Arizona State Board of Education

NOTICE OF PUBLIC MEETING

Pursuant to Arizona Revised Statutes (A.R.S.) 38-431.02, notice is hereby given to the members of the Arizona State Board of Education and to the general public that the Board will hold a meeting, open to the public, as specified below. The Board reserves the right to change the order of items on the agenda, with the exception of public hearings. One or more members of the Board may participate telephonically.

Pursuant to A.R.S. §38-431.02 (H), the Board may discuss and take action concerning any matter listed on the agenda.

Pursuant to A.R.S. § 38-431.03(A)(2) and (3), the Board may vote to convene in executive session for discussion or consultation for legal advice from the Board's attorneys concerning any items on this agenda and/or for discussion or consideration of records exempt by law from public inspection, including the receipt of information that is specifically required to be maintained as confidential by state or federal law.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the State Board Office at (602) 542-5057. Requests should be made as early as possible to allow time to arrange the accommodation.

DATED AND POSTED this 12th day of September, 2014.

Arizona State Board of Education

By: _____

Christine Thompson
Executive Director
(602) 542-5057

AGENDA

ARIZONA STATE BOARD OF EDUCATION

Monday, September 22, 2014
9:00 AM
Arizona Department of Education
1535 W. Jefferson
Phoenix, AZ 85007
Room 122

9:00 a.m. CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE, AND ROLL CALL

1. BUSINESS REPORTS

   A. President's Report

   B. Superintendent's Report

   C. Board Member Reports

   D. Executive Director's Report

2. CONSENT AGENDA

   A. Consideration to approve Arizona State Board of Education minutes for:
      1. August 4, 2014 – Annual Retreat Meeting
      2. August 25, 2014 – Regular Meeting

   B. Consideration to approve the 45 Clock Hour Augmented Provisional Structured English Immersion Endorsement Program

   C. Consideration to approve the contract abstract for Crane Elementary School District for the 2014-15 Migrant Education Program for Migrant Preschool

   D. Consideration to accept funds from the US Department of Education, Institute of Education Sciences Partnership Grant, pursuant to A.R.S.§ 15-206

   E. Consideration to appoint and/or reappoint members to the Certification Advisory Committee

3. CALL TO THE PUBLIC

4. GENERAL SESSION

   A. Presentation and discussion regarding Chinle Unified School District determined to be in noncompliance with laws applicable to English language learners, pursuant to A.R.S. 15-756.08 (J)

   B. Presentation and discussion regarding rulemaking procedures for proposed amendments to Board rules R7-2-604 through R7-2-604.04 regarding professional preparation programs

   C. Presentation, discussion and consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to deny the application for certification for Larry Joseph Flock

   D. Presentation, discussion and consideration of the request for rehearing and review of the Board's prior decision in the matter of Amaechi Akpa, pursuant to R7-2-709

   E. Presentation, discussion, and consideration to approve the Arizona Department of Education's operational use of the National Center and State Collaborative (NCSC) Alternative Assessment for ELA and Mathematics for Spring 2015. Pursuant to A.R.S. § 38-431.03(A)(2) and (3), the Board may vote to convene in executive session to review confidential information and/or for discussion or consultation for legal advice

   F. Presentation, discussion of matters related to the proposed Request for Proposals (RFP) for a new statewide assessment. Pursuant to A.R.S. § 38-431.03(A)(2) and (3), the Board may vote to convene in executive session to review confidential information and/or for discussion or consultation for legal advice

   G. 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

5. ADJOURN

EXECUTIVE SUMMARY

Issue: SEI Course Approval

☒ Action/Discussion Item ☐ Information Item

Background and Discussion

STRUCTURED ENGLISH IMMERSION (SEI) TRAINING TO COMPLETE THE FULL AND PROVISIONAL SEI ENDORSEMENT

Arizona State Board Rule R7-2-615(L) requires all persons holding a valid Elementary, Secondary, Principal, Superintendent, Supervisor, Career and Technical, and Special Education Arizona State Certificate to obtain such an endorsement.

A.R.S.§15-756.09 requires the Board to determine the qualifications necessary for a provisional and full structured English immersion endorsement. The statue permits the Board to approve various entities which have met specified criteria to provide the training required for the endorsements. In 2005 and 2007, the Board adopted curricular frameworks for SEI trainings.

The Office of English Language Acquisition Services (OELAS) is responsible for ensuring that a Local Education Agency (LEA), institution of higher education, or independent consultant requesting approval to deliver the required training has met the Board approved SEI curricular Framework.

OELAS has verified that the training proposed by South Mountain Community College (EDU 220 - Intro. to Serving English Language Learners) has met the Board approved SEI Curricular Framework, and recommends program approval.

Recommendation to the Board

It is recommended that the Board approve the following training program as an authorized provider for Provisional Structured English Immersion (SEI) Institutes of Higher Learning:

- South Mountain Community College
    - EDU 220 – Intro. to Serving English Language Learners

Contact Information:
Kelly A. Koenig, Deputy Associate Superintendent, Office of English Language Acquisition Services
Carol Lippert, Associate Superintendent, High Academic Standards for Students

EXECUTIVE SUMMARY

Issue:	Consideration to approve the contract between the State Board and Crane Elementary School District for the 2014-2015 Migrant Education Program increase to the FY2015 Migrant Education Allocation for Migrant Preschool.

☒ Action/Discussion Item

A.R.S.Title 15, Chapter 2, Article 1, permits the State Board to accept on behalf of the state various gifts or grants and authorizes the State Board to be the chief educational authority for administration and supervision of such expenditures.

Contract Abstract

Background and Brief Explanation of Contract

The Migrant Education Program (MEP) is a federally funded, state-operated program under the No Child Left Behind Act (NCLB) that provides supplemental program services to the children, ages 3 through 21, of seasonal or temporary agricultural workers. In Arizona, the program delivers services primarily through local educational agencies (LEAs) that design programs to meet the unserved needs of children residing in their area. With this Contract abstract we seek authority to fund Crane Elementary School District with a special mini grant to meet the needs of preschool migratory children in providing a Migrant Preschool.

Name of Contracting Party(ies)

Proposed contract between the State Board of Education, acting for and on behalf of the Department of Education, and the following:
Crane Elementary School District

Contract Amount

Total not to exceed $50,000.00

Source of Funds

Authorizing Legislation: Title I, Part C of the No Child Left Behind Act of 2001, Education of Migratory Children, Index No. 32138

Contact Information:
Ralph Romero, Deputy Associate Superintendent for Migrant Education Program, Latino Outreach, and International Coordination
Bob Gold, Associate Superintendent, Highly Effective Schools

Responsible Unit at the Department of Education

Highly Effective Schools
Division Associate Superintendent: Bob Gold
Deputy Associate Superintendent, Migrant Education Program, Latino Outreach, and International Coordination: Ralph Romero

Dates of Contract

The agreement shall take effect when approved by the Board and shall terminate on August 31, 2015.

Previous Contract History

Not applicable.

Number Affected (Students, Teachers, Public, as appropriate)

An estimated 20 migrant preschool students will benefit from the Migrant Education PASS Program.

Method of Determining Contract Amount(s)

Funding for Crane Elementary School District was determined on the need identified by the school district in their Mini-Grant application. The LEA provided a detailed description on how they will use their funds, how it supports the LEA's Service Delivery Plan, and how the program will be measured and evaluated. Funds provided will allow Crane Elementary School District to increase funding to meet the needs of preschool migratory children in providing a Migrant Preschool.

Evaluation Plan

An assessment of LEAs will be conducted during Cycle monitoring visits by department MEP staff.

Recommendation to the Board
It is recommended that the Board approve the contract between the State Board and Crane Elementary School District for the 2014-2015 Migrant Education Program increase to the FY2015 Migrant Education Allocation for Migrant Preschool.

EXECUTIVE SUMMARY

Issue:	Acceptance of Funds for an Institute of Educational Sciences Partnership Grant with Arizona State University (Grant # R305h130080)

☒ Action/Discussion Item ☐ Information Item

Background and Discussion

Arizona State University has asked the ADE Research & Evaluation and School Improvement Divisions to partner with them on a grant awarded by the U.S. Department of Education, Institute of Education Sciences. The research is titled, *What Works for Title I Schools: Understanding the Contributors and Barriers to School Improvement.*

The goal of this partnership is to lay the groundwork for future improvements to Arizona's Priority schools using a three-part strategy. First, identify measures in existing ADE data sources that predict student achievement. Next, employ these measures to assess the effectiveness of ADE school improvement strategies. The partnership will assess factors that predict student achievement within Arizona's 74 Priority schools as well as a sub-sample of 74 medium- and high-performing schools. Finally, take stock of data sources and measurement strategies at ADE, to assess whether they are sufficient to inform and sustain future school improvement efforts.

The products of the partnership will be a set of tools and processes for describing and analyzing school improvement efforts using a range of data sets from various ADE divisions. These products will inform a future research proposal which will assess the effectiveness of school improvement strategies deemed promising by this partnership.

Upon Arizona State Board of Education approval, the ADE will receive a total of $109,771.

Recommendation to the Board

The recommendation to the Board is that they approved the acceptance of funds (i.e., $109,771.00) from this grant.

Contact Information:
Dr. Carrie L. Giovannone, Deputy Associate Superintendent of Research and Evaluation
Dr. Jennifer Johnson, Deputy Superintendent of Programs and Policy

EXECUTIVE SUMMARY

Issue:	Consideration to approve proposed appointments to the Certification Advisory Committee.

☒ Action/Discussion Item ☐ Information Item

Background and Discussion

On April 24, 2006 the State Board of Education approved the creation of the Certification Advisory Committee (the "CAC") under Board rule R7-2-201. This committee is charged with making recommendations to the Board pertaining to the certification of Arizona's education professionals. The committee consists of the following:

Member	Role	Term
Anne Thiebeau	Elementary Teacher	1/1/13-12/31/17
Sasha Glassman	Local Governing Board Member	10/2/13-10/1/17
Betsy Fera	Charter School Representative	2/24/14-2/23/18
Kimberly Peaslee	Special Education Teacher	1/27/14-1/26/18
Janet Crow	Public Member (not certified)	3/1/12-2/29/16
Matt Weber	Career and Technical Education Teacher	4/28/14-4/27/18
Tim Carter	County Schools Superintendent	1/1/13-12/31/17
Frank Garcia	Principal	1/1/13-12/31/17
Lynn DeMuth	Higher Education Representative	1/1/13-12/31/17
Vacant	Higher Education Representative	
Ms. Carolyn Dumler	Human Resources Director	7/1/10-6/30/14
Mr. Joe Thomas	Secondary Teacher	7/1/10-6/30/14
Mr. Manuel Valenzuela	Superintendent	1/1/12-9/30/14

The Department recommends the following members be appointed to the CAC (applications are attached):

Proposed Member	Role	New Term
Mr. Brian Nelson	Higher Education Representative	9/22/14 - 9/21/18
Ms. Carolyn Dumler	Human Resources Director	9/22/14 - 9/21/18
Mr. Joe Thomas	Secondary Teacher	9/22/14 - 9/21/18
Mr. Manuel Valenzuela	Superintendent	9/22/14 - 9/21/18

Contact Information:
Todd Petersen, Deputy Associate Superintendent, Educator Excellence Section
Cecilia Johnson, Associate Superintendent, Highly Effective Teachers and Leaders

Recommendation to the Board

It is recommended that the Board appoint the proposed members of the Certification Advisory Committee as described in this document.

EXECUTIVE SUMMARY

Issue:	Pursuant to Arizona Revised Statutes (A.R.S.) § 15-756.08-(J) referral to the Arizona State Board of Education for noncompliance with state and federal laws applicable to English language learners (ELLs) for a finding of noncompliance.

☒ Action/Discussion Item ☐ Information Item

Background and Discussion

Pursuant to Arizona Revised Statues A.R.S. § 15-756.08 (J), the Arizona Department of Education (ADE) is required to report school districts or charter schools that are not in compliance with state and federal laws applicable to English language learners (ELLs) to the State Board of Education (SBE) for a finding of noncompliance.

The Arizona Department of Education, Office of English Language Acquisition Services (OELAS), has set forth specific criteria used during monitoring reviews to determine whether a district or charter should be reported to the SBE for a finding of noncompliance. The compliance criteria requires a review of the following items: (1) district/charter's proper implementation of the Structured English Immersion (SEI) Models; (2) district/charter's reclassification rate of ELLs (number of students exiting the program); and (3) district/charter's passing rate for students who have exited the program within two years (Fluent English Proficient (FEP) students) on Arizona's Instrument to Measure Standards (AIMS) in reading.

In the 2012-2013 school year, ADE completed an on-site monitoring review of Chinle Unified School District's (CUSD) ELL program on May 1-3, 2013, and found CUSD out of compliance. The required corrective action letter was sent on June 18, 2013. This letter included notification of the requirement to refer noncompliant districts or charters to the State Board. CUSD submitted a Corrective Action Plan on October 4, 2013.

In the 2013-2014 school year, ADE completed a follow-up, on-site review of Chinle Unified School District's ELL program on May 5-8, 2014. After careful review and analysis of the data captured per A.R.S. §15-756.08 (J), on July 14, 2014, CUSD was issued a letter of noncompliance. The letter included notice that CUSD was being referred by the Arizona Department of Education to the SBE for a finding of noncompliance. CUSD is required to submit a Corrective Action Plan to ADE/OELAS by October 7, 2014.

Included in the materials is a timeline outlining monitoring visits, findings, and technical assistance provided to Chinle Unified. Additionally, a copy of the Auditor General's

Contact Information:

Jordan Ellel, Assistant Attorney General, Attorney General's Office
Kelly A. Koenig, Deputy Associate Superintendent, Office of English Language Acquisition Services
Carol Lippert, Associate Superintendent, High Academic Standards for Students

report which also contains findings pertaining to English language learner education in Chinle is included.

Review and Recommendation of State Board Committee
Not Applicable

Recommendation to the Board
It is recommended that the Board find, for the reasons stated in ADE's letter of noncompliance dated July 14, 2014, that CUSD is noncompliant with the laws pertaining to ELLs, thereby barring the District from receiving any monies from the Arizona Structured English Immersion Fund established by A.R.S. § 15-756.04 for ELLs and from reducing the monies spent on its ELL programs despite the loss of monies caused by its noncompliance. As required by law, ADE shall monitor CUSD to ensure that the District does not reduce the amount of monies spent on its ELL programs. CUSD shall be entitled to receive monies from the Arizona Structured English Immersion Fund only upon confirmation to the Board by ADE that CUSD has come into compliance with the laws pertaining to ELLs.

State of Arizona
Department of Education

June 18, 2013

Dr. Jesus de la Garza, Superintendent
Chinle Unified School District
P.O. Box 587
Chinle, Arizona 86503

Dear Superintendent de la Garza:

RE: On-Site Monitoring of State Education Programs for English Language Learners

Per Arizona Revised Statutes (A.R.S.). § 15-756.08, the Arizona Department of Education (ADE) is required to perform an evaluation of Chinle Unified School District's English language learner (ELL) program through an on-site monitoring visit. It is the responsibility of the local education agency (LEA) to provide services as required by A.R.S. § 15-751 *et seq.* to students identified as English language learners.

This on-site review of the ELL programs at Chinle Unified School District was conducted on May 1-3, 2013. Thank you for your hospitality and cooperation during our visit.

Based upon the monitoring visit, ADE is advising you that **corrective action** is needed. The series of steps required to resolve the corrective action is stated below.

The monitoring team has listed the **corrective action that needs to be addressed**. **The items that will be required in your Corrective Action Plan have been noted in bold form.**

FILE REVIEW

A.R.S. § 15-756(A) & (B)

The primary or home language for all new pupils who enroll in a school district or charter school shall be identified in a manner prescribed by the superintendent of public instruction.
The English language proficiency of all pupils with a primary or home language other than English shall be assessed through the administration of English language proficiency assessments in a manner prescribed by the superintendent of public instruction.

R7-306(B)(1) & (2)

The primary or home language of all students shall be identified by the students' parent or legal guardian on the enrollment form and on the home language survey. These documents shall inform parents that the responses to these questions will determine whether their student will be assessed for English language proficiency.
A student shall be considered as a PHLOTE student if the home language survey or the enrollment form indicates that one or more of the following are true:
a. The primary language used in the home is a language other than English, regardless of the language spoken by the student.
b. The language most often spoken by the student is a language other than English.
c. The student's first acquired language is a language other than English.

- ADE monitors noted the three required language questions were not on the current district enrollment form.
- In the files reviewed, monitors noted inconsistent use of the current three-question Primary Home Language Other Than English (PHLOTE) Home Language Survey, which became effective April 4, 2011.
- Additionally, ADE monitors did not find consistent evidence that PHLOTE students are being assessed.

NCLB § 3302(a) Parental Notification

(a) IN GENERAL. Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program…

- ADE monitors noted that the Parental Notification and Consent Forms were dated after January 13, 2013, which does not meet statutory requirements.
- Some cumulative/ELL files were missing the Parental Notification and Consent Form.

A.R.S. § 15-756.05(A) Reassessment and reclassification of English language learners

The process of reassessment of English language learners for the purpose of determining English language proficiency shall be conducted at least annually at the end of each school year in a manner prescribed by the superintendent of public instruction.

- In the files reviewed, evidence of reassessment was often missing for the 2010/11 and/or 2011/12 school years.

A.R.S. § 15-756.06 Reevaluation of former English language learners

…Pupils who fail to demonstrate English proficiency on the reassessment test in the two years following their exit from structured English immersion, subject to parental consent, shall be reenrolled in structured English immersion pursuant to section 15-752 and may be provided compensatory instruction as defined in section 15-756.11

- ADE monitors noted that the Parent Notification for English Language Learner After Reclassification (ELLAR) forms were either missing from the file or incomplete.

R7-2-306(I)(1) Evaluation of FEP students after exit from ELL programs

The LEA shall monitor exited students based on the criteria provided in this section during each of the two years after being reclassified as FEP to determine whether these students are performing satisfactorily in achieving the Arizona Academic Standards adopted by the Board. Such students will be monitored in reading, writing, and mathematics skills and mastery of academic content areas, including science and social studies. The criteria shall be grade-appropriate and uniform throughout the LEA, and upon request, is subject to board review. Students who are not making satisfactory progress shall, with parent consent, be provided compensatory instruction or shall be re-enrolled in an ELL program. A WICP describing the compensatory instruction provided shall be maintained in the student' ELL files.

- ADE monitors noted that two-year monitoring forms were often blank or incomplete.
    - Please be reminded of the fact that this document is a working, viable resource for the classroom teacher. This information assists in tracking the progress of the student.

Chinle Unified School District must develop procedures to ensure the following federal and state compliance requirements are met:

- **The district enrollment form must include the same three language questions that are on the Primary Home Language Other Than English (PHLOTE) Home Language Survey form.**

- **The HLS and the district enrollment form are both used to determine if a student shall be considered a PHLOTE and administered the Arizona English Language Learner Assessment (AZELLA). This process is critical in the identification of English language learners.**

- **Students who have a language other than English on the district enrollment form or on the HLS must be tested within the statutory requirements.**
- **Parental Notification and Consent Forms must be sent home within 30 days of the beginning of each school year or within two weeks of a student registering during the school year. A copy of the signed notification must be placed in the student's file as evidence of compliance. When necessary, three attempts to attain the parent/guardian's signature must be documented.**
- **The process of reassessment of ELLs to determine English language proficiency shall be conducted at annually at the end of each school year according to the assessment window outlined in the AZELLA testing guidelines.**
- **Students who are reclassified are monitored for two years. Evidence of the student's academic progress is to be documented and evident in the student's file.**
- **All ELL documentation must be kept in the student's cumulative/ELL file.**

MODEL IMPLEMENTATION REVIEW

A.R.S. § 15-751-757

Structured English Immersion Models of the Arizona English Language Learners Task Force

The Structured English Immersion (SEI) Classroom content is a minimum of four hours daily of English Language Development (ELD).

Each of these discrete sections of ELD is based on specific categories of language instruction based on the skills identified by the ELL Proficiency Standards…

"Structured English Immersion Classroom" - means a classroom in which all of the students are limited English proficient as determined by composite AZELLA scores."

…Schools with 20 or fewer ELLs within a three grade span (including kindergarten), may provide instruction through the development of Individual Language Learner Plans (ILLPs) created for each ELL. Scheduling and time allocations in the ILLPs must meet the requirements of the scheduling and time allocations specified herein for Elementary Schools or Middle and High School as appropriate for each ELL.

All teachers in SEI Classrooms must have a valid Arizona teaching certificate (charter school teachers are exempt from this requirement).

Teachers must be highly qualified:

K- 6 teachers - elementary content as defined by federal NCLB Act of 2001.

7-8 middle grade teachers - Language Arts or English as defined by federal NCLB Act of 2001.

9-12 teachers - English as defined by the federal NCLB Act of 2001.

...they (teachers) must have a Structured English Immersion endorsement (Provisional endorsement or full endorsement) (SBE Rules, R7-2-613.J), an English as a Second language endorsement (Provisional endorsement or full endorsement (SBE Rules, R7-2-613.I), or a Bilingual endorsement (Provisional endorsement or full endorsement (SBE Rules, R7-2-613.H).

SEI Classroom Observations

The ADE monitors' findings were as follows:

- In reviewing classroom schedules and class lists, it was determined that not all ELLs were receiving four hours of English language development (ELD).
- A discrete hour of Oral English/Conversation and Vocabulary was not part of the ELD time allocation.

ILLP Classroom Observations

ADE monitors noted the following noncompliance issues:

- Fifty-eight percent (58%) of the classrooms did not have ILLPs for the ELLs.
  - One site did not have any ILLPs completed for the ELLs.
- More than twenty (20) ELLs within a three-grade span at an elementary school were receiving services in the mainstream classroom through the use of the ILLP.
- The majority of the ILLPs were signed the week of the monitoring.
- Attachment A did not have Vocabulary Standards/Performance Indicators.

It is the expectation that all students who are classified as English language learners will receive four (4) hours of ELD daily as defined in the ELL Task Force Structured English Immersion (SEI) Models.

- **These blocks require sixty minutes of Oral English/Conversation and Vocabulary, sixty minutes of Reading, sixty minutes of Writing, and sixty minutes of Grammar instruction.**
- **The use of the ILLP for delivering ELD instruction to ELLs must be in accordance with the SEI Task Force specifications.**
  - **Schools with twenty (20) or fewer ELL students within a three grade span, including kindergarten, may use an ILLP to provide ELD instruction.**
  - **An ILLP will be developed for each student who qualifies and receives ELD instruction in a mainstream classroom.**
  - **The ILLP will be signed and dated at the beginning of the school year so that ELL services are delivered in a timely manner.**
  - **Attachment A will reflect the time allocations specified in the SEI Models.**
    - **Sixty minutes of Oral English/Conversation and Vocabulary, sixty minutes of Reading, sixty minutes of Writing, and sixty minutes of Grammar instruction are required.**
  - **The recommended three to five ELP Standards/Performance Indicators for each required area are cited on Attachment A and reviewed quarterly.**

Grouping

SEI Models, Arizona English Language Learners Task Force

> *…Schools with 20 or fewer ELLs within a three grade span (including kindergarten), may provide instruction through the development of Individual Language Learner Plans (ILLPs) created for each ELL. Scheduling and time allocations in the ILLPs must meet the requirements of the scheduling and time allocations specified herein for Elementary Schools or Middle and High School as appropriate for each ELL.*
>
> *…Also note that regardless of SEI classroom configurations, kindergarten students shall be grouped separately from students in other grades.*

The ADE monitors' findings were as follows:

- Mixed classrooms containing ELLs and non-ELLs were evident throughout the district.
- More than twenty (20) ELLs within a three-grade span at an elementary school were receiving services in the mainstream classroom through the use of the ILLP.

It is the expectation that the number of English language learners in each school will be reviewed to ensure the correct placement in accordance with the SEI Models. Questions about programs, placement, and grouping shall be referred to the Office of English Language Acquisition Services (OELAS). The discrepancies noted above must be corrected. It must be stated that any exception must be requested through ADE/OELAS and granted prior to the 2013-2014 school year. These exceptions will only apply to the year for which they are requested.

Use of English Language Proficiency (ELP) Standards

The English Language Proficiency (ELP) Standards drive the instruction for ELLs in the SEI classroom and are used to differentiate instruction for ELLs in a mainstream classroom. ADE monitors noted the following:

- Lessons based on the ELP Standards/Performance Indicators were not observed in the SEI classrooms.
- No documentation of ELP Standards/Performance Indicators was found in the mainstream classrooms utilizing ILLPs.
    - Mainstream classroom teachers utilizing ILLPs must document in their lesson plans (or somewhere in the classroom) which Performance Indicator listed on Attachment A will be used to differentiate instruction for the ELLs.

Chinle Unified School must come into compliance with these components of the SEI Models. Teachers in the SEI classrooms will use ELP Standards/Performance Indicators to drive the instruction for ELLs. The ELP Standards/Performance Indicators will be used by mainstream classroom teachers to differentiate instruction for ELLs. Documentation must be in both the SEI and ILLP teacher's lesson plan or evident in the classroom.

Highly Qualified Teachers/SEI Endorsed

In reviewing the highly-qualified information, the monitors determined that one mainstream classroom teacher utilizing ILLPs was not highly qualified, as defined by the SEI Models of the Arizona English Language Learners Task Force.

It is the expectation that Chinle Unified School District will place highly qualified teachers in all classrooms containing ELLs.

RECOMMENDATIONS

The following recommendations for trainings were made to the district administration at the exit interview:

- Training for SEI teachers in the documentation and implementation of four (4) discrete hours of ELD, including the use of the ELP Standards to drive instruction.
- Training in the areas of Oral English/Conversation and Vocabulary, and Grammar for all SEI teachers.
- Training for mainstream classroom teachers on the development, documentation, and implementation of ILLPs, including the use of ELP Standards to differentiate instruction for the ELLs.

A.R.S. § 15-756.08(J)

> *"In conducting follow-up evaluation, if the department finds that the school district or charter school is not in compliance with state and federal laws applicable to English language learners, the department shall refer the school district or charter school to the state board of education for a finding of non-compliance…"*

Additionally, the following information was noted and reviewed by ADE officials at the exit interview with LEA administration on May 3, 2013:

A.R.S. § 15-756.08(J) requires that ADE report to the State Board of Education those LEAs that receive a non-compliant status by ADE as a result of on-site follow-up evaluations by ADE officials in the year after a corrective action plan is implemented. To determine non-compliance, the following programmatic and student achievement related criteria will be reviewed:

- Structured English Immersion (SEI) Model Compliance
  [Mandatory component of compliance criteria]
- Student performance data to include:
  - District reclassification rate
  - Arizona's Instrument to Measure Standards (AIMS) passing rate in reading for students who have exited the program within two years (FEP2 Students)

CORRECTIVE ACTION

- Your Corrective Action Plan is due to ADE within sixty **(60)** days after the issuance of this monitoring report and must address the issues outlined in this letter.
- A Corrective Action Plan template is available on the ADE website (http://www.ade.az.gov/oelas).
- ADE will review the Corrective Action Plan and may require necessary changes.
- Within thirty **(30)** days after receiving a corrective action plan back from ADE, the LEA shall begin implementing the measures set forth in the corrective action plan.

Although there are changes to make in the implementation of the LEA's current program, those improvements will result in improved record management and greater student success. Please contact Keith Snyder, Director of Monitoring/Title III, at 602-364-2167 or Keith.Snyder@azed.gov if you have questions or concerns.

Respectfully,

Kelly Koenig, Deputy Associate Superintendent
Office of English Language Acquisition Services
Arizona Department of Education

Cc: Sheila Betz, Director

State of Arizona
Department of Education

July 14, 2014

Quincy Natay, Superintendent
Chinle Unified School District
P.O. Box 587
Chinle, Arizona 86503

Dear Superintendent Natay:

RE: Noncompliance of State Education Programs for English Language Learners

Per Arizona Revised Statutes A.R.S. § 15-756.08, the Arizona Department of Education (ADE) is required to perform a follow-up evaluation of Chinle Unified School District's English language learner (ELL) program. This review is based on Chinle Unified School District's Corrective Action Plan submitted on November 18, 2013.

The Arizona Department of Education, Office of English Language Acquisition Services (OELAS), completed a follow-up comprehensive compliance monitoring review of Chinle Unified School District on May 5-8, 2014. This compliance monitoring review examined the following programmatic requirements: (1) Structured English Immersion (SEI) Model Compliance; (2) Chinle Unified School District's reclassification rate of ELL students; and (3) passing rate in reading for students who have exited the program within two years (FEP2 Students) on Arizona's Instrument to Measure Standards (AIMS).

OELAS has determined that Chinle Unified School District is **not in compliance** with 2 or more programmatic requirements for ELLs. The following table summarizes ADE's findings:

Compliance Status	Substantial Compliance	Partial Compliance	Non-Compliance
SEI Model Compliance*			X
*Mandatory component of compliance criteria.			

(At least one of the two below non-compliant)

District Reclassification Rate		15%
District FEP 2 AIMS Reading Passing Rate		77%

State Reclassification Rate		23.6%
State FEP 2 AIMS Reading Passing Rate		72%

FILE REVIEW

A.R.S. § 15-756.06 Reevaluation of former English language learners

…Pupils who fail to demonstrate English proficiency on the reassessment test in the two years following their exit from structured English immersion, subject to parental consent, shall be reenrolled in structured English immersion pursuant to section 15-752 and may be provided compensatory instruction as defined in section 15-756.11

- ADE monitors noted there was no evidence of the English Language Learner After Reclassification (ELLAR) form in files of first grade students who did not maintain a score of Proficient on the AZELLA during the previous school year.

Chinle Unified School District must develop procedures to ensure the ELLAR form will be completed during a meeting with parents to determine if the student will be enrolled in the ELL program during the following school year. This signed form must be placed in the student's cumulative/ELL file.

NCLB § 3302(a) Parental Notification

(a) IN GENERAL. Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program…

- ADE monitors noted that first grade students who regressed during the previous school year were placed in the ELL program without a signed Parental Notification and Consent Form.

Parental Notification and Consent Forms for all students enrolled in an ELL program must be sent home within 30 days of the beginning of the school year. A copy of the signed notification must be placed in the student's file as evidence of compliance.

R7-2-306(I)(1) Evaluation of FEP students after exit from ELL programs

The LEA shall monitor exited students based on the criteria provided in this section during each of the two years after being reclassified as FEP to determine whether these students are performing satisfactorily in achieving the Arizona Academic Standards adopted by the Board. Such students will be monitored in reading, writing, and mathematics skills and mastery of academic content areas, including science and social studies. The criteria shall be grade-appropriate and uniform throughout the LEA, and upon request, is subject to board review. Students who are not making satisfactory progress shall, with parent consent, be provided compensatory instruction or shall be re-enrolled in an ELL program. A WICP describing the compensatory instruction provided shall be maintained in the student' ELL files.

- ADE monitors noted that the Two-Year Monitoring Form for Fluent English Proficient Students documented data from incorrect years.
    - The data was from the same year the student reclassified or the year previous to the student reclassifying.

Procedures must be developed to ensure the two-year monitoring of reclassified students will begin the school year after the student was reclassified. Evidence of the student's academic progress will be documented and evident in the student's cumulative/ELL file.

Model Implementation Review

A.R.S. § 15-751-757

Structured English Immersion Models of the Arizona English Language Learners Task Force

The Structured English Immersion (SEI) Classroom content is a minimum of four hours daily of English Language Development (ELD).

Each of these discrete sections of ELD is based on specific categories of language instruction based on the skills identified by the ELL Proficiency Standards…
"Structured English Immersion Classroom" - means a classroom in which all of the students are limited English proficient as determined by composite AZELLA scores."
…Schools with 20 or fewer ELLs within a three grade span (including kindergarten), may provide instruction through the development of Individual Language Learner Plans (ILLPs) created for each ELL. Scheduling and time allocations in the ILLPs must meet the requirements of the scheduling and time allocations specified herein for Elementary Schools or Middle and High School as appropriate for each ELL.

SEI Classroom Observations

The ADE monitors' findings were as follows:

- Forty percent (40%) of the SEI classrooms did not allocate four hours of English language development.
  - The second grade SEI classroom is receiving three hours and thirty minutes of ELD daily, not the required four hours.
    - The Master Schedule for the second grade SEI Classroom:
      - 8:00-9:00 AM 60 minutes (Oral English/Conv. and Voc.)
      - 9:00-10:00 AM 60 minutes (Reading)
      - 10:00-10:45 AM 60 minutes (Grammar)
      - 10:45-11:30 AM RTI
      - 11:35-12:15 PM Lunch/Recess
      - 12:15-1:00 PM 45 minutes (Writing)
      - 1:00-2:00 PM Math Block
      - 2:05-3:00 PM Teachers Intersession
        - This schedule documents 60 minutes for Grammar; however, the time allotted, 10:00-10:45 AM, is 45 minutes. Additionally, lesson plans document this time as Language and both grammar and vocabulary are being taught.
        - This schedule allots 45 minutes for Writing.
        - Lesson plans for this classroom did not document times for the discrete areas.
  - The Master Schedule for the third grade SEI classroom did document the four hours of ELD; however, there was no evidence the schedule was being implemented in the classroom.
    - Times for the discrete areas were not identified in lesson plans, nor was a schedule posted in the classroom.
    - Instruction did not follow the master schedule.

ILLP Classroom Observations

The ADE monitors noted the following:

- In ninety-seven percent (97%) of the classrooms, ELP Standards/Performance Indicators on Attachment A were missing or not documented correctly. The following are examples of the missing or inaccurate documentation for Attachment A:
  - The ELP Standards/Performance Indicators for Vocabulary were missing or documented in Grammar.
  - Elementary students did not have ELP Standards/Performance Indicators documented for all discrete areas.
  - Arizona's College and Career Ready Standards were documented (AZCCRS) in place of the ELP Standards/Performance Indicators.
  - When ELP Standards were documented, the Performance Indicators were missing.
  - When Performance Indicators were identified, the ELP Standards were missing.
- There was no evidence that Attachment A was being reviewed and revised quarterly.

It is the expectation that Chinle USD will ensure the accurate completion of ILLPs for English language learners.

- **Attachment A must contain the correct ELP Standards/Performance Indicators for each time allocation.**
- **Attachment A must be reviewed and possibly revised each quarter.**
    - **The recommended three to five ELP Standards/Performance Indicators for each time allocation are cited on Attachment A and reviewed quarterly.**
    - **Performance Indicators that have been met by students should be removed and new Performance Indicators added. It is recommended that the new Performance Indicators continue to move to higher proficiency levels during the school year.**

Use of English Language Proficiency (ELP) Standards

The English Language Proficiency (ELP) Standards drive the instruction for ELLs in the SEI classroom, and are used to differentiate instruction for ELLs in a mainstream classroom. ADE monitors noted the following:

- Lessons based on the ELP Standards/Performance Indicators were not observed in eighty percent (80%) of the SEI classrooms.
    - In two SEI classrooms, ELP Standards were posted on a bulletin board; however, there was no evidence of the documentation of Performance Indicators.
    - Lesson plans in one SEI classroom did not document ELP Standards/Performance Indicators for vocabulary during the Oral English Conversation and Vocabulary time allocation.
    - One SEI classroom had no ELP Standards/Performance Indicators listed in lesson plans or posted in the classroom.
- The documentation of ELP Standards/Performance Indicators was not found, or was incorrect in eighty-five percent (85%) of the mainstream classrooms utilizing ILLPs.
    - Most classrooms were missing the ELP Standards/Performance Indicators for Vocabulary.
    - The ELP Standards/Performance Indicators listed in lesson plans were not always those documented on Attachment A.
    - Some lesson plans documented ELP Standards and no Performance Indicators, while others documented only the Performance Indicator.

It is the expectation that SEI classrooms will use the ELP Standards/Performance Indicators to drive the instruction for English language learners. Teachers utilizing ILLPs in mainstream classrooms will use the ELP Standards/Performance Indicators from Attachment A to differentiate instruction for ELLs. Documentation in a teacher's lesson plan or elsewhere in the classroom is required for both an SEI classroom and a mainstream classroom utilizing ILLPs.

Grouping

SEI Models, Arizona English Language Learners Task Force

> *…Schools with 20 or fewer ELLs within a three grade span (including kindergarten), may provide instruction through the development of Individual Language Learner Plans (ILLPs) created for each ELL. Scheduling and time allocations in the ILLPs must meet the requirements of the scheduling and time allocations specified herein for Elementary Schools or Middle and High School as appropriate for each ELL.*
>
> *…Also note that regardless of SEI classroom configurations, kindergarten students shall be grouped separately from students in other grades.*

The ADE monitors noted the following:

- More than twenty (20) ELLs within a two-grade span at an elementary school were receiving services in the mainstream classroom through the use of the ILLP.
    - Eleven kindergarten and thirteen first grade students were receiving services in the mainstream classroom through the use of the ILLP.

It is the expectation that the number of English language learners in each school will be reviewed to ensure the correct placement in accordance with the SEI Models. Questions concerning programs, placement, and grouping shall be referred to the Office of English Language Acquisition Services (OELAS). Any exception must be requested through ADE/OELAS and granted prior to the 2014-2015 school year. These exceptions will only apply to the year for which they are requested.

Based on the above-noted information, Chinle Unified School District is hereby notified that **the corrective action status remains in effect.** The Office of English Language Acquisition Services will schedule another on-site review next year.

Arizona Revised Statute § 15-756.08(J) requires that ADE refer to the State Board of Education (SBOE) those Local Educational Agencies that receive a status of **Noncompliance** by ADE as a result of on-site monitoring visits by OELAS officials. Based on the current findings of OELAS as indicated above, Chinle Unified School District will be referred to SBOE for a finding of noncompliance. If SBOE makes a finding of noncompliance, Chinle Unified School District shall not be eligible to receive any monies from the Arizona SEI fund established pursuant to A.R.S. § 15-756.04. Chinle Unified School District will be informed of the date SBOE will consider this matter and Chinle Unified School District will be given the opportunity to address SBOE at that time.

Please contact Keith Snyder, Director of Monitoring/Title III, at 602-364-2167 or keith.snyder@azed.gov if you have questions or concerns.

Respectfully,

Kelly A. Koenig, Deputy Associate Superintendent
Office of English Language Acquisition Services
Arizona Department of Education

Cc: Sheila Betz, Director of Federal Programs
Tom Tyree, President, State Board of Education
Dr. Jennifer Johnson, Deputy Superintendent of Program and Policy

Chinle Unified School District

SEI Budget All Years

2014-2015 School Year (Application in Spring 2014)

Did not apply

2013-2014 School Year (Application in Spring 2013)

Did not apply

Carried over $26,695.00 from the previous year

2012-2013 School Year (Application in Spring 2012)

Applied for $205,570.00

After offsets, received $27,240.00

2011-2012 School Year (Application in Spring 2011)

Did not apply

2010-2011 School Year (Application in Spring 2010)

Did not apply

2009-2010 School Year (Application in Spring 2009)

Applied for $152,377.52

After offsets, received $0.00

CHINLE UNIFIED SCHOOL DISTRICT SUMMARY

LEGAL REQUIREMENTS	2013 NON-COMPLIANCE FINDINGS	2014 NON-COMPLIANCE FINDINGS
A.R.S. § 15-756(A) & (B) *The primary or home language for all new pupils who enroll in a school district or charter school shall be identified in a manner prescribed by the superintendent of public instruction. The English language proficiency of all pupils with a primary or home language other than English shall be assessed through the administration of English language proficiency assessments in a manner prescribed by the superintendent of public instruction.* **ARIZONA ADMINISTRATIVE CODE R7-306(B)(1) & (2)** *The primary or home language of all students shall be identified by the students' parent or legal guardian on the enrollment form and on the home language survey. These documents shall inform parents that the responses to these questions will determine whether their student will be assessed for English language proficiency.* *A student shall be considered as a PHLOTE student if the home language survey or the enrollment form indicates that one or more of the following are true:* *a. The primary language used in the home is a language other than English, regardless of the language spoken by the student.* *b. The language most often spoken by the student is a language other than English.* *c. The student's first acquired language is a language other than English.*	**Monitored: May 1-3, 2013** • The three required language questions were not on the current district enrollment form. • The three-question Primary Home Language Other Than English (PHLOTE) Home Language Survey, which became effective April 4, 2011, was not consistently used. • Consistent evidence that PHLOTE students are being assessed was not evident.	**Monitored: May 5-8, 2014** • No Findings

LEGAL REQUIREMENTS	2013 NON-COMPLIANCE FINDINGS	2014 NON-COMPLIANCE FINDINGS
NCLB SEC. 3302a PARENTAL NOTIFICATION AND CONSENT FORM *"(a) IN GENERAL. Each eligible entity using funds provided under this title to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform a parent or the parents of a limited English proficient child identified for participation in, or participating in, such program…*	• The Parental Notification and Consent Forms were not sent home within statutory requirements. • Parent Notification and Consent forms were missing for some ELLs.	• The first grade students who regressed on AZELLA during the previous school year were placed in the ELL program without a signed Parental Notification and Consent Form.
A.R.S. § 15-756.05(A) Reassessment and reclassification of English language learners *The process of reassessment of English language learners for the purpose of determining English language proficiency shall be conducted at least annually at the end of each school year in a manner prescribed by the superintendent of public instruction.*	• Evidence of assessment was often missing for the 2010/11 and/or the 2011/12 school years.	• No Findings
ARIZONA ADMINISTRATIVE CODE **R7-2-306(I)(1) Evaluation of FEP students after exit from ELL programs** *The LEA shall monitor exited students based on the criteria provided in this section during each of the two years after being reclassified as FEP to determine whether these students are performing satisfactorily in achieving the Arizona Academic Standards adopted by the Board. Such students will be monitored in reading, writing, and mathematics skills and mastery of academic content areas, including science and social studies. The criteria shall be grade-appropriate and uniform throughout the LEA, and upon request, is subject to board review. Students who are not making satisfactory progress shall, with parent consent, be provided compensatory instruction or shall be re-enrolled in an ELL program. A WICP describing the compensatory instruction provided shall be maintained in the student' ELL files.*	• ADE monitors noted that two-year monitoring forms were often blank or incomplete.	• ADE monitors noted that the Two-Year Monitoring Form for Fluent English Proficient Students documented data from incorrect years. o The data was from the same year the student reclassified or the year previous to the student reclassifying.

LEGAL REQUIREMENTS	2013 NON-COMPLIANCE FINDINGS	2014 NON-COMPLIANCE FINDINGS
A.R.S. § 15-751-757 **Structured English Immersion Models of the Arizona English Language Learners Task Force** *The Structured English Immersion (SEI) Classroom content is a minimum of four hours daily of English Language Development (ELD).* *Each of these discrete sections of ELD is based on specific categories of language instruction based on the skills identified by the ELL Proficiency Standards…* *"Structured English Immersion Classroom" - means a classroom in which all of the students are limited English proficient as determined by composite AZELLA scores."* *…Schools with 20 or fewer ELLs within a three grade span (including kindergarten), may provide instruction through the development of Individual Language Learner Plans (ILLPs) created for each ELL. Scheduling and time allocations in the ILLPs must meet the requirements of the scheduling and time allocations specified herein for Elementary Schools or Middle and High School as appropriate for each ELL.* *All teachers in SEI Classrooms must have a valid Arizona teaching certificate (charter school teachers are exempt from this requirement).* *Teachers must be highly qualified:* *K- 6 teachers - elementary content as defined by federal NCLB Act of 2001.* *7-8 middle grade teachers - Language Arts or English as defined by federal NCLB Act of 2001.* *9-12 teachers - English as defined by the federal NCLB Act of 2001.* *...they (teachers) must have a Structured English Immersion endorsement (Provisional endorsement or full endorsement) (SBE Rules, R7-2-613.J), an English as a Second language endorsement (Provisional endorsement or full endorsement (SBE Rules, R7-2-613.I), or a Bilingual endorsement (Provisional endorsement or full endorsement (SBE Rules, R7-2-613.H).*	• In reviewing classroom schedules and class lists, it was determined that not all ELLs were receiving four hours of English language development (ELD). • A discrete hour of Oral English/Conversation and Vocabulary was not part of the ELD time allocation for SEI classrooms. • SEI classrooms contained ELLs and non-ELLs throughout the district. • Lessons based on the ELP Standards/Performance Indicators were not observed in the SEI classrooms. • Fifty-eight percent (58%) of the ILLP classrooms did not have ILLPs for the ELLs. o One site did not have any ILLPs completed for ELLs. • More than twenty (20) ELLs within a three-grade span at an elementary school were receiving services in the mainstream classroom through the use of the ILLP. • The majority of the ILLPs were signed the week of the monitoring. • Vocabulary Standards/Performance Indicators were not included on Attachment A. • No documentation of ELP Standards/Performance Indicators was found in the mainstream classrooms utilizing ILLPs. • One mainstream classroom teacher utilizing ILLPs was not highly qualified, as defined by the SEI Models.	• Forty percent (40%) of the SEI classrooms did not allocate four hours of English language development. • In ninety-seven percent (97%) of the ILLP classrooms, ELP Standards/Performance Indicators on Attachment A were missing or not documented correctly. • There was no evidence that Attachment A was being reviewed and revised quarterly. • Lessons based on the ELP Standards/Performance Indicators were not observed in eighty percent (80%) of the SEI classrooms. • The documentation of ELP Standards/Performance Indicators was not found, or was incorrect in eighty-five percent (85%) of the mainstream classrooms utilizing ILLPs. • More than twenty (20) ELLs within a two-grade span at an elementary school were receiving services in the mainstream classroom through the use of the ILLP.

LEGAL REQUIREMENTS	2013 NON-COMPLIANCE FINDINGS	2014 NON-COMPLIANCE FINDINGS
ADE STATUTORY REQUIREMENTS **A.R.S. § 15-756.08 Monitoring; corrective action plan** *(E) Within sixty days following the issuance of the department's report, the school district or charter school receiving the report shall prepare and submit to the department a corrective action plan, in a manner prescribed by the state board of education, that sets forth steps that will be taken to correct the deficiencies, if any, noted in the department's report* *(F) Within thirty days after receiving a school district's or charter school's corrective action plan, the department shall review the corrective action plan and may require changes to the corrective action plan.* *(G) After the department has reviewed a school district's or charter school's corrective action plan and made any changes the department deems necessary, the department shall return the corrective action plan to the school district or charter school.* *(H) Within thirty days after receiving a corrective action plan back from the department, the school district or charter school shall begin implementing the measures set forth in the corrective in the corrective action plan.* *(I) The department shall conduct a follow-up evaluation, of the school district or charter school within one year after the department returned the corrective action plan to the school district or charter school.*	• ADE's 45-day Corrective Action Letter was sent to Chinle Unified School District administration on June 18, 2013. • Chinle Unified School District submitted their Corrective Action Plan to ADE on September 27, 2013. • Chinle Unified School District submitted their Corrective Plan with revisions on October 14, 2013. • Chinle Unified School District submitted their Corrective Plan with revisions on November 18, 2013. • Chinle Unified School District was notified that their Corrective Action Plan was approved by ADE on November 18, 2013.	• ADE's 45-day Corrective Action Letter was sent to Chinle Unified School District administration on July 14, 2014. The Corrective Action Plan from Chinle Unified School District must be submitted to ADE by October 7, 2014.

ADE/OELAS Assistance

- On July 15 and July 29, 2013, an OELAS Education Program Specialist contacted district administration and left a message to offer assistance.
- A technical assistance visit was made to Chinle Unified School District on October 22-23, 2014.
- Technical assistance was offered to the district during the monitoring exit meeting and four technical assistance trainings were provided by OELAS staff on July 17, 2014.
- A technical assistance visit is scheduled for October 10, 2014.

EXECUTIVE SUMMARY

Issue:	Larry Joseph Flock, C-2014-061R, Consideration of Recommendation to deny application for certification.

☒ Action/Discussion Item ☐ Information Item

Background and Discussion

On May 12, 2014, Larry J. Flock applied for an Adult Education Teaching certificate.

On his application for certification, Mr. Flock answered "yes" to question 1: Have you ever had any professional certificate or license, revoked or suspended? In his disclosure statement, Mr. Flock stated he failed to maintain a professional distance from his students and this resulted in a nonsexual friendship with a student.

On May 31, 2002, Phoenix Union High School District reported to the Investigative Unit allegations that Mr. Flock had engaged in inappropriate conduct with a female student.

During the investigation of those allegations, Mr. Flock was informed by the Investigative Unit that a complaint would be filed against his teaching certification. Mr. Flock elected to forfeit his right to a hearing and voluntarily surrendered his teaching certificate. The State Board of Education ("Board") accepted his surrender of certification on March 31, 2003.

On August 12, 2014, the Professional Practices Advisory Committee ("PPAC") considered the current application for certification. After consideration of the evidence presented, the PPAC found that Mr. Flock engaged in the following conduct:

In May 2002, the Mr. Flock had a continuing inappropriate, unprofessional, social, but not sexual, relationship with a female student in disregard of applicable school district rules. Mr. Flock sought to maintain a covert relationship with the female student despite direction and intervention from the school district, his wife and the student's parents.

The PPAC found the following mitigating factors:

- Length of time that has passed since the misconduct occurred.
- Mr. Flock accepting responsibility of prior conduct and recognition that prior conduct was likely to have adverse consequences for students he taught.
- Mr. Flock's current pursuit of an adult, not K-12, certificate.

Contact Information:

Charles Easaw, Chief Investigator
State Board of Education

Review and Recommendation of State Board Committee

The Professional Practices Advisory Committee recommended by a vote of 4 to 0 that the Board deny the application for certification.

Recommendation to the Board

It is recommended that the Board adopt the PPAC recommendation to deny application for certification.

EXECUTIVE SUMMARY

Issue:	Amaechi Akpa, case no.C-2013-114R, Consideration of Request for Rehearing

☒ Action/Discussion Item ☐ Information Item

Background and Discussion

Amaechi Akpa applied for a Substitute teaching certificate on September 3, 2013, and answered "yes" to the application questions:

Have you ever been convicted of any felony offense?
Have you ever been arrested for any offense for which you were fingerprinted?

Mr. Akpa disclosed that he was convicted of wire fraud on April 18, 2003, by the United States District Court for the District of Arizona. On September 15, 2005, his sentence was amended on remand to twenty-one months of incarceration and thirty-six months of supervised release, with a restitution amount of approximately $60,000.00. Mr. Akpa was convicted of participating in a scheme to defraud or to obtain money or property by means or material false or fraudulent pretenses, representations, or promises.

On May 13, 2014, the Professional Practices Advisory Committee (the "PPAC") conducted a review of Mr. Akpa's application.

At the conclusion of the review the PPAC found Mr. Akpa's actions constituted unprofessional conduct.

The PPAC, by a vote of 5 to 0, found that Mr. Akpa engaged in conduct which would have discredited the teaching profession in violation of Arizona Administrative code R7-2-1308 (B) (15). The PPAC recommended that the State Board of Education ("Board") deny Mr. Akpa's application for certification.

At its June 23, 2014, meeting, the Board adopted the recommendation of the PPAC to deny Mr. Akpa's application for certification.

Pursuant to Arizona Revised Statutes §41-1065, Mr. Akpa timely filed a request for rehearing and review of the decision by the Board to deny his application for certification. Mr. Akpa's bases for a rehearing are outlined in his letter dated July 23, 2014.

The Board may grant a rehearing pursuant to Arizona Administrative code ("A.A.C.") R7-2-709 (B).

R7-2-709 (B) reads as follows:

A rehearing of a decision by the Board may be granted for any of the follow causes materially affecting the moving party's rights.

1. Irregularity in the administrative proceedings of the hearing body, or abuse of discretion, whereby the moving party was deprived of a fair hearing.
2. Misconduct of the hearing body or the prevailing party.
3. Accident or surprise which could not have been prevented by ordinary prudence.
4. Newly discovered material evidence which could not with reasonable diligence have been discovered or produced at the hearing.
5. Excessive or insufficient penalties.
6. Error in the admission or rejection of evidence or other errors of law occurring at the certificate review.

A.A.C. R7-2-709 (C) reads as follows: The Board may affirm or modify the decision or grant a rehearing to all or any of the parties, on all or part of the issues, for any of the reasons set forth in subsection B herein. An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified.

A.A.C. R7-2-709 (D) reads as follows:
After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. The order granting such a rehearing shall specify the grounds therefor.

Recommendation to the Board
It is recommended that the Board consider Mr. Akpa's request for rehearing.

Contact Information:
Charles Easaw, Chief Investigator
State Board of Education

EXECUTIVE SUMMARY

Issue:	Operational use of the National Center and State Collaborative Alternate Assessment for spring 2015.

☒ Action/Discussion Item ☐ Information Item

Background and Discussion

ARS §15-741 requires the Board to adopt and implement a test to measure pupil achievement. New assessments aligned with the fully implemented standards must be selected for use in School Year 2014-2015. The current AIMS A test for Reading and Mathematics, which is not aligned to the existing standards, was used for the last time in Spring 2014.

Alternate Assessment Development

Alternate assessments traditionally consist of teacher rated items, portfolios, or checklists which provide limited achievement information about what students know and can do. These alternate assessments are developed by a small specialized group of experts and educators, who are knowledgeable about the unique characteristics of students eligible to take an alternate assessment aligned to their state's standards.

Arizona's AIMS A assessment was uniquely developed within the Arizona Department of Education and with Arizona educators. It is comprised of an online multiple choice and teacher administered performance tasks. AIMS A has been administered to approximately 7,000 students annually. The annual cost for AIMS A Reading and Mathematics development, administration, and reporting student performance for students with significant cognitive disabilities is about $1.5 million dollars.

Since 2010, the Arizona Department of Education's Alternate Assessment unit has been a leader within the National Center and State Collaborative (NCSC) which included 24 state partners, two universities and teacher educators to develop an Alternate Assessment based on Alternate Achievement Standards (AA-AAS) aligned to the new standards. Arizona has been a lead member of this project from the development of an online assessment through instructional supports and resources for educators working with students with significant cognitive disabilities.

Implementation Plan

Arizona has implemented a plan to support the work that would be needed to roll out the instructional supports and transition Arizona to a new online academic test for students with significant cognitive disabilities. The plan included:

- Two Mega Webinars with in-person facilitators in 6 regional locations across the state with over 600 participants
- Piloted roll-out of instructional supports and resources for AZ educators in Arizona Districts

Contact Information:
Audra Ahumada, Director of Alternate Assessment, Assessment Section
Leila Williams, Associate Superintendent Quality Assessment and Adult Education

- Community of Practice (CoP) as a group to learn with and from as Arizona is moving forward in the development and implementation of a new alternate assessment
- Presentation updates and progress of project at various state conferences
- Present at National Conferences; sharing lessons learned and processes for our state's transition and implementation to a new alternate assessment
- Customer service satisfaction reports from participants in NCSC Pilot 1

Support from Field

As the development and increased awareness of the new alternate assessment has been underway, many districts, charters, and private placement schools have shown their support and ability to begin to implement the instructional resources and professional development. The field has supported this transition through various opportunities such as:

- Participation in Pilots 1 and 2
- Active involvement of the NCSC Community of Practice
- Feedback Sessions
- Professional development design and collaboration with ADE's Alternate Assessment Unit

Fiscal Costs

As part of the grant awarded to the NCSC, states are permitted to use the alternate assessment as operational if end user costs were covered by the state. The expected operational end-user costs for Arizona in 2015 will be approximately $60,000.

At the August 2014 State Board meeting, the board approved the Arizona Department of Education as the fiscal agent for the post-grant governance. This allows Arizona to lead the procurement of an assessment delivery system based on the assessment developed under NCSC for Arizona and other partner states for school year 2015-2016 and beyond.

In subsequent years the costs are expected to increase significantly as a federal grant will no longer subsidize the cost of the development of the NSCS resources and continued development or revisions of this alternate assessment. The 2015-2016 estimated NCSC assessment costs based on number of participating students and the participation of a set number of state partners will be approximately $850,000. The ongoing AIMS A science assessment costs will be approximately $275,000.

Presentation Details

The presentation will include examples of the two alternate assessment designs as well as examples of the NCSC alternate assessment system.

Recommendation to the Board

It is recommended that the Board approve the Arizona Department of Education's use of the National Center and State Collaborative Alternate Assessment as the operational alternate assessment for English Language Arts and Mathematics for Spring 2015.

EXECUTIVE SUMMARY

Issue:	Presentation regarding matters related to the Request for Proposals (RFP) for the new statewide assessment. Pursuant to A.R.S. § 38-431.03(A)(2) and (3), the Board may vote to convene in executive session to review confidential information and/or for discussion or consultation for legal advice.

☐ Action/Discussion Item ☒ Information Item

Background and Discussion

The Arizona State Board of Education is responsible for prescribing the minimum course of study for public schools, adopting statewide academic standards, and selecting a statewide assessment to measure the Arizona academic standards. These Board adopted measures are considered by governing boards and charter schools as they fulfill their local responsibility to prescribe curricula, criteria for the promotion of students, and any course of study or competency requirements greater than those prescribed by the Board.

ARS §15-741 requires the Board to adopt and implement a test to measure pupil achievement. A new assessment aligned with the fully implemented Arizona College and Career Ready Standards (AZCCRS) must be selected for use in School Year 2014-2015 to replace the expired contract for the AIMS Reading, Writing, and Mathematics test.

While this AIMS test was administered for the last time in Spring 2014, AIMS retesting opportunities will be available for juniors and seniors through Fall 2016 as high school students graduating through 2016 are still required to pass each section of AIMS in order to graduate. Students graduating in 2017 will no longer be required to pass the statewide assessments as a condition of graduation.

Procurement Process

Through the independent procurement process required by state law, the Board will select a rigorous, cost efficient, statewide assessment aligned with the Arizona's educational priorities, that will measure student learning and inform the State's accountability measures (A-F School Letter Grades, Move on When Reading, Principal and Teacher Evaluations).

In late 2013, the Board issued a Request for Information (RFI) to identify existing assessment options that may meet Arizona's needs. The Board received six responses to the Request for Information.

On March 6, 2014, incorporating feedback from parents, educators, and business and community leaders, the Board adopted a statement of values to be used as the basis for the requirements of the Request for Proposals (RFP) for the selection of the new statewide assessment.

Contact Information:
Christine M. Thompson, Executive Director, Arizona State Board of Education

On June 6, 2014, the RFP for the new statewide assessment was released, and responses were due July 25, 2014. As required under Arizona procurement law, an independent evaluation team has been assembled to review vendor proposals, assess the extent to which proposals address the requirements listed in the RFP, and recommend contract award to vendors that best address the state's requirements as listed in the RFP.

In order to have the new statewide assessment in place for the 2014-15 School Year, the Board expects to complete the procurement process and select the new statewide assessment in October 2014.

Recommendation to the Board

This item is provided to the Board for information only. Pursuant to A.R.S. § 38-431.03(A)(2) and (3), the Board may vote to convene in executive session to review confidential information and/or for discussion or consultation for legal advice.