Mr. Richard Carino, President, Santa Cruz VUHSD Governing Board, presented information about the district's schools, enrollment, and implementation of its strategic plan for improvement. An information packet was provided and is included in the materials packet.

Ms. Sheila Tarango, Business Manager, noted that job training and job description changes have been made and that they are prepared for the Auditor General to conduct a review in February 2007. She added that they are currently going under bid for a 2005-2006 auditor.

Motion by Dr. Balentine and seconded by Ms. Kramer to determine that the District is out of compliance with the USFR based on the reports of the Auditor General and direct the Superintendent of Public Instruction to withhold 5% of state funds from the District until the Auditor General reports that the District is in compliance with the USFR. *Motion passes.*

4. Window Rock Unified School District No. 8

Mr. Chad Sampson, Assistant Attorney General, presented the information provided in the materials packet. Mr. Sampson added that two years of reports have not been submitted.

Mr. Thomas Jackson, Superintendent, stated that he was hired in August 2005 and was first charged with cleaning up the business office to get the audits done. He noted that they have cleaned up 2002-2003, the 2003-2004 is currently being worked on and that Heinfield and Meech is assisting with the 2004-2005 reports. He added that they have a new school board in place and asked that the increase in withholding not be recommended as they are in good shape for getting all items up to date.

Mr. Sampson interjected that he just learned that the 2004 audit has been received by the Auditor General and he recommended continuing the withholding of 10%.

Ms. Mendoza noted that if charter schools were in the position of being out of compliance for multiple years, it would be grounds for revoking a charter and noted that this is an equity issue.

Mr. Ary noted that it is important to see the involvement of local school board members.

Motion by Dr. Nicodemus and seconded by Dr. Balentine to continue the withholding rate of 10%, based on the information received from the Auditor General's Office today, until the Auditor General reports that the district is in compliance with the USFR. *Motion passes. Ms. Mendoza voted no.*

D. Presentation, Discussion and Consideration to Close the Rulemaking Record and Adopt Proposed Rules R7-2-302.05 and R7-2-302.06, Relating to the Alternative Graduation Requirement (AIMS Augmentation)

Mr. Vince Yanez, Executive Director, State Board of Education, presented the information provided in the materials packet noting that a public hearing was held and no comments were received. He added that rules are not usually rushed in this manner, but with schools already in session, this rule must be in place to assist decisions being made.

Motion by Ms. Kramer and seconded by Mr. Ary to close the rulemaking record and adopt proposed rules R7-2-302.05 and R7-2-302.06, relating to AIMS Augmentation. *Motion passes. Ms. Mendoza voted no.*

E. Presentation, Discussion and Consideration to Close the Rulemaking Record and Adopt Proposed Rules R7-2-612 (D) and (E), Relating to Emergency and Intern Certificates

Mr. Vince Yanez, Executive Director, State Board of Education, presented information provided in the materials packet noting that this was before the SBE last month where extensive comment was received regarding opposition to section 5Dd (i) and the SBE instructed staff to make modifications and schedule a public hearing. Mr. Yanez noted that written comment has been received, is included in the materials provided, and he noted the changes:

- D5d(i) remove requirement for SBE posting and added that statewide advertising is allowed
- (ii) regarding waiving requirement for alternative path
- D4 add: or charter school

Dr. Jane Dowling, Senior Evaluator, Sheila Murphy Associates, noted that they are collecting data on this program. She shared preliminary information:

- Intern certificate providing viable option
- Teacher grant underwent significant changes
- ADE initiated aggressive marketing campaign last year
- Teachers are participating in various programs
- Successful in establishing statewide program
- Limited recruitment time was a one-time issue
 - Is still a challenge for rural school districts
- Provides ability to fill hard-to-fill positions
- Will keep SBE and ADE apprised of progress

Dr. Janet Johnson, Chair, Education Department, Rio Salado College, stated that they were surprised that many SBE members were not aware of Rio Salado's online program available to rural areas, which are in addition to the alternative program just presented. She noted that Rio Salado has a state approved post-bach online teacher preparation program including:

- Elementary Education
- Secondary Education
- Special Education

Dr. Johnson stated that the program is:

- Accessible and flexible
- Available any time, from any place
- In 41 districts at the present time
- Has 238 candidates with 29% of these in special education
- Is in 5 counties outside Maricopa County
- Available to all rural districts

Dr. Johnson noted that Rio Salado supports the elimination of the emergency certificate as the intern certificate program is working.

Dr. Nicodemus responded that from the rural perspective the availability of those who are looking to pursue these degrees is also an issue.

Motion by Dr. Balentine and seconded by Ms. Owen to close the rulemaking record and adopt proposed rules R7-2-612(D) and (E) relating to Emergency and Intern Certificates including the amendment noted by Mr. Yanez to add "or charter school". *Motion passes.*

F. Presentation, Discussion and Consideration to Approve Participation in the Career Ladder Program by Non-Classroom Certified Personnel

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

Dr. Nancy Fiandach, Director, Career Ladder and Professional Development, Mesa Public Schools, and member Career Ladder Advisory Committee, noted that they have spent two years on language to insure that the rigor and accountability of the programs did not change. She urged the SBE to support the recommendation.

Motion by Dr. Nicodemus and seconded by Ms. Kramer to modify the current requirements for participation in the Career Ladder Program as recommended by the Career Ladder Advisory Committee. *Motion passes.*

G. Presentation, Discussion and Consideration to Approve Course of Action Regarding Fees Associated with the Educator Performance Assessment. Pursuant to A.R.S. §38-431.03 (3), the Board May Vote to Go into Executive Session for Consultation and/or Legal Advice

Mr. Vince Yanez, Executive Director, State Board of Education, recommend that the SBE go into Executive Session for legal advice.

Motion by Ms. Mendoza and seconded by Dr. Nicodemus to go into Executive Session. *Motion passes. The Board went into Executive Session at 11:42AM.*

Motion by Dr. Nicodemus and seconded by Ms. Mendoza to reconvene in open session. *Motion passes. The Board reconvened in open session at 12:10PM.*

Mr. Yanez noted that the assessment was required of all teachers in order to be issued a standard 6-year certificate. He added that this was discussed at a special SBE meeting on July 10, 2006, when Mr. Yanez was instructed to develop a course of action. The five options noted in the materials included Mr. Yanez' recommendation of Option 4, which is to delay implementation and pursue legislative options.

Motion by Dr. Balentine and seconded by Ms. Mendoza to postpone implementation of the Educator Performance Assessment and pursue legislative options. *Motion passes.*

Superintendent Horne noted that it would be preferable to have legislature fund the assessment.

H. Presentation, Discussion and Consideration to Initiate Rulemaking Procedures for R7-2-302, Relating to Social Studies Graduation Requirements

Ms. Hilde noted that in discussions with school principals issues arise around Social Studies implementation which will require further research on the part of the SBE:

- Highly qualified issues
 - Highly qualified teachers are not found in the area of economics
 - Might be a business or social studies teacher
- Some high schools have structured their delivery of current requirements because there is flexibility in those requirements
- If SBE moves to the specific recommendations that are on the table, it can change a school's approach
- If the SBE makes this requirement, it would cause some districts to make changes in their graduation requirements
- If schools define this differently there will not be a smooth transition for the mobile population across the state

- Surveys were done to determine how many schools currently require the three full units and Ms. Hilde noted that about 70% of high schools already have this included
 - This would create an additional demand on about 30% of our high schools
- Ms. Hilde noted that the challenge grants, which are part of the Pell grant system, could have an impact on whether the SBE should consider this issue at this time

Mr. Yanez explained that the academic competitive grants, part of the Pell grant system. He noted that the Department submitted a letter to the USDOE indicating that Arizona does not have a rigorous curriculum, but if a school district did, those students who graduated from those districts would still be eligible to apply for those competitive grants. Mr. Yanez noted that these criteria may have been extended through next year, however, states are supposed to submit a plan by November 1, 2006.

Ms. Phyllis Schwartz, Associate Superintendent, School Effectiveness Division, Arizona Department of Education, noted that this centers around states that have an adopted curriculum, which Arizona does not have, and that she will bring more information to the SBE at a subsequent meeting. Ms. Schwartz asked if the SBE also needed further information regarding the Economics presentation that was brought last month.

Mr. Yanez noted that “graduation requirements” is the correct term to be used in this context, rather than “curriculum”.

Ms. Hilde noted that the SBE should be aware of all ripple affects before rules are implemented. She noted that the timeline is dependent on the ADE staff’s ability to explain and define what we are asking schools to do including the following:

- The survey done by the Department that resulted in the 70/30 numbers
- What questions were asked
- Information around how high schools configure their social studies offerings at this time

Ms. Schwartz noted that a survey was done when the Social Studies standards were being put together and that the survey could be re-created and sent to districts that did not respond. She noted that many high schools already have 3 or 3.5 credits of Social Studies.

Ms. Hilde asked members to express their questions/concerns/comments that the department can address in its research.

Ms. Mendoza:

- Flexibility can be allowed in teaching the standards assuring that the student receives the necessary knowledge

Dr. Balentine:

- How many teachers in each district would be considered highly qualified in economics

Superintendent Horne:

- Cautioned that more highly qualified standards are not added
- Try to re-define so highly qualified demands are not put on the schools/teachers
- Can still get the standards across

Ms. Amator noted that Economics is a core content defined by NCLB for which one has to be highly qualified and Board rule states that if it is the primary teaching assignment one has to be appropriately certified. Superintendent Horne noted that we might try to find a way around this using different names and Ms. Amator noted that if it is a stand-alone course the teacher must be highly qualified.

Dr. Nicodemus asked if a highly qualified person is required if the economic outcomes are embedded into other coursework and Ms. Amator responded that if it is not a stand-alone course it would not be required.

Ms. Hilde:

- What is the configuration of social studies that is being taught in high schools

Ms. Mendoza noted that we may need to look at expanding beyond the existing teachers as this is not only pooling existing teachers to see if they are qualified in Economics but also adding teachers who would be highly qualified in Economics.

Ms. Hilde emphasized that this is an effort to understand all aspects before a change is made. She noted that a high percentage of return, including charter schools, will also be significant in this process as well as assuring the validity of the return.

The Board broke for lunch at 12:33PM and reconvened at 1:12PM

I. Presentation and Discussion Regarding Passing Scores for the AEPA Early Childhood Professional Knowledge and Early Childhood Subject Knowledge Exams

Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, presented the information provided in the materials packet stating that this is a direct result of the SBE's new certificate and is based on a June 2004 RFP. Ms. Amator noted that practitioners have been involved in all phases of the exam development. She added that the standard setting committee will convene on October 13, 2006, and the final presentation will be at the October 2006 SBE meeting.

J. Presentation and Discussion Regarding Passing Score for the AEPA Economics Subject Knowledge Exam

Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, presented the information provided in the materials packet noting that the test was developed as a result of an NCLB requirement. Ms. Amator noted that further information will be presented at next month's meeting.

Ms. Hilde commented regarding the low number of teachers tested (26) in a year's accumulation and Ms. Amator noted that NES would not have convened the standard-setting committee if this were not considered statistically significant. Ms. Mendoza also voiced her concern regarding the low number tested. Ms. Amator also clarified that Panel-Based MC means "multiple choice". Further clarification is requested regarding the constructive response/scoring process and Ms. Amator stated that it is usually based on content.

K. Presentation and Discussion Regarding Results of the 2005 National Assessment of Educational Progress (NAEP) and the 2005 National Indian Education Study

Ms. Carrie L. Giovannone, State National Assessment of Educational Progress (NAEP) Coordinator, presented the Science results via PowerPoint Presentation which is included in the materials packet.

Superintendent Horne noted that the Rand Corporation conducts a NAEP test which is based on demographics and in that study Arizona is above the national average. He added that the local state rule is adopted so if we test in English NAEP also tests in English.

Ms. Mendoza asked if we are continuing to work on alignment and if so what the achievement results might be and Ms. Giovannone responded that NAEP has re-adjusted its framework to have a new assessment in 2009 which should align closer.

Dr. Nicodemus asked about the size of the cohort and whether in 2005 the 20,000 to be tested is a significant increase and Ms. Giovannone responded that this is not a large increase as 5600 students were tested in one subject but now three subjects will be tested including the NIES study. Ms. Giovannone also noted that in order to have a representative sample from Arizona the Native American students are over-sampled.

Further clarification requested from members:

- Where do ELLs stand in the overall achievement level
- Designated results for other ethnic groups
- Sample size in 2000 and whether there was a significant increase in sample expected for 2007

L. Presentation and Discussion Regarding the Arizona Department of Education Discipline Initiative

Dr. Ann Hart, Deputy Associate Superintendent, Discipline Initiative, Arizona Department of Education, presented the information as provided in the materials packet.

Mr. Clovis Campbell, Member Arizona African American Legislative Commission, stated that he has talked with Dr. Hart regarding the initiative and the concern regarding the Commission and Hispanic students involved in disciplinary issues. He noted that these students are sometimes disciplined more harshly than other students and that he believes this initiative will help in these issues by instituting uniform rules.

Superintendent Horne stated that he attended a class taught by Dr. Hart at a CTE conference as she demonstrated proximity techniques where her ideas were well received. He also reported that the pamphlets that have been distributed have gone primarily to parents with a letter from him in which he asks parents to support their schools in this area. He noted that teachers must be well supported in their discipline efforts.

Mr. Mel Hannah, Greater Phoenix Urban League, Director Community & Development, commended the creation of this initiative where the community can talk about their concerns. He noted that a concern of the sub-committee is the same as has been reported and that they want to work together and be a force in this arena. He also stated that they want to recommend an increase in ADE Discipline Initiative staff and will also assist in any needed legislative work.

Ms. Jennifer Steele, Member of African American Advisory Council, Administrator at Maricopa Community College, and parent of 5 adopted children who attend public schools, stated that she has experienced, first-hand, some of the disciplinary problems discussed today. Ms. Steele commended Dr. Hart's leadership and noted that the community is aware of these issues in public school classrooms. She noted that parents need leadership and support and that they want to partner with educators to address student needs. She added that legislative support is needed for students, parents and the community at large to provide the level of support needed.

Ms. Owen asked if other organizations, i.e. Character Counts, etc., are part of the training being delivered to schools and Mr. Horne noted that Character Counts is in over 500 schools and that a presentation will be brought to the SBE in this regard.

Ms. Mendoza noted that some of the statistics are alarming and suggested that more interaction may be warranted.

Mr. Ary stated that he would like to see this moved higher in its scope and suggested that when the legislative agenda is being formed the SBE should add its recommendations. Mr. Ary emphasized that this issue transcends all districts.

Ms. Hilde pointed out that there are nearly 1M students in Arizona and that this means a large number of students are doing well and urged Dr. Hart to include this information in future presentations to give a proper perspective.

The Board took a brief break at 11:09AM and reconvened at 11: 11:22AM

M. Presentation and Discussion Regarding Terms of Negotiated Settlement Agreements for Violations of A.R.S. § 15-545, Relating to Contract Breaches

Mr. Vince Yanez, Executive Director, State Board of Education, presented the item as provided in the materials packet noting that this is one of the few allegations that can be made regarding an

Arizona teacher that is defined in statute and Board rule as unprofessional. He noted that over the past at least seven years, the SBE has made it a practice to propose a negotiated settlement agreement with teachers who have broken their contract and typically those agreements have settled for a letter of censure, which is the lowest level of discipline. Mr. Yanez reiterated that concerns have been raised as to whether or not issuing letters of censure is appropriate and noted that the SBE instructed staff to look at possible options regarding the appropriateness of settling these cases and what the disciplinary action is. Mr. Yanez read the proposal included in the materials packet and noted that in some cases staff is asking the SBE to allow for some discretion as to when it is appropriate to proceed with disciplinary action before this Board and when it is appropriate to say that the matter should be settled strictly at the local level. Mr. Yanez added that these kinds of cases are rare, but the purpose was to include this in the recommendation as it does happen from time to time.

Dr. Balentine expressed her gratitude for this consideration and noted that it will provide support and continuity in the classrooms particularly at the beginning of the school year.

- N. Update Regarding *Flores v. The State of Arizona*. 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 *Flores v. The State of Arizona*. In Addition, 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

Motion by Ms. Kramer and seconded by Dr. Nicodemus to go into Executive Session to receive legal advice. *Motion passes. The Board went into Executive at 1:54PM.*

Motion by Ms. Mendoza and seconded by Mr. Ary to reconvene into regular session. *Motion passes. The Board reconvened in regular session at 2:53PM.*

Motion by Ms. Mendoza and seconded by Dr. Nicodemus to authorize the Board counsel to act on the Board's behalf in this matter in accordance with instructions given in executive session. *Motion passes. Superintendent Horne voted no.*

Superintendent Horne explained his vote:

- When he first took office there was a pending case brought by Tim Hogan to declare that Arizona didn't spend enough money on education and that the State should be forced by the court to spend more money on education
- At that time the Attorney General's Office talked to Mr. Horne regarding his advocating that Arizona did not spend enough money on students
 - In New York the Superintendent of Schools had aligned himself with the plaintiff in a similar lawsuit
 - The Attorney General's Office did not want the Superintendent to do this as they thought the case should be defended
- Mr. Horne told the Attorney General's Office that he would participate in the defense of the case and that he would not align with the plaintiff
- The proper way to do this is through the Legislature by either persuading them or replacing them
- Judges should not micro-manage the way states run their schools, which is a very dangerous thing
- In that case and more recently, the Attorney General and Mr. Horne have worked together to defend these cases, fighting off Mr. Tim Hogan's attempt to have the courts make us spend more money
- Mr. Horne would like to spend more money on ELLs which is a key issue

- Mr. Horne takes the same position here as he took in the other cases, which is to persuade the Legislature and campaign for people who want to do this, but that it isn't right for courts to be doing this

3. CALL TO THE PUBLIC

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

4. CONSENT AGENDA

- A. Consideration to Approve State Board Minutes
 - 1. August 28, 2006
 - 2. August 29, 2006
- B. Consideration to Approve Contract Abstracts
 - 1. Learn & Serve America: Community Integration
 - 2. Learn & Serve America: Adult Volunteers
 - 3. McKinney-Vento Homeless Education Assistance
 - 4. Arizona READING FIRST
 - 5. AZ ESA Professional Development Project
- C. Consideration to Approve Appointments to the Teacher Certification Advisory Committee
- D. Consideration to Accept Receipt of Funds Pursuant to the Hurricane Education Recovery Act
- E. Consideration to Authorize Funding for the State Administration of Child Nutrition Programs and the Summer Food Service Program
- F. Consideration to Authorize Trainers for the 45 Clock Hour Structured English Immersion Endorsement
- G. Consideration to Appoint Members to the Career Ladder Advisory Committee
- H. Consideration to Accept the Fiscal Year 2006 - 2007 Verification of the Teacher Evaluation System for the Arizona Department of Juvenile Corrections, Pursuant to A.R.S. § 15-537
- I. Consideration to Supplement Previous Contract Award Relating to Early Childhood Assessments
- J. Consideration to Accept the Voluntary Surrender of the Teaching Credentials for the Following Individuals:
 - 1. Sergio Aviega, Case #C-2006-035
 - 2. Leslie Lauen, Jr., Case #C-2005-145
 - 3. Kenneth Meyer, Case #C-2006-059
- K. Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Grant the Applications for Teacher Certification for the Following Individuals:
 - 1. Kathleen Daniels, Case #C-2006-061R
 - 2. Patricia Flores, Case #C-2006-028R
 - 3. David VanDruff, Case #C-03-06-01

Ms. Owen abstained. Motion by Dr. Balentine and seconded by Ms. Mendoza to approve the Consent Agenda as amended with Ms. Owen's abstention. *Motion passes.*

Item 4K3:

Ms. Rachell Tucker, Chief Investigator, State Board of Education, presented the item as provided in the materials packet.

Dr. Nicodemus stated that this was not a unanimous PPAC decision and noted that it should not be on the Consent Agenda for this reason.

Ms. Hilde noted that this person's rehabilitation was not obvious and Ms. Tucker responded that the PPAC was satisfied that Mr. VanDruff had completed the help programs.

Motion by Dr. Nicodemus and seconded by Ms. Kramer to accept the findings of fact, conclusions of law and recommendation of the PPAC and grant the application for certification for Mr. David C. VanDruff. *Motion passes. Ms. Owen voted no.*

Item 4B4:

Ms. Owen wondered if the IGA abstract was current and Ms. Kathy Hrabluk, Director, Reading First Program, School Effectiveness Division, Arizona Department of Education, noted that this list is left intact for the duration of the agreement to allow for any changes that could take place in the interim.

Motion by Dr. Balentine and seconded by Mr. Ary to approve the Contract Abstract as submitted. *Motion passes. Ms. Owen abstained.*

5. ADJOURN AS THE STATE BOARD OF EDUCATION AND RECONVENE AS THE STATE BOARD FOR VOCATIONAL AND TECHNICAL EDUCATION

Motion by Dr. Nicodemus and seconded by Ms. Kramer to adjourn as the State Board of Education and reconvene as the State Board for Vocational and Technical Education. *Motion passes.*

A. Presentation and Discussion Regarding Recommendations of the Career and Technical Education Advisory Committee Relating to the CTE Program List

Ms. Barbara Border, Interim Deputy Associate Superintendent and State Director of Career and Technical Education, Arizona Department of Education, presented the item as provided in the materials packet, noting the recommended formula as provided. She stated that they are looking at jobs that would drive the student toward a higher level of education, expanding the level of potential wages, nursing services, business management, electrical/power and cable lines, heating/air conditioning, dental services, plumbing are among some of the higher skills demanded which are being funded. In addition to the labor market information, Ms. Border stated they are also looking at new and emerging programs as explained in the materials.

Mr. Yanez clarified that this is an information item as this is the first time it has been presented to the SBE.

Ms. Hilde asked to see the list that has been generated by the formula and Ms. Border agreed to submit this list to members.

Mr. Ary asked if the activities will be hampered by this not being approved today and Ms. Border acknowledged that this will postpone activities for one month.

Ms. Hilde spoke about the needs in outlying areas, citing the new mine to be opened in the Safford area, and asked if these high wage jobs are not on this list, what secondary route a local district could use to build their resource.

Ms. Border noted that they should look at the jobs on this list where some mining skills may be included as well as the local JTED requesting assistance.

B. Presentation, Discussion and Consideration to Close the Rulemaking Record and Adopt Proposed Rule R7-2-611, Regarding Career and Technical Education Teaching Certificates

Mr. Yanez introduced the rule package provided in the materials packet noting it is simply to correct a technical change, as noted. Mr. Yanez stated that he conducted a public hearing on September 18, 2006, that was attended by 14 representatives where he received positive feedback and the amended rules as proposed was supported by all attendees.

Motion by Mr. Ary and seconded by Ms. Owen to close the rulemaking record and adopt proposed rule R7-2-611, regarding career and technical education teaching certificates. *Motion passes.*

6. ADJOURN

Motion by Dr. Balentine and seconded by Mr. Ary to adjourn. *Motion passes.*
The Board adjourned at 3:16PM.