

**Minutes  
State Board of Education  
Monday, August 27, 2012**

The Arizona State Board of Education held a regular meeting at the Arizona Department of Education, 1535 West Jefferson Street, Room 417, Phoenix, Arizona. The meeting was called to order at 9:02 a.m.

PERSON  
RESPONSIBLE

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

**Members Present:**

Ms. Hamilton  
Dr. Hart  
Superintendent Huppenthal  
Mr. Jacks  
Mr. Miller  
Mr. Moore  
Ms. Ortiz-Parsons  
Dr. Rottweiler  
Vice President Tyree

**Members Absent:**

President Molera  
Ms. Klein

*It is noted that Ms. Klein arrived at 9:07 a.m.*

1. BUSINESS REPORTS

A. President's Report

VP Tyree

Vice President Tyree presided over the Board meeting in President Molera's absence. Vice President Tyree introduced the newest member of the Arizona State Board of Education, Dr. Ann Weaver Hart, President of the University of Arizona. Dr. Hart commented that she is very proud to be a new member of the University of Arizona and to serve on the Arizona State Board of Education and is looking forward to working with the Department of Education and all the board members.

Vice President Tyree commented briefly that it was his pleasure to be with the Arizona Advisory Committee for Career and Technical Education on behalf of the Arizona State Board of Education and the Department of Education. The meeting was held at Shadow Mountain High School in the Paradise Valley School District in the library media center. He spoke highly of the technology of the school and how impressive the presentations that were made by the young people.

B. Superintendent's Report

Supt. Huppenthal

Superintendent Huppenthal spoke regarding the approved EASA waiver and the presentation to follow. He highlighted the information released pertaining to the AIMS and letter grade scores and thanked Kathy Hrabluck's for the work she and her group have done in the reading area. Superintendent Huppenthal introduced new Deputy Superintendent of Programs and Policy, Dr. Jennifer Johnson and highlighted her stellar 35 year career in Education. She will have oversight for the following divisions: accountability & assessments, highly effective teachers and

leaders, research and evaluation, high academic standards for students and highly effective schools. Ms. Johnson begins on August 30 and will be replacing Jon Stahler.

Superintendent Huppenthal highlighted the language initiative ADE has been working on and the agenda item that relates to that. He spoke about the challenges pertaining to the college and career ready initiatives and talked about the low scores many schools are seeing.

### C. Board Member Reports

Mr. Moore highlighted his West Ed meeting held in July and spoke how the state of Utah presented a program that focuses on recovering reading scores at 8<sup>th</sup> grade level and spoke of the impressive data showing improvement in minority students that have actually increased and moved the needle on reading scores.

*Nothing further to report from other members.*

### D. Director's Report

Mr. Yanez

#### 1. Innovative Education Grant

Mr. Yanez spoke about the grant process and the changes the board had made to the proposed criteria. The two primary changes were first, the elimination of the \$100,000 floor for each grant application. There is essentially no floor and grant applicants can request up to \$1M of that total \$3M award. The second change had to do with the verifiable data regarding program effectiveness and changes to the language. Mr. Yanez stated the application itself has been advertised and has been open for about 3 or 4 weeks and will close on September 21. Mr. Yanez would like to convene an evaluation panel in time to make awards at the October meeting. He has had conversations with the President Molera and Vice President Tyree and will put together a panel with their input and that process will begin sometime after September 21.

Mr. Yanez addressed Vice President's Tyree's question regarding the interest the grant is receiving.

#### 2. K-3 Reading Funds

Mr. Yanez stated plans were approved last month and have been distributed to every single LEA and every single school site in AZ. Schools are working to compile their literacy plan and they are being received electronically. Mr. Yanez spoke briefly about the approval process. For school's that are A's & B's, once their completed plan are received then they are eligible for their school funding. LEAs that have received C's, D's & F's or have the threshold in the 10% category that falls far below, an evaluation process will begin as soon as possible after the October deadline. Mr. Yanez stated he would anticipate those approvals will take some time as there will most likely be several hundred that require approval. The approval process for many of those plans will go well into the middle or end of the school year.

### 2. CONSENT AGENDA

A. Consideration to approve Arizona State Board of Education minutes for June 25, 2012

Mr. Yanez

B. Consideration to approve the following contract abstracts:

Ms. Welborn

1. Adult Education Integrated Basic Education and Skills Training (I-BEST) Pilot
2. Title IID Discretionary Sub-Grantee Approval for additional funding and extension of the Statewide Instructional Technology Projects

3. ARRA Title IID Discretionary Sub-Grantee Approval for Implementation of Arizona's Common Core Standard Grant
  4. Approval of FY 2013 21<sup>st</sup> Century Community Learning Centers Grant
  5. 2012-2014 McKinney-Vento Homeless Education Grants
- C. Consideration to approve trainers for the full Structured English Immersion Endorsement Ms. Hrabluk
- D. Consideration to accept funds related to the U.S. Department of Education Institute of Education Sciences grant Mr. Masterson
- E. Consideration to permanently revoke any and all teaching certificates held by the following individuals, pursuant to A.R.S. § 15-550: Mr. Easaw
1. Justin R. Sargent
  2. Richard D. Ford
- F. Consideration to accept voluntary surrender of the certificates held by the following individuals: Mr. Easaw
1. Jedd Haynes
  2. Francisco Javier Hernandez
  3. James P. Smith
  4. Christie Andrzejewski
  5. Nicholas R. Stupey
- G. Consideration to accept appointment of Bonnie Sneed to the Professional Practices Advisory Committee Mr. Easaw

*Greg Miller moved to approve the consent agenda. Superintendent Huppenthal seconded the motion. Motion passed unanimously.*

*Let the record show that Dr. James Rottweiler abstained from consent based on a conflict of interest on Item B1.*

### 3. CALL TO THE PUBLIC

*No requests to speak*

### 4. GENERAL SESSION

- A. Presentation and discussion regarding the Arizona Education Learning and Accountability System. The Board may take action to approve the expenditure of funds, pursuant to A.R.S. § 15-249. Mr. Masterson

Mr. Masterson provided an update regarding the Arizona Education Learning and Accountability System upgrades. He stated they will be moving to a quarterly reporting system and provide details at that point. Program assessments will be provided by an independent third party. They will produce draft reports quarterly to the President of the Senate, Speaker of the House of Representatives, Chairpersons of the Senate and House of Representatives Appropriations Committees, Director of the Joint Legislative Budget Committee, and Director of the Governor's Office of Strategic Planning and Budgeting. They will have a draft 2 weeks out to review and prepare comments.

ADE IT team visited the Chief Information Officer and Chief Technology Officer from the Georgia Department of Education. Georgia was selected because of its deployed Statewide Longitudinal Data System (SLDS) already in place. The team discovered that despite the similar start and state structure, the two states were far apart with respect to data systems. Additionally, the team participated in a demonstration of the Georgia SLDS. Allowing the ADE IT team to see a system in action has been beneficial. Staff members are currently working to identify key areas that can be replicated and adapted to meet Arizona's needs. This endeavor will allow ADE IT to implement ED<sup>3</sup>S (AZ-SLDS) to six pilot districts by December of this year. The visit helped ADE IT determine areas where implementing a change in strategy would be beneficial. This fiscal year, staff will focus efforts on developing internal discipline with respect to data quality, monitoring progress and implementing policy consistently across the organization.

Mr. Masterson highlighted the AELAS FY2012 Budget. There was a carryover of approximately \$2,000,000 of which all but \$100,000 was allocated.

Mr. Masterson highlighted the FY2012 Accomplishments and touched briefly on each of the following points:

- AELAS Business Case
- AZ-SLDS Dashboards Pilot
- Great Plains Phase 1
- SAIS Assessment
- Identity Management
- ChangeGear
- ALM
- Enterprise Architecture
- SAIS Student RFP Requirements Gathering

Mr. Masterson spoke about what ADE IT will be accomplishing in FY2013 and highlighted the following:

- Ensure accurate student payments
- Outline path to begin execution of long-term, cost-effective statewide data system
- Create reliable, integrated technology services
- Provide tools for teachers to grow student success
- Provide LEAs access to full picture view of ADE student data

Mr. Masterson spoke about identity management and gave a demonstration of the project. Ed Jung demonstrated how to create and assign IDs based on the user role. Ed Jung, IT Technology Manager gave the Board a demonstration and scenario showing how teachers will be able to log into the system that his will show attendance, state test scores, grades from other school, AIMS scores, identify specific needs, etc. Superintendent talked about how this will enable every teacher to get access immediately which would otherwise take days.

For FY2013 the team will continue its efforts on internal data governance, structure, policies and procedures, as well as managing the changes required as the agency delivers new applications that are used by our educators and students. These policies and procedures are critical to ensuring systematic changes that will create confidence in ADE's data accuracy, availability and security.

ADE IT presented the updated FY2013 strategic priorities and budget update and recommended funding in the amount of \$1,400,000 broken down as follows:

- |                                 |            |
|---------------------------------|------------|
| – SAIS Phase I Replacement      | \$ 500,000 |
| – Improve internal ADE programs | \$ 900,000 |

Superintendent Huppenthal thanked Mr. Masterson for his detailed presentation and stated to the Board that Mr. Masterson has always delivered on every single deadline in the past.

*Superintendent Huppenthal moved to approve the requested expenditure of funds related to the Arizona Education Learning Accountability System, pursuant to A.R.S. § 15-249. Mr. Jacks seconded the motion. Motion passed unanimously.*

B. Presentation and discussion regarding results of the 2012 A-F Letter Grade Accountability System and the 2012 AIMS test administration

Dr. Giovannone

Dr. Giovannone presented information in a PowerPoint presentation regarding 2012 AIMS results highlighting Percent Passing increases in Reading, Mathematics, Science and Writing. Dr. Hart asked if these changes are statistically significant. Dr. Giovannone stated that she would have to run the statistically significant test on this and would get back with Dr. Hart regarding that question.

Ms. Klein asked about pass rates vs. school labels themselves. Dr. Giovannone stated she will get into more detail in the next slide presentation regarding this which shows as a general rule that there is an increase in percent passing but would get more statistical information to Ms. Klein. Dr. Giovannone stated it is more difficult for schools to increase their percent passing as opposed to their growth but did see quite a few schools make incredible growth and made phenomenal change in percent passing that was highlighted at the press conference. She stated that all the information being presented to the Board is publicly available on the website.

Dr. Giovannone presented information and a PowerPoint presentation highlighting 2012 A-F Letter Grades showing the percentage as follows:

- A – 22%
- B – 33%
- C – 28%
- D – 13%
- F or NR (Non Reporting) 4%

Particular success stories we also highlighted:

- One particular school went from a 'D' to an 'A' with a 32 point increase in growth and a 20 point increase in composite points
- A Charter school increased 20 points in growth and had 7 point increase in composite points
- A high school with 100% Native American population went from a 'D' in 2011 to a 'B' in 2012 with a 20 point increase in growth and a 4 point increase in composite points
- 2 schools went from a 'D' to an 'A'
- 11 schools went from a 'D' to a 'B'
- 18 schools had an increase of 20+ growth points

C. Presentation and discussion regarding implementation plans for the Partnership for Assessment of Readiness for College and Careers (PARCC)

Ms. Alley

Before beginning the presentation, Ms. Alley addressed Dr. Hart's question in regard to AIMS and re-testers. In Arizona everyone tests within a test window in grades 3-8 with no additional makeup time, 10<sup>th</sup> graders take the test on a single day with a makeup day but makeup is less than 5%. Re-testers in 11<sup>th</sup> & 12<sup>th</sup> grades and not included in the data. 11<sup>th</sup> & 12<sup>th</sup> graders are calculated separately and those scores are kept separate from the 10<sup>th</sup> grade data. It is a very small retesting population of less than 5%.

PARCC K-12 policy focuses on characterizing college readiness and defining entry-level, credit-bearing courses in English language arts/literacy (ELA/literacy) and mathematics. Addressing career readiness remains a priority for PARCC, as the knowledge and skills contained in the Common Core State Standards are necessary for success in both postsecondary education and the workplace. In the coming months, PARCC intends to engage representatives from the career and technical education and business communities in order to further examine what it means for students to be prepared to successfully engage in a career.

One of PARCC's primary objectives is that students who earn a College-Ready Determination and are admitted to two-or four-year institutions of higher education will be exempted from having to take and pass other placement tests designed to determine whether they are academically prepared to enter directly into entry-level, credit bearing courses in English, mathematics, and a wide range of disciplines that require college-level reading, such as history and the social sciences. However, the College-Ready Determination is not being designed to inform college admission decisions or to exempt students from having to take tests designed to place them into more advanced courses beyond entry-level courses.

PARCC will establish a systematic standard-setting process to identify the threshold scores, also known as cut scores, on the designated high school assessments that will be used for making college-Ready Determinations.

The standard-setting process will continue with a standard-setting event after the first administration of PARCC in summer 2015.

Superintendent Huppenthal asked what descriptive label that would be put on Level 4. Ms. Alley stated that they have not named the levels as of yet. We have received feedback for those descriptions, some would like to leave levels numeric and others would like to have some other descriptions but those levels have not been named.

Ms. Klein asked whether the partnership talked about what the actual timeframe will be and whether they're planning for field testing. Is there a model for the level of resources that you need to transition to a computer based assessment to do your testing so we can be ready for spring 2015 and has the partnership itself done any modeling for that?

Ms. Alley stated that every school in the state will participate in the field test in the spring of 2014. Not every school will take the complete assessment. Some may take the performance assessment early, some make take the end of year computer based assessment, some will do math, some will do ELA, and there will be a few schools identified that will take the complete testing so we get a sense how time consuming this will be and how long the testing will take. There will be several different types of field testing but all schools will participate in some way. Spring of 2013 there will be some pilot testing and we are in the process of selecting a vendor to develop that now.

Superintendent Huppenthal asked where we stand on the technology issues, how much money we would need for computer systems and such.

Ms. Alley stated they will have a better idea hopefully by December once we have our state data in and have an actual count of what is in our schools and what is available, but at this time we can't give an estimate but it will likely be high.

Mr. Yanez asked Ms. Alley to address a couple of items that are on the PARCC implementation timeline in respect to course sequence and High School Graduation Requirements. Ms. Alley stated the advisory committee will meet tomorrow and hopes to bring back next month their discuss and recommendations. Mr. Yanez stated that Mr. Miller and Mr. Jacks will be participating on behalf of the Board at Department Task Force meetings that Ms. Alley has put

together and they will be bringing full recommendations back to the Board in the fall in regard to how the assessments will be used, what the core sequence will look like, etc.

Mr. Moore asked if the test will always be a computer based assessment. Ms. Alley stated yes, but there will always have to be a paper pencil version for Special Education students and religious groups who will not be able to do a computer based assessment. Mr. Moore asked if there are there specific initiatives in around broadband outreach to the rural communities. Ms. Alley stated they are looking at the kind of connectivity within the schools but we need to get the data from the school before we can make any assumptions about what is needed.

D. Presentation and discussion regarding proposed amendment to the Teacher and Principal Evaluation Framework to include performance classifications as prescribed in A.R.S. § 15-203

Mr. Yanez

Mr. Yanez spoke about A.R.S. § 15-203 which requires the Board to adopt and maintain a model framework for teacher and principal evaluation instrument that includes quantitative data on student academic progress that accounts for between thirty-three per cent and fifty per cent of the evaluation outcomes. On April 25, 2011, the State Board of Education (SBE) unanimously passed the Arizona Framework for Measuring Educator Effectiveness.

HB 2823, passed in the Fiftieth Legislature, Second Regular Session, requires the Board to include on or before December 1, 2012, four performance classifications, designated as Highly Effective, Effective, Developing and Ineffective, and guidelines for school districts and charter schools to use in their evaluation instruments.

In regard to that, Mr. Yanez stated most of the changes that were made in that piece of legislation applied to how school districts have to utilize the framework in terms of transferring teachers, performance pay and several other items. Part of the bill requires the Board to revisit the framework and to include specific classifications. Mr. Yanez put together an initial draft/proposal for the Board to review that would add the new language to the Teacher and Principal Evaluation Framework. Mr. Yanez looked at quite a few different states to get some guidance as most states are using something similar. There is some consistency in what most states are using but in the end the language that is before the Board is driven by Arizona law and the existing Framework. The Framework is in two parts. The first part generally describes the expectations for academic progress and the second part generally describes the expectations for adheres to the professional teaching standards. All school districts and all Charter schools have to be implementing. LEAs are going to have to further define what each of these performance evaluations mean within their own Teacher and Principal instruments. These are not specific definitions; the law leaves that to our local LEAs to do. Mr. Yanez shared these with the stakeholder groups that were involved with HB2823. Some of their input has been incorporated within the draft proposal and amendments and amendment changes have been tracked. The primary changes are:

1. for each of the performance classification the law requires at least two observations that changed from multiple.
2. The second change was under the developing category adding the sentence stating the developing classification may be appropriate for new or newly reassigned teachers.

Dr. Hart asked what is meant by exception levels of academic progress. Mr. Yanez stated it is not defined because the law simply requires the Board to adopt these four classifications and it specifically says they will be further defined by local LEAs. What this document sets out to do is set a very general framework stage for what our LEAs should be considering when they are quantifying what a highly effective teacher is.

VP Tyree asked about teachers falling in the developing or ineffective category and what is the affect is on that teacher? Mr. Yanez stated HB2823 adds a lot of different consequences for receiving the lowest classification of the bottom two categories. Two significant examples are:

1. Teachers who are beginning their 4<sup>th</sup> year and are designated in the lowest performance classification may be non continuing status. Under the previous law after 3 years of continues employment they were offering a continuous status.
2. Prohibits teachers who are in the lowest performance classification for two consecutive years from being transferred to another school unless the teacher has been given notice of inadequate classroom performance, is subject to an improvement plan and the governing board approves the transfer.

Ms. Klein asked if there is a way to further refine the language pertaining to teachers who aren't new or who aren't on assignment. The sentence that has been added suggests that it may be appropriate for new or newly reassigned teachers but it doesn't suggest that it can only be used for those categories of teachers. Do we have some flexibility there so that it's clear that developing is only for teachers that are new or newly reassigned? Mr. Yanez stated the Board has the flexibility to change that wording. The Board can suggest amendments that we can work on between now and the next board meeting

Superintendent Huppenthal asked how effective has multiple classroom observations been at accurately classifying teachers. Mr. Yanez said he would work with staff and pull some research together to provide to the Board.

Janice Palmer, Arizona School Board Association, expressed her appreciation to the Board for their efforts to move this piece of legislation forward. School districts do not have to adopt these definitions until 2013/2014. She has received numerous calls from school districts that want to move forward on this and want to have these definitions in place as soon as possible.

Kelly McManas representing Stand for Children thanked the Board for their quick action in developing these classifications. One item to bring to the Board's consideration is that these classifications are not specific about what the academic achievement baseline is for teachers at each of these levels. We believe the state standards should be referenced as the learning expectations in the classification document. We believe the expectations should be grounded in the state standards.

Joe Thomas, Arizona Education Association, thanked the Board for all their hard work on these Teacher and Principal evaluations. Mr. Thomas spoke about the balance and purpose of the new classifications. We think you've hit a very good balance and everything that should be referenced is in this evaluation. We believe these classifications should be anchored to the idea that you are improving instruction in the classroom to increase student growth and we believe that balance of purpose has been achieved.

Mr. Yanez stated there was no action required of the Board today. Mr. Miller commented that the statement of at least two evaluations should be changed back to multiple. If we name a number, that will be the number used.

E. Presentation, discussion and consideration to accept the recommendation  
of the Professional Practices Advisory Committee and grant the  
application for certification for Michael S. Asplin

Mr. Easaw

Mr. Easaw presented the information pertaining to Dr. Michael S. Asplin application for a Standard Secondary teaching certificate on November 15, 2011. He has not been previous certificated by this state or any other state

as a teacher. The Investigative Unit advised Mr. Asplin that his application required a review by the Professional Practices Advisory Committee (“PPAC”) due to the seemingly inconsistent answers regarding action taken against a professional license and that he had, in fact, received discipline against a professional license or certification.

Mr. Asplin stated that he did not intend, in any way, to mislead the PPAC or the State Board regarding the discipline of his chiropractic licenses. He continued that it was simply an oversight when he checked “no” to reprimand or other disciplinary question after having checked “yes” to having had a license suspended or revoked.

From 2010 – 2011, he was a student teacher through the Rio Salado Community College Program and presently he teaches physical sciences at Notre Dame Prep High school in Scottsdale.

During the 1980’s and early 2000’s he held a chiropractic license. The Investigative Unit discovered that in 1995, the State of New York imposed discipline of a two-year suspension of Mr. Asplin’s chiropractic license. This suspension was stayed for two years. Mr. Asplin disclosed that on June 14, 2000, the California Board of Examiners suspended his State of California Chiropractic License. He also disclosed a conviction for trespass/injury to property on January 14, 1998, in Los Angeles, California. It was determined by the chiropractic board that he had failed to supervise either the employees or agents.

With regard to the 1995 stayed suspension of his chiropractic license by the State of New York, Mr. Asplin explained that for a number of years, he was in a partnership with another practitioner. After a dispute over contract issues, he left the partnership and formed his own practice. His former partner filed a lawsuit. After defending himself, he was nearly bankrupt. When he was alleged to have committed negligence and professional misconduct, he stated he was financially unable to contest the allegations, so he agreed to a stayed two-year suspension of his chiropractic license in New York.

The California Chiropractic Board of Examiners charged Mr. Asplin with a number of violations of its code of conduct on the basis that he name was associated with the various satellite offices, and by extension, illegal activity. Mr. Asplin denied the allegations. In addition to these allegations, the California Board of Chiropractic Examiners sought to discipline his license on the basis that in November, 1997, he was arrested and convicted on a charge of engaging in a sexual act in a parked car. (This conviction was later set aside and the record expunged.)

He told the PPAC that in order to practice chiropractic at more than one location; a practitioner was required to set up a “satellite office” for each of the locations where one would meet a patient. Unbeknownst to Mr. Asplin, other practitioners began to use his satellite offices as a cover for massage therapy and for prostitution. Because his name was associated with many of these satellite offices, he was suspected of being involved in criminal activity. Ultimately, it was determined that Mr. Asplin was unaware of the criminal activity, and he became a witness in the prosecution of persons who were charged.

In 1998, in California, Mr. Asplin signed a Stipulated Settlement and Disciplinary Order whereby his California Chiropractic License was revoked for a two-year period. Mr. Asplin stated that while he disagreed with the allegations relative to the satellite offices, he nonetheless submitted to the jurisdiction of the California Board of Examiners because of the 1997 conviction. He agreed to a two-year revocation of his license.

The PPAC noted the following mitigating factors when recommending granting Mr. Asplin’s certification:

- Candor in his statement before the PPAC

- Length of time which has elapsed since the events requiring a review by the State Board
- Mr. Asplin is eligible for reinstatement of this chiropractic license
- Commitment to full and complete disclosure as evidenced by a positive response to the question about conviction of a felony when, in fact, his 1998 conviction was for a misdemeanor, the charge was dismissed, and the conviction expunged.
- During the investigation which precipitated the suspension of his California chiropractic license, Mr. Asplin cooperated with law enforcement and was a cooperative witness during criminal proceedings against the criminal defendants.
- Letters of recommendation and reference written by the department chair, a department colleague, and the parent of a student, praising Mr. Asplin's ability to relate to students and to teach science during the 2011 – 2012 school year. Both the department chair and the department colleague are aware of his prior conduct.

The PPAC found no aggravating factors and the PPAC reviewed and recommended unanimously that this Board grant Michael S. Asplin's application for certification. Mr. Asplin was present and made a brief statement to the Board regarding his background and history of events thanked the Board for their consideration.

*Mr. Moore moved to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and grant the application for certification for Michael S. Asplin. Mr. Miller seconded the motion. Motion passed with 11 yes and 1 no.*

F. Presentation and discussion regarding teacher certification investigations and the Professional Practices Advisory Committee. The Board may take action to initiate rulemaking procedures for proposed rule R7-2-205, regarding certification review, suspension and revocation.

Ms. Ortiz-Parsons

Ms. Ortiz-Parsons and Mr. Yanez reviewed the PPAC rules policy & procedures. Several recommendations were made regarding these proposed rule changes. Mr. Yanez spoke about the proposed rule draft R7-2-205 that establishes and governs the professional facts by the PPAC. During the last legislative session we were given the resources to hire two new investigators to help move through the backlog of teacher certification investigations that we currently have. Knowing that we will be pushing through more reviews and complaints, we needed to look at our committee process so that we are sure that this committee, which is volunteer members of our community, actually has the capacity to hear the number of cases that we anticipate. The rule proposal is a way to restructure the PPAC to do that. The rule proposal before you would allow the Board to establish multiple committees, two or more, depending on what the need is. Generally the committees will meet once or twice a month. Most of the people on these committees are educators and we are asking these members to take time off from their classrooms for two days a month to come down to do these hearings. When Ms. Ortiz-Parsons spoke about the time commitment we looked at this in detail. There is a slight change to the membership of the committee. We recommend the committee structure itself stay at seven, but instead of two Lay members which we currently have now we would go to one lay member who has to be a parent of a student in one of our public schools and with the extra slot we would establish a member of higher education. Some language is being stricken which is out of date and which should have been stricken years ago and is considered just technical clean up language. With respect to alleged victims rights to have a voice in the hearing process and rather than address that in rules, you have received a copy of the Investigative Handbook. In the portion of the policy and procedures that governs on-going disciplinary investigative, there is some new language and how we propose to address this issue. The specific language states: "In every Priority One case the assigned investigator shall attempt to contact and interview the alleged victim and/or the alleged victim's legal

guardian(s). The interview shall include an assessment of the alleged victim's willingness to participate in any formal proceedings before the PPAC. The alleged victim and or the alleged victim's legal guardian(s) shall be given the opportunity to provide a written statement regarding the alleged misconduct. Final determinations regarding evidence and witnesses used during disciplinary hearings shall be made by the Board's Assistant Attorney General in consultation with the Chief Investigator." Right now there is nothing formal that is in place that would give an alleged victim or the parents of alleged victims an opportunity to engage in that hearing process and address their case.

Ms. Klein, asked why this can't be a part of the rule that just makes it clear. I don't think this goes far enough to address victim's rights. I don't have whatever it is that is referred to as a Level 1, 2 or 3. If the incident involves a child, the child or members of the child's family should be allowed to say something and be entitled to present at the hearing and I think that should be in rule. I don't think it goes far enough in terms of victim's rights and there should be a higher standard that pays proper tribute to victims. Ms. Ortiz-Parsons stated there were concerns that the child would have to be addressed by the attorney and we didn't want to put the child in that position. That's why we wrote that the child or child's parents or children advocated could make a written statement instead of a verbal statement in front of the PPAC. Ms. Klein suggested the need for a statement about victim rights that are included in the policy rules. Mr. Yanez stated they would work on drafting a statement. Dr. Rottweiler asked if there is appropriate staffing in place to drive a committee. Mr. Yanez stated with the hiring of two additional investigators there will be appropriate staff to drive two committees.

VP Tyree stated after some fine tuning this matter will be brought back to the board.

G. Presentation, discussion and consideration to close the rule making record  
and adopt proposed rule R7-2-614(J), regarding Native American Language  
certificates

Mr. Yanez

Mr. Yanez talked about the proposed rule, creating a new certificate around Native American Languages. This item was discussed previously. The Board initiated rule making procedures in May. The Rule itself is relatively straightforward in that the requirements have been simplified compared to other certificates. There currently isn't any ability to become certified to teach Native American Languages right now. The requirements are simplified to fingerprint clearance, which is required under Arizona law. Because there is no content knowledge tests in these languages, language proficiency would be verified by the local tribal authority. The Department of Education would have to work with the tribal authority to come up with a process for how that is going to happen between the various tribes. The rule before you is identical to what you saw when the rule making was initiated with the exception of the very last item, which is #4 and this is just a technical change. Under the original language it referred to 60 hours clock hours of professional developing in a program and the reference to a program has been omitted. There was never intent that there be a specific program around the renewal requirement. This actually makes it consistent with every other certificate in that LEAs, schools determine what professional development would be beneficial for a particular teacher. A public hearing was held as required by the Board's rule making process and was very well attended. A summary of the public comments were distributed to the board members. All of the individuals that spoke spoke in favor of the proposed rule. We received various letters and emails in support of adopting the rule. Cathy W. Kitchian thanked everyone for creating a Native American Advisory Board and for hearing our concerns on this issue. I encourage you to pass this new rule so that our Native American teachers who have worked so hard can receive certification in teaching our Native American Language. We are teaching our students the pledge of allegiance in Apache. We have also taught them the Star Spangle Banner in their native language. The apache language is not on the internet. These teachers work hard to develop their teaching plans in Apache. There are 22 tribes in the State of Arizona and I'm sure every tribe will be very happy that finally there will be some honor, respect and pride given to those teachers who will now be certified. Mr. Moore thanked Superintendent Huppenthal

and Vince Yanez for helping create the advisory committee in addressing this Native American Certification and spoke of its importance to the community.

*Mr. Rottweiler moved to close the rulemaking record and adopt proposed rule R7-2-614(J), regarding Native American Languages certificates. Superintendent Huppenthal seconded the motion. The motion passed unanimously.*

H. Presentation and discussion regarding the conditional approval of Arizona's request for Elementary and Secondary Education Act (ESEA) flexibility Ms. Phillips

Ms. Phillips stated eleven states applied in Round 1 of the ESEA Flexibility Request during November 2011 and all eleven were approved. Arizona applied as one of 26 states plus D.C in Round 2 on February 28 and Arizona was approved on July 19, 2012. Currently 33 states plus DC have been approved. Seven states were approved conditionally.

Discussed the requirement to identify title I reward focus and priority schools. Still some areas where the federal definitions did not align perfectly with their A-F systems, the dept feels the final approved systems represents a substantial increase in alignment between the two systems. We were approved to use the bottom core tile as a new sub group. What that means for schools is if you're working to improve that new sub group you're not only helping your fed accountability but you're also going to improve your letter grade. So that was a big improvement. The requirement is to identify all Title 1 and Title 1 eligibly high schools with a graduation rate as less than 60% as either focus or priority schools over a number of 3 years and it came to about 100 schools. The final list was sent to the US Department of Education on August 15th and was made public and our new school improvement process began. We had 114 reward schools; those were our highest performing and high progress school. 120 were focus schools (10%) and 65 priority schools. Those focus and priority schools will now be in school improvement. School Improvement and Intervention Division convened a conference and webinar already in the past 2 weeks to kick off the new process. 185 schools are now in school improvement. Ms. Phillips highlighted the difference. Using the old AMOs and AYP, 70% of Title I schools that would not have met AYP, or 847 schools. 783 would not have met AMOs, 31 not met 95% tested, 94 not met grad rate, and 48 not met attendance. Now with this new model, 5% of 61 will be Priority Schools, 10% or 120 will be Focus School and a maximum of 10% or 120 will be Pre-Intervention. With this change also comes a shift from a year to year change to a more long-term sustained approach so there is a three year requirement for interventions for Priority and Focus School in order to demonstrate.

There are twelve specific ESEA provisions proposed for waivers but they generally center on the NCLB requirement to achieve 100% student academic proficiency by 2014.

- Flexibility for state to redefine proficiency targets.
- Flexibility in developing accountability formulas.
- Changes to Title I school and district improvement.
  - Eliminate the requirement to identify districts for improvement
  - Concentrate school improvement resources on priority (with lowest achievement) and focus (with greatest achievement gap) schools
- Increased flexibility in use of federal funds.
- Eliminate requirement to determine Adequate Yearly Progress.

Arizona's Flexibility Request was granted through the 2012-2013 school year. Arizona may request an extension of these waivers through the end of the 2013-2014 school years by meeting the two conditions outlined. At that time, Arizona, like other States with approved requests, may request an additional extension of these waivers through the 2014-2015 school years. The two conditions both of which we discussed at the

last meeting. The graduation rate currently only represents 3 out of the 200 points in the high school A-F model. Ms. Phillips talked about increasing the weight of the graduation rate to be included in a college and career index. ADE will recommend that the weight increases to 20% in the overall model for high schools. We have already addressed the graduation weight in the short term. The weight of the graduation rate plays a big impact in the calculation for focus priority and rewards for title I. The second is to amend the educator evaluation framework. January 2013 ADE will submit to the Arizona State Board of Education a recommendation to amend the definition of Academic Progress. Growth is a requirement for evaluation systems for EASA Flexibility. The definition of Academic Progress as adopted by the STE has growth as optional. That was the issue that arose in the last 3 or 4 weeks of July. So in order to meet the requirements for EASA Flexibility growth can no longer be an option.

Current definition of Academic Progress in the Arizona Framework is the measurement of student academic performance. These measurements can be **either**: 1) the amount of academic growth a student experiences during one school year; **or** 2) a single measure of academic performance, including, but not limited to, formative assessments, summative assessments, and AZ LEARNS profiles.

In January 2013, ADE will submit to the State Board of Education a recommendation to amend the definition of “academic progress” to meet the requirements. Following the conclusion of the 2012-2013 pilot, ADE will submit to USED for approval a final version of teacher and leader evaluation guidelines, which is consistent with the requirements of ESEA flexibility following State Board of Education review and approval. LEAs will be allowed to amend their systems during the 2013-2014 school year. ADE will have a process in place to review and approve LEA evaluation systems for consistency with Arizona’s approved guidelines prior to full implementation of evaluation systems statewide in 2014-2015. We need an increased accountability for failure to test 95% of students and we need to make some type of long term recommendation to the State Board as how to strengthen that.

Mr. Huppenthal spoke about how for 20 years he tried to advance the concept that the way to hold schools accountable was through growth and be forced into a position where I would define progress as not being growth. That was something that he felt he could not do. When we come to the board in January where I come forth and make a recommendation based on the negotiations and then it’s another stage. You can look at my recommendation and there may be some discuss at that point and we might go back to the Feds to define this option.

To receive approval to implement ESEA flexibility through the end of the 2013–2014 school year, Arizona must submit to the Department for review and approval an amended request incorporating: (1) the final version of the new letter grading system with a graduation rate weight of at least 20 percent, and (2) final guidelines for teacher and principal evaluation and support systems that meet the requirements of ESEA flexibility, including the use of student growth, as defined in *ESEA Flexibility*, as a significant factor in determining a teacher’s or principal’s summative evaluation rating

One of the six required criteria for evaluation frameworks is use multiple valid measures in determining performance levels, including as a significant factor data on student growth for all students (including English Learners and students with disabilities), and other measures of professional practice (which may be gathered through multiple formats and sources, such as observations based on rigorous teacher performance standards, teacher portfolios, and student and parent surveys).

Mr. Miller asked what the percentage of schools that are Title I school. Ms. Phillips thought it was around 1000 schools, which is less than 50% but would have to get the exact number to the board after the meeting.

Mr. Moore asked about accountability requirements on turn around schools as discussed on Slide 3 of the presentation. Will that not be crystal clear from the federal level? He asked if we have the ability to establish our own turn around strategies vs. those that will be proposed at the federal level. Ms. Phillips said we have a lot more flexibility than we did last time. She spoke about how the department had to write how we would be doing school improvement and we not only met their requirements but the US Department of Education was very impressed with our reforms.

Mr. Huppenthal thanked Ms. Phillips and her team for all their hard work. He talked about how they wanted less paperwork, less bureaucracy, less administration and more unification of our accountability. Ms. Phillips and her team brought us there and how we have a solid first step in the process because of her hard work.

- I. Presentation and discussion regarding legislative affairs. Discussion may include, but is not limited to, Board priorities for the 2013 legislative session Mr. Molera  
Mr. Yanez

Mr. Tyree talked about the meeting in June to discuss our legislative priorities. Mr. Yanez requested that the bulk of this item be postponed until the September meeting because President Molera would like to be a part of this discussion. Also 2 out of 3 of our priorities need some proposed language in determining how the board wants to move forward and that should be ready and available by next meeting. We will also have some proposed language to bring back to the board regarding focusing on the expansion of schools in D or F LEAs. For those reasons this item was postpone until next month's meeting.

- J. Board comments and future meeting dates. The executive director, presiding officer or a member of the Board may present a brief summary of current events pursuant to A.R.S. § 38-431.02(K), and may discuss future meeting dates and direct staff to place matters on a future agenda. The Board will not discuss or take action on any current event summary. Mr. Molera

## 5. ADJOURN

*Superintendent Huppenthal made a motion to adjourn.*

*Mr. Miller seconded the motion. Meeting adjourned at 11:56 a.m.*