

ARIZONA STATE BOARD OF EDUCATION
Monday, January 25th, 2016
9:00 a.m.
Arizona Department of Education, Room 122
1535 W. Jefferson St, Phoenix, AZ 85007

The Arizona State Board of Education held a regular meeting on January 25th, 2015 at the Arizona Department of Education, 1535 West Jefferson Street, Room 122, Phoenix, Arizona. The meeting was called to order at 9:04 a.m.

Members Present

Dr. Michael Crow (Left early)
Chuck Schmidt
Tim Carter (Present telephonically)
Dr. James Rottweiler
Amy Hamilton
President Greg Miller
Vice President Reginald Ballantyne III
Roger Jacks
Jared Taylor
Superintendent Diane Douglas

Members Absent

9:04 a.m. CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE, AND ROLL CALL

President Miller, due to the large number of guests on the agenda, elected to take agenda items 2B and then 2D-2 first.

2. BUSINESS REPORTS

B. Superintendent's Report

Superintendent Douglas held a Recognition Ceremony for those teachers and students who have received awards this year to celebrate their achievements.

D. Executive Director's Report

2. Innovations in Education: Mr. Seth Beute, Principal of the Phoenix Coding Academy, made a presentation on his brand new school in Phoenix. It has a strong emphasis on innovatively teaching broad based information technology courses.

1. PRESENTATION OF CANDIDATES AND ELECTION OF STATE BOARD OF EDUCATION OFFICERS FOR 2016

Dr. Rottweiler, as head of the Nominations Committee, made a presentation on the history of Board elections. President Miller advised of the elections process.

There had already been a nomination submitted electronically for continuation of President Greg Miller and Vice President Ballantyne as Board Officers.

Jared Taylor nominated Chuck Schmidt as President of Board for 2016.

Superintendent Douglas nominated Jared Taylor as Vice President.

Superintendent Douglas raised a point of order concern over ballots being solely written down when Open Meeting Law says that any Board meeting cannot have secret ballots hidden from the public. She advised of an Attorney General(AG) opinion also supporting this and advised that the votes should be taken verbally. Assistant Attorney General Kim Anderson advised that Board rules do not specifically state this and as votes would be subject to Public Records Requests any member of the public could request them.

President Miller advised that he does not feel strongly about the written vote, but that that was how it was decided to operate today.

Member Carter, telephonically, requested that the ballot contestants be identified. President Miller clarified that there are two candidates for President and two for Vice President.

President Miller advised that it would require a majority vote of the Board to elect an officer.

Dr. Karol Schmidt, Executive Director of the Board, took the written ballots and announced that by a majority of the Board membership, President Miller and Vice President Ballantyne have both been re-elected as presiding officers, with a vote of 6 to 4 and 7 to 3, respectively.

2. BUSINESS REPORTS

A. President's Report

President Miller announced that the March 21st Board Meeting will be primarily a presentation on CTE and will be held at West Tech instead of the traditional Board room.

President Miller also announced his congratulations for our State's successes with NAEP and AzMerit scores.

He also stated his desire to announce that on February 4th, 2016 there will be a Standards Development Subcommittee Meeting on the 2nd Floor of the Executive Tower.

C. Board Member Reports

N/A

D. Executive Director's Report

- Investigative Unit update and the resolution and reporting of State Board disciplinary actions
- Dr. Karol Schmidt advised the Investigative Unit has continued to develop additional Standard Operation Procedures (SOPs) and are in the process of vetting previous procedures. The fully developed SOPs are currently being reviewed at the AG's Office.
- The Investigative Unit has made progress on the Common Logon Access program.
- They are still going through past teacher records to verify their authenticity, now working on year 2003.
- Continued training of Investigative Unit staff on operational procedures
- Reviewing templates and form letters relating to investigation for standardization and accuracy.
- Emphasis on timely resolution of cases, reviewing and ranking for importance.
- Studying other models in-state and across the nation to develop best practices, policies and rules for efficiency. They intend to bring back these plans to present to the Board in late spring. They are currently working with Dr. Crow to help create them.
- Looking at statistics of data to find trends in misconduct.
- Holding monthly 1:1's with Investigative Unit staff and are still working with ADOA on getting the agents onto the MAP system for accountability.
- Recommended changes to language with AG on additional improvements to templates.
- Backlog of cases: As of January 14th, 332 cases are backlogged. 75% of cases are from 2014 and 2015.
- Advised of actions in January 2016 to increase transparency of Investigative Unit actions.
- Reviewing Article 7 rule making procedures.
- Developing presentations for outreach to specific stakeholders.

Vice President Ballantyne complimented Dr. Schmidt on her work.

Superintendent Douglas requested a written copy of backlog report. She also inquired about procedures that have been written and how many are yet to be written.

Dr. Schmidt advised that there are currently drafts being reviewed that were fully written from ADE and they have written more from their research. She advised they are looking at timeline nuances to include.

Superintendent Douglas advised of 3 items on consent agenda whose certificates are expired, so she wondered how we could revoke them. She stated that you can't revoke what doesn't exist. She recommended that this be addressed.

Dr. Schmidt advised that Mr. Eric Schwartz, Assistant AG, could speak to that. Mr. Schwartz advised of specific statute that would allow us to take action on revoked certificate.

2. CONSENT AGENDA:

Any matter on the Consent Agenda will be removed from the Consent Agenda and discussed as a regular agenda item upon the request of any Board member.

President Miller inquired if there were any items anyone wanted removed from consent agenda.

Vice President Ballantyne moved to approve all items in Consent Agenda items. Seconded by Member Jacks. All were in favor.

- A. Approval of the Move on When Reading (MOWR) LEA literacy plans which have been reviewed for release of K-3 Reading Base Support funds
- B. Approval to accept and expend grant monies related to Professional Standards Training Grant from the United States Department of Agriculture-Food and Nutrition Services in the amount of \$141,829
- C. Approval of interagency service agreement between the ADE Early Childhood Unit and First Things First to provide assistance to the Cibecue Unified School District to start a preschool program and to accept grant monies up to \$125,000
- D. Consideration to accept the voluntary surrender of the teaching certificates held by the following:
 - 1. Matthew Bentley
 - 2. Jesse L. Chavez
- E. Consideration to permanently revoke any and all teaching certificates, pursuant to A.R.S. § 15-550, held by the following individuals:
 - 1. Richard Lance Knight
 - 2. Andrew Lloyd Lemke
 - 3. Marie Ellen Donaldson
 - 4. Mark Dean Morgan
 - 5. Jared E. Blackstone

F. Consideration to permanently revoke the guidance counselor certificate, pursuant to A.R.S. § 15-550, held by Joseph J. Rodrigues.

G. Consideration to re-appoint Janet Crow to the Certification Advisory Co3. CALL TO THE PUBLIC: This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

None

4. GENERAL SESSION

A. Presentation and discussion regarding 2016 legislative priorities:

5. *Arizona Association of County School Superintendents*- Mr. Aarons requested Mr. Carter speak for him on this section because he had to leave early from the Meeting. Member Carter advised of an annual meeting the County Superintendents hold to meet and discuss legislative agenda for the upcoming year. Board members were given a sheet of items.

Vice President Ballantyne inquired of CTE and JTED funding bills that seem to be duplicated. Member Carter advised that they wanted to make legislators aware of funding issues and two bills have since been refined. He advised of support in the Legislature and the business community to reverse cuts and increase funding.

Vice President Ballantyne inquired why the 9th grade was isolated. Member Carter advised of 9th grade funding cuts were implemented separately in a previous session and wanted to clarify that both needed to be re-funded.

1. *Arizona Education Association*- Mr. Joe Thomas made a presentation with materials given to the Board Members, with a heavy emphasis on the importance of teacher pay. He advised that our current system is unsustainable. Teachers have to move to other professions or work in other states to afford to start families.

Mr. Thomas advised that their legislative agenda involved supporting bills that promoted:

- Quality Teaching and Learning
- Public Education Funding—strategic funding for programs
- Fair Employment Rights—Due process rights for all school employees
- Retirement Systems—wants to maintain ASRS.

VP Ballantyne inquired if they had a tactical approach to try to pass legislation to support increased CTE funding. Advised that will leave it up to the legislature to be creative with finding funding sources. Higher teacher salaries would be a piece of solving the problem, but workload issues are important.

Member Schmidt inquired what school programs are run through JTED and CTE funding, specifically, if FFA is run through CTE. Mr. Thomas advised it is solely curriculum run through the school.

Member Carter advised that CTE and JTED programs are required to partner with businesses to enable students to practice what they are learning. He advised that FFA would be auxiliary.

2. *Arizona School Boards Association*--Ms. Janice Palmer from ASBA made the presentation. Advised of a vote held in September to add the upcoming year's legislative agenda items. She advised their main drives for this year are:

- Helping to support the passage of Prop 123.
- Reversal of CTE and JTED cuts is an emphasis.
- They want a year delay on starting the change to use Current Year Funding. Currently funded on prior year count and stakeholders are concerned about transition of data system and if can we have resources to implement

Vice President Ballantyne inquired about the bill increasing compulsory attendance age to 18. Ms. Palmer advised that right now students are only required to go to school until 16 years of age, but the ramifications of not getting your degree are extreme.

3. *Arizona School Administrators Association*—Dr. Debbi Burdick, the President of ASA, presented. She advised that they support legislation that promotes these areas:

- Student Achievement
- Training of teachers
- More instructional time
- Base level funding to give equal opportunities to achieve
- Local school governance
- Recruit and retain teachers with benefit program
- Resist administrative burden
- Building renewal and school maintenance funding.

Member Jacks advised happy to see all-day kindergarten funding in the legislative ballot. Dr. Burdick advised they will continue to advocate and cites that all-day kindergarten sets the foundation for later life.

Vice President Ballantyne inquired about expansion of empowerment accounts. She advised they do not support more administrative burden.

President Miller inquired about implementing more school instruction. She advised they could attempt a longer school year, longer days, but it would require additional funding and stated that they are advocating for it

4. *Arizona Charter Schools Association*—Eileen Sigmund, President of ACSA, advised of their support of Prop 123 and School Choice policy. Ms. Sigmund stressed their support of lower cost financing for purchasing school facilities.

She pointed out that students in Arizona Charter Schools have some of the highest NAEP and AzMERIT scores in the country.

Dr. Ildi Laezko-Kerr, the ACSA Vice President of Academics, advised that student achievement is ensured through Charter School accountability and accurate measures of quality by their School Accountability System indicators. She advised that they also support bills that give flexibility and autonomy to schools.

Vice President Ballantyne inquired about capital financing. Dr. Laezko advised that they are not running bills themselves, but advising.

President Miller advised of history of charter bonding process.

B. Presentation and discussion regarding legislative affairs. The Board may take action to support, oppose or remain neutral on specific legislative proposals.

Ms. Brooke White of Axiom Public Affairs is representing the SBE in legislature. She advised that this is the 3rd week of session. February 1st is last day bills can be introduced in Senate and February 8th in the House. April 9th will mark the 100th day of session. Legislative Leadership in House and Senate are unchanged.

Superintendent Douglas inquired about a spot reserved in the House Education Committee putting Montenegro in Education Committee. Ms. White advised that Montenegro was likely filling in for someone.

Ms. White reminded the Board that the Executive Budget was released. She advised of effect of litigation funding and a standards appropriation in budget. She advised of a line item for a JTED grant with matching funds. She advised the budget also contained testing college prep grants.

Ms. White gave a brief overview of some Bills being run that affect the functions or duties of the SBE.

HB 2056—Ackerly—Standardized Testing Opt Out Bill

HB 2058—Townsend—Charter School Boards.

HB2352—Rep Carter—Human Trafficking

SB1197-Griffin—Cursive Writing

SB1208—Allen—Deems certificates renewed if hasn't received notice within 3 weeks. It removes exam requirements if the teacher is coming from another state in good standing.

Vice President Ballantyne inquired about HB2056. Ms. White advised that it was held last week, but not added to this week's agenda. There is a strong effort to keep the bill off of agenda. She advised that it is probably not going anywhere.

~~C. Presentation and discussion regarding a literature and state policy review on a reading proficiency level for third grade students.~~

D. Presentation, discussion and consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to revoke certification of the following individuals:

1. Jennifer Keane--Mr. Schwartz made the presentation. Ms. Keane held a Substitute Certificate, but was convicted of 2 felony counts for sale of methamphetamines. He advised there was a unanimous vote of the Professional Practices Advisory Committee(PPAC) to revoke her certificate.

Vice President Ballantyne made a motion to accept the findings of fact and recommendations of the PPAC to revoke the certification of Jennifer Keane's substitute teaching certificate. It was Seconded by Member Rottweiler.

All in favor, motion passes.

2. Barbara White—Mr. Schwartz advised that Ms. White also held a Substitute Certificate, but unlawfully cashed cashier checks from her husband to pay off loans. The PPAC voted unanimously to revoke her certificate.

Vice President Ballantyne moved to revoke the substitute teaching certificate, seconded by Member Rottweiler.

All in favor, motion passes.

E. Presentation, discussion and consideration to accept the findings of fact, conclusions of law and recommendations of the Professional Practices Advisory Committee to grant the application for certification for Stephen Weede Martin.

Presentation of the findings of fact were made by Chief Investigator Winters. Mr. Martin was present telephonically.

Investigator Winters advised this is a review case for Mr. Martin. His fingerprint clearance card was suspended for 2 counts of forgery of his AZ Nursing License because he failed to disclose disciplinary action. The Investigative Unit flagged him for review in 2005. Present for PPAC Review of his application. There was a unanimous vote by the PPAC to approve application.

VP Ballantyne raised concerns over facts found in history, related to prescription of drugs and forgery.

Member Jacks also advised of concerns.

Superintendent Douglas inquired what this certification is for. Mr. Martin advised he is working at a Community College, and they require a remedial certification for Adult Education GED Prep.

Member Rottweiler inquired about specifications of difference in Adult Ed Certificate.

Dr. Cecilia Johnson, Associate Superintendent of Highly Effective Teachers and Leaders, advised that this certificate would not allow him to teach in K12, but for those students and returning adults who had not completed their High School Degree. Not a required certificate from the State.

President Miller wanted to clarify that this Certificate was not required, no matter what the Board decided. Dr. Johnson advised not required by statute or State Board Rule.

Member Jacks raised concerns over supporting the certification considering the history.

Vice President Ballantyne moved to adopt the findings of fact by the PPAC but not approve the application. Seconded by Member Schmidt.

Member Carter inquired if there was an option to allow the item to die without a motion. He advised that this Board has shown great support for the work of the PPAC, but this way could have the same outcome without seeming adverse to their decisions.

Dr. Schmidt advised that the applicant could also withdraw his application.

President Miller advised that there are three options, they could deny the application, let it die without voting, or that Mr. Martin could withdraw.

Mr. Martin advised that he has never prescribed narcotics without physician approval. He advised that licensed nurses do not need a doctor's signature if they have the proper training, which he has. Mr. Martin advised that these complaints occurred a long time ago and he has since had an exemplary teaching record in the Community College. He advised that the issues were in a different field from what he is teaching. He advised the forgery was from filling out an application incorrectly, not from actual forgery.

Vice President Ballantyne advised of concerns over prescription of narcotics. Mr. Martin advised he was in constant consultation with pain specialists. He advised he earned his rank.

Superintendent Douglas noted that usually the Board members are given a transcript of the PPAC hearing minutes, but this time they received only a summary. Dr. Schmidt advised this was a review, so they don't complete a full transcript.

President Miller advised that the motion has been made to disapprove or deny the application for Mr. Martin.

Dr. Schmidt advised that if the Board denied his certification he could then go to have a PPAC hearing but it would go on his record.

If he withdrew his application there could be no hearing and it would be 5 years before he could reapply.

Motion passed 8-1 with Member Rottweiler opposed to the denial.

F. Presentation, discussion and consideration of proposed amendments to A.R.S. § 15-241 school accountability and school classification and adding A.R.S. § 15-241.02 as drafted by the A-F School Accountability Committee

President Miller advised of history to expand A-F grading system with a 3 step program. The difference is with Operative vs Punitive measures. The draft proposal breaks current legislation into 2 different pieces.

Member Taylor inquired about the “Charter Sponsor” in the legislation. President Miller clarified that it is the same as a Charter Authorizer.

Presentation on the draft legislation was made by Chris Kotterman, who is contracting with the SBE.

Mr. Kotterman advised that it separates school improvement from accountability and was created by a collaborative effort from a group of stakeholders. The first section, school improvement, includes 4 elements, at a minimum, of academic performance, academic progress of statewide assessments, academic progress on ELL assessments and progress towards college & career readiness.

Mr. Kotterman advised that the second section employs technical experts in statute to collaborate with stakeholders to determine how to measure accountability. He stated that it gives the SBE ability to flexibly adopt range of A-F standards. It includes a requirement for the SBE to create profiles for small, accommodation and alternative schools as well as an option for online schools. It provides equity for these alternative schools with a unique methodology so that it’s not locked in.

Member Carter requested language to allow Department and County Education Service Agency Superintendents to collaborate, with money leveraged to maximum effect. If any district has a certain number of schools assigned a D or an F then they must notify residents. He requested that schools have pilot programs available to them.

President Miller advised that a letter grade is not given to schools until after a School Year is already over, and not available until the start of next school year, so a pilot program based on current letter grades would not be possible.

Member Jacks inquired about reference to giving responsibility to school boards to create accountability formula, from the top down. He raised concern over increased accountability causing great burdens for rural and poor schools.

Superintendent Douglas also had concerns. She inquired what Mr. Kotterman’s title was. He advised he was contracted with they didn’t have Executive Director or Executive Assistant. Superintendent Douglas had some concerns over the use of language, namely in the School Improvement Section, that Charter Holder(School District) and Sponsor(Governing Board) is interchangeable with Charter Board. She is concerned over the language not being consistently clarified. She also had concerns with Section E—it adds county educational service agencies, but

ADE was not consulted on this to see if they were workable. She also advised she was very concerned with Section K—If ADE recommends a Public Hearing for a school to remain open, and then would work with SBE to hold it, then any agency can take control of a school, even one in the private sector.

President Miller clarified that it was included to help schools with their accountability system process, not hurt them. He wanted there to be flexibility to define accountability measures.

Member Taylor inquired about 4 major elements, specifically why ELL is separate. President Miller advised it is a federal requirement.

Dr. Yohvanne Metcalfe , Chief Accountability Officer, advised of implications for A-F Accountability legislation. She advised there are conflicts with ESSA federal education policy. The ESSA State Accountability System prohibits the use of A-F to continually support failing schools. The accountability system is streamlined, but the federal government continues to implement criteria which will affect our own state plan. She advised that we cannot take a year off for Grade 11 in ESSA like we currently have in the draft bill.

Dr. Rottweiler raises motion to have Supt Douglas and the ADE lead taskforce to provide guidance for legislation

President Miller advised legislation needs to drop next week, and we won't have time for taskforce.

AG Anderson advised of conflicts in term definition for charter holder and charter sponsor in proposed bill. Member Taylor advised we may be able to add terms.

Ms. Brookes advised bill needs to be introduced by 1st but amendments can be added until the 15th.

Dr. Rottweiler clarified that we would be submitting the bill with understanding that we would be making amendments and potential strikers. It needs to be given to the Legislature by 5PM.

Superintendent Douglas raised issues with this issue not being heard at December 21st Meeting. This moratorium could jeopardize funding. Advised there are numerous portions in this bill that would not meet federal guidelines and ADE had not been able to review language previously.

Dr. Rottweiler made motion that we move the proposed legislation to Senator Allen for dropping with understanding that we will work to fix issues with legislation in the coming weeks.

Mr. Kotterman advised that ADE has been involved in process in task force for developing language and that passage of ESSA has caused issues, but he said he is confident that we can work together to develop the language we need.

Ms. Hill advised that the moratorium will be fixed. She also advised it was thought to be a pilot phase for new schools to shift to new A-F, but would be ready for FY 16-17. She also called for collaboration with a broad Framework approach, including accountability advocates and the A-F Subcommittee. She advised that the stakeholders previously agreed not to make changes to school improvement statutes, but did not reach a consensus.

Dr. Laezko advised of intent of stakeholders to update and intention of charter schools to adopt these measures.

Vice President Ballantyne made comment that we need to work together and seconded Dr. Rottweiler's proposal.

8 in favor, 1 opposed

Superintendent Douglas votes No, as she feels there are too many concerns to go forward in the short amount of time that we have.

Motion passes.

G. Presentation, discussion and consideration of the Revised Arizona Framework for Measuring Educator Effectiveness as proposed by the Teacher and Principal Evaluation Task Force

Member Hamilton advised that they have held the last meeting, and requests Mark McCall, the DAS for Educator Excellence, come up to speak.

Mr. McCall addressed the Board and stated he is available for questions.

Member Hamilton advised that the update includes more flexibility but does not change too much. It replaces the statewide assessment from AIMS to AzMerit, with suggestions for ideal practices.

Vice President Ballantyne moves to adopt the revised framework, seconded by Dr. Rottweiler
Member Hamilton would like to commend all members of the task force. Member Jacks commends Member Hamilton for holding committee.

All approved. Motion passes.

H. Presentation, discussion and consideration to close rulemaking procedures for proposed amendments to:

1. **Rule R7-2-614(E) pertaining to the Teaching Intern certificate**
2. **Rule R7-2-615 pertaining to Special Subject Area Endorsements, Gifted Endorsements, and LibraryMedia Endorsements**
3. **Rules R7-2-607 pertaining to General Certification Provisions and R7-2-619 regarding Certification Renewal Requirements**

Dr. Schmidt advised of items brought to Board to open rulemaking, included in Board agenda packet.

Vice President Ballantyne made the motion to now close the rulemaking procedures and adopt the proposed amendments, seconded by Member Jacks.

All in favor, motion passes.

I. Presentation, discussion and consideration to amend the Arizona State Board of Education Rulemaking Procedures Adopted August 12, 2005

Dr. Schmidt clarified that this is a formatting change to the Secretary of State rules rather than legislative formatting. It would help reduce administrative burden by Board Staff.

Vice President Ballantyne made the motion to change the formatting procedures, seconded by Member Jacks.

Superintendent Douglas inquired why it changed to begin with as there was no change formal process to change from the Secretary of State Formatting, which we originally had, to the Legislative Formatting that we changed to. Dr. Schmidt advised they wanted it memorialized so it doesn't happen again.

All in favor. Motion passes.

Dr. Schmidt requested Items J and K be flipped so that the room can be cleared.

K. SUMMARY OF CURRENT EVENTS, FUTURE MEETING DATES AND ITEMS FOR FUTURE AGENDAS. 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.

President Miller reminded the Board of the March 21st CTE Presentation being held on the 3rd Monday of March.

Vice President Ballantyne made the motion to move into Executive Session for Item J (MOWR), and was seconded by Dr. Rottweiler.

President Miller advised no action will be taken upon their return.

Convened into Executive Session(12:49 p.m.)

- J. Discussion and update on the performance audit of the Arizona Department of Education's K-3 Reading Program (Move on When Reading) by the Office of the Auditor General. Pursuant to A.R.S. §38-431.03(A)(2), the Board may vote to go into Executive Session on this agenda item, which will not be open to the public, for the discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information that is specifically required to be maintained as confidential by state law.**

Meeting Adjourned at 1:45 p.m.