

**Minutes**  
**State Board of Education**  
**Monday, April 23, 2007**

The Arizona State Board of Education held its regular meeting at the Arizona Department of Education, 1535 West Jefferson, Room 417, Phoenix, Arizona. The meeting was called to order at 9:05AM.

**Members Present**

Mr. Jesse Ary  
Dr. Vicki Balentine  
Dr. John Haeger  
Ms. Martha Harmon  
Ms. Joanne Kramer  
Mr. Larry Lucero  
Ms. Anita Mendoza  
Mr. Jacob Moore  
Dr. Karen Nicodemus  
Ms. Cecilia Owen

**Members Absent**

Superintendent Tom Horne

1. **BUSINESS REPORTS**

A. **President's Report**

Dr. Karen Nicodemus thanked members for their participation in the recent retreat and referred members to the minutes regarding the discussions held at that time. Dr. Nicodemus noted that the intent of the SBE is to look at and focus some of its work and discussion in the future around the priorities established at the retreat:

- prepare students for the 21<sup>st</sup> century
- advocacy in terms of the Board's role as policy makers
- school finance
- state board operations
- teacher quality
- assessment, accountability and achievement

Dr. Nicodemus added that the second Monday of each month has been designated for retreats/study sessions, with May 14 being the next date scheduled for this purpose. She added that a follow-up session in June may be necessary to discuss issues prior to the next legislative session and perhaps initiate the graduation requirement discussion.

Dr. Nicodemus stated that she is representing the SBE on the P-20 Council at an alignment institute regarding Arizona as an "achieve" state, which looks at graduation requirements. She noted that members should receive an invitation to an event where a team from Arizona will be working with representatives from Achieve to start looking at the alignment of math standards to being college and work readiness.

B. **Superintendent's Report**

There was not a report from the Superintendent as he was out of town.

C. **Board Member Reports**

Ms. Mendoza noted that she will attend a national charter school conference in Albuquerque, as a presenter, representing the SBE.

D. **Director's Report**

1. **Procedures Relating to the Consideration of Teacher Certification Matters**

Mr. Vince Yanez, Executive Director, State Board of Education, reported, in follow-up to the special session last week regarding matters relating to teacher certification, that the SBE has discretion regarding how items are placed on either the consent or general session. He noted that the current policy states that any contested case or recommendation for denial is placed on the general session for SBE discussion. He added that a year and one-half ago the SBE adopted a policy that had to deal with the type of allegation that is involved in the case so essentially any allegation involving physical or sexual abuse of a child is automatically on the general session for discussion regardless of the recommendation.

Mr. Yanez suggested that the SBE could streamline the process by modifying how the current agendas are set by:

- Placing time limits on contested matters
  - Cases involving disciplinary action
  - still need to remain on general session for discussion but because they have had a full hearing before the PPAC reasonable time limits could be set
- Approvals, settlement agreements, surrenders, substantively incomplete applications could be on the consent agenda regardless of the allegation with members maintaining the right to pull items for discussion

Mr. Yanez added that this could greatly streamline the process and the number of items on the general session. Mr. Yanez noted that if there is consensus among members this policy can be instituted beginning at the next meeting.

Dr. Nicodemus noted that consensus seemed to be evident, adding that the members discussed at the retreat the possibility of building into each agenda, 30 minutes for discussion of one or more of the priorities listed previously.

Dr. Nicodemus suggested that Mr. Yanez institute this change with the next regular agenda.

## 2. CONSENT AGENDA

- A. Consideration to Approve State Board Minutes
  - 1. March 26, 2007
  - 2. March 26, 2007 Executive Session
  - 3. April 13, 2007 Special Session
- B. Consideration to Approve Contract Modification Relating to the Arizona Adult Secondary Education Reframing Pilot Programs
- C. Consideration to Approve Request from Sanders USD to Budget and Accumulate in the Unrestricted Capital Section for Fiscal Year 2007-2008
- D. Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Grant the Application for Teacher Certification for Teresa Bolan, Case # C-2006-104 R
- E. Consideration to Approve Additional Monies for Teacher Compensation for FY 07-08 Pursuant to A.R. S. § 15-952 And A.R. S. § 15-537
- F. Consideration to Approve Appointments to the Career Ladder Advisory Committee
- G. Consideration to Approve the Optional Performance Incentive Program and Budget for FY 07-08 for the Following:
  - 1. Joseph City USD
  - 2. Sedona-Oak Creek Joint USD

Motion by Dr. Balentine and seconded by Ms. Kramer to approve the consent agenda. *Motion passes.*

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

Motion by Ms. Mendoza and seconded by Mr. Moore to adjourn as the State Board of Education

and reconvene as the State Board for Vocational and Technical Education. *Motion passes.*

Presentation, Discussion and Consideration to Approve Modifications to the State Plan for the Carl D. Perkins Career and Technical Education Act of 2006

Ms. Barbara Border, Interim Deputy Associate Superintendent and State Director of Career and Technical Education, Arizona Department of Education, presented the final guidance provided by the USDOE noting that the only changes are in definitions as noted in the materials provided. Ms. Border noted that there was a great deal of discussion regarding the definitions and consensus was achieved in all aspects.

Mr. Ary, as the SBE representative to CTE, noted that these changes were discussed and that this will probably put Arizona in a higher level, as we did not acquiesce to a lower level but have determined to keep higher goals and standards.

Motion by Ms. Owen and seconded by Mr. Ary to approve the proposed modification to the State Plan for the Carl. D. Perkins Career and Technical Education Act of 2006 as presented. *Motion passes.*

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

Motion by Mr. Lucero and seconded by Ms. Mendoza to adjourn as the State Board for Vocational and Technical Education and reconvene as the State Board of Education. *Motion passes.*

5. CALL TO THE PUBLIC

There were no additional requests received at this time.

6. GENERAL SESSION

A. Presentation and Discussion Regarding Arizona's Response to Intervention (RTI) Model

Ms. Lillie G. Sly, Associate Superintendent of Educational Services and Resources, Arizona Department of Education, introduced herself and the divisions under her responsibility noting that Response to Intervention is Arizona's collaborative model to help children achieve as mandated by NCLB and IDEA. Ms. Sly introduced the staff members with expertise in this area who presented the response program.

Ms. Kathy Hrabluk, Deputy Associate Superintendent, K-12 Literacy, School Effectiveness Division, Arizona Department of Education, presented, via PowerPoint included in the materials packet. She noted that general education is working with special education, looking at focused instruction. She added that as the two meet and look at the same requirements, the onus is on instruction, and not necessarily the at-riskness of the student.

Ms. Dolores Ratcliff, Response to Intervention Project Coordinator, Exceptional Student Services, Arizona Department of Education, spoke about the core principles of RTI, noting the uniformity in evaluation procedures.

Ms. Hrabluk reiterated the benefit of RTI and that the participation of staff is strongly encouraged as it is very much about prevention, which is key for the student and provides cohesive student instruction.

Ms. Owen noted that what ESS offers is usually well done and that she looks forward to further programs from this division.

Mr. Ary noted that he was pleased to hear that parental involvement happens throughout the process and confirmed that documentation is also being provided for parents.

Dr. Balentine added that this is an important component and that it is good to see regular and special educators working together.

Ms. Kramer assured members that the referral rate has gone down in her school as a result of its involvement in the Reading First program. Ms. Kramer asked about the assessments for writing

and math and Ms. Hrabluk responded that DIBELS is available for K-8 or they can use AIMS web and that at this point math assessments are being evaluated. She noted that some similarly will be available soon in math for K-3.

Ms. Ratcliff noted that the required teacher training, six days for two years, is available in Friday/Saturday configurations and ESS provides a small grant that can be used for stipends. Ms. Hrabluk added that both projects have an excellent cross-section of district participation across the state.

Ms. Ratcliff added that six charters are involved in Reading First and Ms. Mendoza noted that participation is required in teams and that small/rural schools are not always able to participate.

Ms. Ratcliff added that they strive to work with these schools/districts in these matters.

Ms. Kathleen Rahn and Mr. John Balles, School Psychologists, Scottsdale USD, who are part of the RTI training cohort, addressed the SBE regarding the RTI process in their district, and noted:

- Special education system has been consumed by determining eligibility and the process of delivering services
- ADE offers an excellent/extensive training program for schools ready to transition to the RTI process
- This approach hold much promise for addressing the academic deficits of students at risk for failure by shifting the focus from eligibility to concerns about improving instruction
- Staff development for teachers in effective strategies is essential
- ADE's training is appreciated and urge that more resources be available for more school teams
- Represented Tonolea Elementary School which is ethnically divers with 68% receiving free and reduced lunch, 24% receiving ELL services
- Piloting RTI for two years and expanded to grades 1-4 this year that begins with a universal screening for reading and math fluency in September this year
- Can universally screen about 300 students in 1 ½ hours using this method, a quick, efficient process
- Initial universal screening identified approximately 60 students in need of tier 2 and 3 intervention
- The students were given 30 minute interventions per day that included time with a reading specialist or a special education teacher
- Progress was monitored each week
- 10% graduated out of RTI by December; 10% were identified for evaluation who were not responding and 5 were placed in special education; remaining 80% were approaching, near or slightly above grade level and continued in the RTI program
- The initial screening in September showed 50% in need of intervention, but in December some classes improved to 50% working at grade level
- Number of special education referrals has reduced as well as the number of student enrolled in special education; only 2 ELLs placed in special education this year
- Provides concrete data to address student, class and school-wide concerns; helped administration support the regular education teacher with challenging students.

Ms. Susan Douglas, Administrator, Mesa Arts Academy, and Co-Chair of SEAP, covered the following aspects regarding their charter school:

- Small K-8 charter, single grade levels
- Most students (over 75%) qualify for free lunch
- Half of primary students come speaking little or no English
- Began RTI training process two years ago; replaced hope with assurance; set a climate of accountability throughout the school

- Referrals are intense-based, four times a week
- Teachers' goals are 100 % and, based on this new climate, feels this goal
- RTI is a positive impact on students

B. Update Regarding Legislative Affairs. The Board May Take Action to Support, Oppose or Remain Neutral on Specific Legislative Proposals

Mr. Vince Yanez, Executive Director, State Board of Education, explained that the budget negotiations are ongoing and there is very little movement on other bills at this time. He noted that the Board's efforts to seek clarifying language relating to the existing proficiency assessments and that more will be known once budgets are released. He added that the fees collected for tests are collected strictly by the test publisher, which has always been the case, and the language is being modified to make this clarification.

Dr. Nicodemus asked if a bill is indicated as ready for the house rules or another committee, whether or not an assumption can be made that the bill is dead and Mr. Yanez responded that it is not safe to assume any bill is dead at this point.

Mr. Ary stated that he and Mr. Lucero visited with Mr. LaSota and Ms. Cannata regarding how to move forward with the suggested goals set forth at the recent Special Session. He requested that some kind of agenda item be added to the next Study Session on May 14 and perhaps the next regular SBE meeting.

Dr. Nicodemus asked about the supplement to the AIMS Augmentation statute, and Mr. Yanez explained that this was enacted to allow students to increase their AIMS score from a C or better. He noted that if a student receives all As, Bs, or Cs in their high school course of study, they receive a certain amount of bonus scale points on the AIMS test which allows them to potentially meet the passing threshold. Mr. Yanez added that this was in affect last year and this year, sunsets in January, and that no attempts to extend this have been seen at this point. He clarified that this will apply to students graduating through December 2007.

C. Presentation, Discussion and Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Deny the Applications for Certification for the Following Individuals:

1. Edward D. McCarthy III, Case # C-2006-020 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, Arizona State Board of Education, noted that Mr. McCarthy has withdrawn his application for certification. No action required.

2. Henrietta Yazzie, Case # C-2006-097 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, Arizona State Board of Education, noted that notice was sent to Ms. Yazzie regarding today's hearing and that a signed receipt was received, signed by Joanne Yazzie, on January 19, 2007. He added that Ms. Yazzie did not appear at the PPAC hearing and that she is not in attendance at today's meeting.

Ms. Jennifer Pollock, Assistant Attorney General, stated that if the notice was sent to the last known address for Ms. Yazzie and receipt was received that the notice was received, this is sufficient to indicate that notice was received.

Motion by Ms. Kramer and seconded by Ms. Harmon to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and deny Henrietta Yazzie's application for certification. *Motion passes.*

D. Presentation Discussion and Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Grant the Application for Teacher Certification for Jose M. Pinedo, Case # C-2006-083 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, Arizona State Board of Education, noted that Mr. Pinedo is not present but that a signed receipt of notice has been received by the

Investigative Unit.

Motion by Ms. Harmon and seconded by Dr. Balentine to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory committee and grant Jose Pinedo's application for certification. *Motion passes.*

- E. Presentation, Discussion and Consideration to Find the Following Charter Schools in Non-Compliance with the Annual Financial Audit Requirements, Approve Withholdings of Ten Percent of State Aid and Require a Corrective Action Plan:
1. Friendly House, Inc.
  2. Maricopa County Community College District on Behalf of Gateway Early College High School
  3. Pima County Board of Supervisors
  4. Tucson Youth Development

Ms. DeAnna Rowe, Executive Director, State Board for Charter Schools, noted that Items E2, E3, and E4 should be removed from the agenda as the audits have been received.

Ms. Rowe explained the process for charter schools provided in the materials packet.

Motion by Ms. Mendoza and seconded by Dr. Balentine to find that Friendly House, Inc. in non-compliance with the annual financial audit requirements and approve the withholding of ten percent of their monthly apportionment of state aid and to require that a correction action plan be submitted by May 7, 2007. *Motion passes.*

- F. Presentation, Discussion and Consideration to Determine Non-Compliance with the USFR and to Withhold State Funds Pursuant to A.R.S. §15-272(B) for the Cochise Elementary School District No. 26

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

Mr. Steve Webb, Superintendent, Cochise ESD, addressed the SBE requesting a little more time to complete the work needed.

Ms. Harmon asked about the absence of leadership noted by Mr. Webb and he responded that for a period of time there was no other leadership available to get the work done.

Ms. Harmon asked about the specifics to be done and Mr. Webb noted that time cards weren't signed and other items in internal controls. He added that they also need to confirm values on historical buildings, fences, etc., that takes time.

Ms. Harmon asked what it would take to complete this within a month and Mr. Webb responded that it would be impossible in that timeframe.

Mr. Sampson noted that at this point in time a follow-up visit has not been done by the Auditor General to verify that the district is in compliance. Mr. Sampson added that the Auditor General will allow 90 days for the district to implement changes before a follow-up visit is scheduled.

Dr. Nicodemus asked if the district had discretionary funds to hire outside assistance to complete the tasks and Mr. Webb noted that money is not an issue and that the district receives very little state aid. He added that a new staff member has been hired to assist in these efforts.

Mr. Sampson noted that mismanagement in these areas is a large concern and one of the main reasons that districts come before the SBE

Mr. Moore asked about the ramifications of the SBE taking action today given that state aid is insignificant as the amount is small. Mr. Webb responded that SBE action would not be significant. Mr. Moore asked what other means would be effective against the district and Mr. Webb noted that pride is a factor, but the issue is the task of totally re-constructing documentation that has been destroyed or lost, which is monumental.

Ms. Harmon noted the small amount that could be held is not significant, and asked what the issue is with the district. Mr. Webb responded that this is an integrity issue and that he doesn't want to be invited back to the SBE.

Mr. Ary stated that his concern is that Mr. Webb didn't share information to show the district's progress in complying and Mr. Webb noted that it was just his word without confirmation from the Auditor General's Office. Mr. Ary noted that this type of information in writing would have been helpful.

Ms. Harmon noted that as the state aid to Cochise ESD is \$2600, 10% withholding is not a significant amount, and asked why Mr. Webb is fighting so hard to keep the SBE from imposing a fine. Mr. Webb responded that the issue is integrity and asked for 4-5 months, as he doesn't want to be invited back.

Motion by Mr. Ary and seconded by Ms. Harmon to determine that the Cochise Elementary School District is out of compliance with the USFR and to direct the Superintendent of Public Instruction to withhold 10% of state funds from the district until the Auditor General reports that the district has achieved compliance. *Motion passes. Dr. Nicodemus voted no.*

Dr. Nicodemus explained her vote by stating that as there would be no financial impact to the district but rather there have been extenuating circumstances relating to the destruction of asset records, notwithstanding that there is evidence that there was some dialogue with the Auditor General's Office. She added that if a recommendation had been made to withhold 5% she would have voted in favor as that would have been more reflective of past practices of the SBE. Dr. Nicodemus added that extenuating circumstances have played a part in past cases and asked members to think about guidelines regarding withholding amounts.

Mr. Webb stated that he supports the SBE's decision and asked about the timeline and Mr. Yanez noted that the district must notify him that they are ready for an audit and that he will notify the Auditor General's Office to schedule a follow-up audit with the District. Mr. Yanez added that when the Auditor General's Office notifies the SBE that the District is in compliance, Mr. Yanez will notify School Finance to release the funds and no further SBE action is necessary at that point.

G. Presentation, Discussion and Consideration to Approve the Professional Preparation Program Recommendations for:

1. Arizona State University-Polytechnic
2. Northern Arizona University
3. Scottsdale Community College
4. University of Arizona
5. University of Phoenix

Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, presented the background information provided in the materials packet, utilizing a PowerPoint Presentation, also included in the packet. She added that this was brought in February 2007 as an information item and is now presented for approval. She noted that today's approval would be effective through December 2008.

Ms. Amator called members' attention to the report regarding the UoP, page 8, early childhood graduation program which was re-submitted and is undergoing changes which will be submitted at the next meeting.

Dr. Nicodemus asked how an error in fact is addressed, and Ms. Patty Hardy, Director, Title IIA, Arizona Department of Education, responded that the correction will be made and the institution will be sent a revised report; however, if a difference in opinion will not be addressed.

Dr. Haeger asked about the process itself and Ms. Amator noted that this will be done at the completion of the first total round. She added that feedback on the report itself has been received and changes to the form were made for clarification as a result.

Motion by Dr. Balentine and seconded by Mr. Ary to approve the Professional Preparation Program Recommendations with those modifications as presented by Ms. Amator. *Motion passes.*

- H. Presentation, Discussion and Consideration to Accept the Intergovernmental Agreements and Consensus Documents as the State Intervention Plans for:
  1. Baboquivari Middle School (Indian Oasis SD)
  2. Naylor Middle School (Tucson USD)
  3. Rice School (San Carlos USD)
  4. Union Elementary/Middle School (Union ESD)

Ms. Phyllis Schwartz, Associate Superintendent, School Effectiveness Division, Arizona Department of Education, explained that Ms. Tommie Miel is presenting at a conference but that the information submitted today is a formality and follow-up to the presentation made at last month's meeting.

Motion by Dr. Balentine and seconded by Ms. Kramer to accept the IGAs and consensus documents as the state intervention plans for

1. Baboquivari Middle School (Indian Oasis SD)
2. Naylor Middle School (Tucson USD)
3. Rice School (San Carlos USD)
4. Union Elementary/Middle School (Union ESD)

*Motion passes.*

- I. Presentation and Discussion of Proposed Changes to the AZ LEARNS School Accountability Formula Relating to the English Language Learner Assessment

Dr. Nicodemus noted that this item has been tabled to next month's meeting due to the fact that Superintendent Horne is out of town.

*The Board took a short recess at 11:15AM and reconvened at 11:28AM*

- J. Update Regarding *Flores v. The State of Arizona*. The Board may Convene in Executive Session, Pursuant to A.R.S. §38-431.03 A(3) and (4), to Receive Legal Advice and/or Consult with and Instruct Counsel on Board's Position on Matters Relating to *Flores v. The State of Arizona*. In Addition, the Board May, in General Session, Take Action to Authorize Board Counsel to Act on the Board's Behalf in this Matter in Accordance with Instruction Given in Executive Session

Motion by Mr. Ary and seconded by Mr. Moore to go into Executive Session to receive legal advice. *Motion passes.*

*The Board went into Executive Session at 11:29AM and reconvened in General Session at 12:11PM*

- 6. ADJOURN