

Minutes
State Board of Education Special Session
Monday, August 28, 2006

The Arizona State Board of Education held a two-day regular meeting at the Arizona Department of Education, 1535 West Jefferson, Room 417, Phoenix, Arizona. The meeting was called to order at 10:05 AM.

Members Present

Mr. Jesse Ary
Dr. Vicki Balentine
Ms. JoAnne Hilde
Superintendent Tom Horne
Ms. Joanne Kramer
Mr. Larry Lucero
Ms. Anita Mendoza
Dr. Karen Nicodemus
Ms. Cecilia Owen

Members Absent

Dr. Michael Crow
Mr. Bill Estes

PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE AND ROLL CALL

1. BUSINESS REPORTS

A. President's Report

Ms. JoAnne Hilde thanked State Board staff for improvements made in the Board room. In addition, student art work has been added through the leadership of Ms. Lynn Tuttle. Ms. Hilde noted that the artwork is from the Peoria Unified School District, and represents work done by students in Peoria's arts magnet middle school as well as high school student work. Special thanks go to the students and teachers of Peoria for volunteering their work, and to Andre Licardi, District Arts Coordinator for Peoria Unified, for helping transport and display the work at the Arizona Department of Education.

Ms. Hilde reminded members about the request to add ½ credit to the high school graduation requirements and noted that high school economics will be discussed by the State Board in September. Ms. Hilde asked members to forward input and information in this regard to be added to the discussion.

B. Superintendent's Report

Superintendent Horne recognized opportunities provided by the Department which are included in the materials packet.

Mr. Horne provided copies of the ADE's Professional Development and Technical Assistance Catalog, which is also available online.

Mr. Horne commented regarding the recent *Flores* court decision noting that he wants more resources for public education and does not believe that judges should micro-manage education systems. Mr. Horne cited Nogales as an example with four schools ranking among the top schools in the state. Mr. Horne stated that he would like to see the techniques used in Nogales used in other schools in the state that have not done as well. In addition, Mr. Horne felt the judge's rule should consider the additional hours required for ESL teachers.

Ms. Owen arrived at 10:15 AM during the preceding presentation.

C. Board Member Reports

Dr. Nicodemus reported that the P-20 Council will adopt, possibly at its September meeting, a vision that the freshman class of 2012 will be the first to graduate every student college and work ready for the 21st century. Dr. Nicodemus noted that the State Board should be aware of upcoming legislation action. In addition, Dr. Nicodemus listed the points presented by the Governor:

- Effort to align curriculum so Algebra I is the default level of math by 8th grade
- Consider merits of moving the dropout age from 16 to 18
- Feasibility study on the demand for four year degree programs
- Teacher capacity and supplies
- Establish grants that support math and science pathways
- Adjusting testing regiment to allow for intervention; perhaps a test that may supplement AIMS
- Revisit high school exit standards
- Data sub committee reconvene and prioritize missing data

Superintendent Horne stated that he agreed with seven of the eight items but the four years of math to make high school students ready can be a problem in that some studies have shown that the dropout rate is higher due to math requirements. Mr. Horne proposed that an opt-out program may be feasible where parents could ask that a student be excused from the four-year math requirement if the student meets the current graduation requirements.

Dr. Nicodemus stated that the P-20 Council voted to become part of the American Diploma Project which will enable Arizona to receive resources free through working with other states.

Ms. Hilde noted that the P-20 Council meetings are open public meetings and welcomed members to attend to listen and observe.

In addition, Dr. William Harris, Executive Director, Science Foundation, who came from Ireland, supports the same imperative and will support this Board in moving forward in the K-12 arena.

D. Director's Report, Including Discussion and Possible Legal Action

1. Results of Annual Parent Survey

Mr. Vince Yanez, Executive Director, State Board of Education, stated that since 1999 the SBE has been charged by legislature with the responsibility of conducting this survey, which is a simple survey designated in the SBE budget to ascertain parent satisfaction with our K-12 system. Mr. Yanez noted that the SBE is appropriated approximately \$100,000 and for the last several year the SBE has contracted with AEPI to conduct the survey. Mr. Yanez touched on some of the highlights:

- Complete survey is included and results are closely identical to 2005 results
- Parents rate the school attended by their oldest child
- 32% rated these schools A or A+, statistic identical to last year
- Issues dealing with NCLB ask whether parents are aware of NCLB
- There is more knowledge of AZ LEARNS than NCLB
- Satisfaction with AZ LEARNS is rated high
- Significant increase in support for AIMS as a requirement for graduation
- Language used was commissioned by SBE in 1999 and suggested by legislation as part of the SBE strategic plan
- Would like to see a much more focused instrument than this for planning purposes
- Primary purpose is essentially how parent grades school of oldest child and other questions

have been asked for the past several years

- Need more leeway with other questions which could be added

Ms. Mendoza asked to see the survey prior to its being administered and Mr. Yanez noted that the instrument has not been designed for this year and will be brought to the SBE for input prior to being administration.

2. New Staff Positions

Mr. Yanez noted that the total \$100,000 appropriation is available for staff positions, which will be split into two part-time positions, to be filled on a contract basis, for a lobbyist and rule writer. He stated that the intent for the lobbyist is to begin on November 1 and run through the end of the legislative session, possibly the end of June. Mr. Yanez asked for volunteers to sit on the selection committee to review the RFPs noting that Mr. Lucero has already agreed to participate in this capacity.

3. Other Items as Necessary

2. GENERAL SESSION

A. Presentation, Discussion and Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Uphold the Denial of Certification for Stephen Stanzione, Case # C-2001-046 R

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

Ms. Jennie Pollock, Assistant Attorney General, recommended a technical change in language on page 3, number 1 and page 5, number 9 as follows:

- Strike number 1 on page 3 under Conclusions of Law in its entirety and replace language as follows:
 - Pursuant to A.R. S. § 15-203 (A) (14) the Arizona State Board of Education has the authority to supervise and control the certification of teachers. Pursuant to A. R. S. § 15-534 (C) (D) the Arizona State Board of Education may deny an application for certification on the finding that the applicant “engaged in conduct that is immoral or unprofessional or engaged in conduct that would warrant disciplinary action if the person had been certified at the time the alleged conduct occurred.”
- Strike the citation of A. R. S. § 15-203(A) (20) on Page 5, number 9 under Conclusions of Law and replace it with A. R. S. § 15-534 (C) (D).

Motion by Ms. Owen and seconded by Ms. Kramer to accept the findings of fact, conclusions of law and recommendation of the PPAC as amended by Ms. Pollock and uphold the denial of Mr. Stephen Stanzione’s application for certification. *Motion passes.*

B. Presentation, Discussion and Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Deny Certification for the Following:

1. Gregory Cobb, Case # C-2005-175 R

Ms. Rachell Tucker, Chief Investigator, Investigative Unit, Arizona State Board of Education, requested that this item be pulled until a later date for procedural adjustments.

2. Araceli Hurtado, Case # C-2006-033

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

Motion by Dr. Balentine and seconded by Mr. Lucero to accept the findings of fact, conclusions of law and recommendation of the PPAC and deny Araceli Hurtado’s application for certification. *Motion passes.*

C. Presentation, Discussion and Consideration to Accept the Recommendations of the Professional Practices Advisory Committee to Approve the Proposed Negotiated Settlement Agreements for the Following:

1. Joyce Bradley, Case # C-2005-137 R

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

Ms. Bradley stated that she has looked at her past teaching practices, meeting with the PPAC and now with the SBE. She noted that there were many educators that determined no charges were appropriate and welcomed the opportunity to be back in the classroom.

Ms. Bradley has received her certificate for classroom management class and syllabus for the NAU course restraint training that she will participate in after her district has approved the course.

Dr. Nicodemus asked about the implication of a letter of censure in the certification file and asked if potential employers see this file. Ms. Tucker responded that the letter is accessible to all potential employers and is the lowest form of disciplinary action. She noted that the online system is accessed by HR officers, the certificate appears and the agency can email directly to the Investigative Unit for a copy of the letter of censure and settlement agreement.

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

Motion passes.

2. Robert Kiepke, Case # C-2005-095

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

Mr. William Holder, Legal Counsel for Mr. Kiepke, stated that Mr. Kiepke admits that he did something wrong and the issue is the penalty. Mr. Holder noted that there is no malice involved, noted in Item 8 of the stipulated facts. Mr. Holder provided copies of the following:

- letter from the parent of the student stating that his son was not in danger at any time
- letter from the school principal where Mr. Kiepke is now teaching

Mr. Holder noted that no charges or complaints were filed against Mr. Kiepke and that Mr. Kiepke was the person who notified the school administration of the incident. Mr. Holder noted that the student has stated that Mr. Kiepke was joking in this incident and that he didn't feel scared. Mr. Holder noted high points of the parent's letter that indicated the parent didn't want Mr. Kiepke to be released. Mr. Holder noted that this matter was intensely investigated by the SBE Investigative Unit and that the settlement agreement is supported by both sides.

Mr. Ray Alonso, an assistant coach in Deer Valley and certificated teacher who has been teaching for 35 years stated that Mr. Kiepke does a great job with kids. Mr. Alonso noted that he did not believe this situation was handled properly by the school.

Mr. Scott Richardson, head baseball coach in Tolleson, stated that he hired Mr. Kiepke as a baseball coach and has known Mr. Kiepke for 10-12 years. He noted that he was aware of this incident the day it happened as Mr. Kiepke told him. Mr. Richardson said that he thought this incident would pass over. Mr. Richardson stated he has coached the same students that Mr. Kiepke coached and what happened could easily happen as bad decisions are made sometimes in the spur of the moment. Mr. Richardson provided a support letter from Dr. Joe Hernandez.

Mr. Kiepke apologized for the mistake he made, although joking, stating that he did not mean any harm and that he values his students as he does his own children. Mr. Kiepke noted that he is determined not to be in this position again and asked for another chance.

Ms. Owen noted that the position of a coach, as a role model, is significant and powerful, and a teacher who thinks sarcasm, etc., is okay, needs help and perhaps training like AIA's Victory with

Honor. Ms. Owen noted that she wanted to see something other than hearing a promise based on a track record that has been broken.

Mr. Ary noted Mr. Kiepke's clear explanation and stated that he still has concerns regarding students, our most precious possession, and that he could not support the position of just a letter of censure.

Ms. Hilde asked if a request for additional options could be inserted and Ms. Pollock added that this can be done and re-negotiated with the PPAC or if acceptable with both parties at this time it could be added.

Dr. Nicodemus noted that she respects the opinions of other members, but as a member of the coaching community she can empathize with the relationship coaches have with students.

Dr. Nicodemus asked whether the SBE could identify a certain number of years of appropriate years of conduct, probationary period, and/or additional certification for additional scope of administration could not be approved for a period of a stipulated number of years. Ms. Pollock noted that stipulations with disciplinary action could be attached but not in a letter of censure.

Mr. Holder noted that both sides could agree that Mr. Kiepke would not submit an application for administrative certification for some period of time.

Ms. Mendoza noted Mr. Kiepke's sincerity, stating that teaching is first and coaching is second.

Ms. Kramer explained her position stating that child safety is number one and a letter of censure is not enough.

Ms. Tucker suggested that professional development could be approved by the Investigative Unit prior to enrollment. Ms. Owen noted that her suggestion was meant to be constructive rather than punitive. Ms. Mendoza suggested adding the completion of the program and a period of time without further incidents.

Ms. Tucker added that if additional services are applied for, it could be stipulated that Mr. Kiepke should come back through the investigation process.

Ms. Pollock recapped the additions as follows:

- Add to the terms of the settlement agreement under III, #3, Mr. Kiepke further agrees that he shall attend and successfully complete the VWH or equivalent program as determined by the Investigative Unit by August 28, 2007 and shall provide verification of successful completion to the Investigative Unit. In addition, Mr. Kiepke shall not apply for any certification that beyond what he currently holds for one year after successful completion of the professional development program as designated herein.

Motion by Ms. Mendoza and seconded by Mr. Ary to accept the proposed settlement agreement including the amendments/additions stated by Ms. Pollock in the matter of the State Board of Education v. Robert Kiepke. *Motion passes.*

Mr. Kiepke stated that he is more than willing to go through a program and that these terms are very acceptable to him.

Ms. Rachell Tucker added that the Investigative Unit and State Board staff are in agreement with the additional terms of the settlement agreement.

3. Jossua Salinas, Case # C-2006-010

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

Dr. Balentine stated that this type of letter of censure suggests some additional components to be considered in future cases and that a letter of censure is not meaningful to people who break contracts. Mr. Ary noted that teachers sometimes sign with one district and wait for a possible better offer from another district, which is unprofessional and may call for something more than a letter of censure.

Ms. Tucker added that staff is taking a harder look at negotiated settlement agreements involving contract breaks. Mr. Chad Sampson, Assistant Attorney General, added that a settlement agreement is sometimes the best way to handle these situations due to the fact that individuals may not agree to negotiate for additional discipline and also due to the work load of staff. He added that they will be working toward negotiating tougher agreements per the SBE's suggestions.

Ms. Hilde asked if a small committee from the field could be formed to make recommendations to the Investigative Unit and look at processes that might be helpful as this is an escalating issue.

Mr. Yanez responded that this could be done.

Mr. Lucero noted that there may be a need for better professional preparation training and more information regarding the seriousness of this element.

Superintendent Horne noted that teachers and districts should be bound by their contracts and this agreement is not strong enough.

Ms. Mendoza noted that this is a big issue for charter schools and that the cost of replacing a staff member can be upwards of \$50,000 for a district. She noted that professionalism, economics and cost to the districts are factors in these cases.

Mr. Yanez noted that the leverage in negotiating these agreements are the actions taken in the past by the SBE and if the SBE wants to increase the disciplinary action it will come into line over time. Mr. Yanez advised an action item on next month's agenda to discuss the SBE's desire in this matter for future cases.

Motion by Mr. Ary and seconded by Ms. Mendoza to accept the proposed settlement agreement in the matter of the State Board of Education v. Jossua Salinas. *Motion passes. Superintendent Horne voted no.*

4. Bethany Walter, Case # C-2006-016

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

Ms. Walter stated that she lived in New Mexico and taught in Arizona and due to a medical hardship she lost the insurance for her sons and that she did this just prior to the beginning of the school year.

Ms. Tucker clarified that the letter in the personnel file is standard and many times the applicant provides a letter of explanation.

Motion by Ms. Kramer and seconded by Dr. Nicodemus to accept the proposed settlement agreement in the matter of the state Board of Education v. Bethany Walter. *Motion passes.*

D. Presentation, Discussion and Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Place a Letter of Censure in the Permanent Certification File of Ms. Jennifer Renee Cross, Case # C-2004-160

Ms. Rachell Tucker, Chief Investigator, Investigative Unit, Arizona State Board of Education, stated that additional materials in this case are being added today for consideration by the members. Ms. Tucker presented the background information provided in the materials packet.

Mr. Holder noted that SBE members do not have a copy of the additional exhibits which he provided today and asked that this item be moved to the Tuesday, August 29, 2006, meeting for complete consideration. Mr. Yanez noted that all copies of the additional materials will be provided for members at the end of today's meeting. Ms. Cross asked to speak to the SBE at tomorrow's meeting, as well.

Motion by Dr. Balentine and seconded by Ms. Owen that agenda item 2D be continued and re-convened at the SBE scheduled regular meeting to be held on August 29, 2006, 9:00 AM at 1535 West Jefferson, Phoenix, AZ, Room 417. *Motion passes.*

E. Presentation, Discussion and Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Revoke the Teaching Credentials of the Following Individuals:

1. James E. Bacon, Case # C-2001-077

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

Motion by Dr. Balentine and seconded by Ms. Kramer to accept the findings of fact, conclusions of law and recommendation of the PPAC and revoke the teaching credentials held by James E. Bacon. *Motion passes.*

2. Alicia H. Whalen, Case # C-2003-081

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

Ms. Whalen stated that she is sorry this happened, that it was three years ago, and that she lives with this every day. She noted that she has taught in Arizona for 8 years with a good record and that three years ago she resigned and retired. She noted that she had medical problems then and has made career and important life changes. She noted that she has no desire to teach any more and that her certificate expires in 5 months and asked the SBE to realize that she knows she made a mistake and is now trying to move on and create new interests.

Dr. Balentine asked why there was an issue of maintaining a teaching certificate if Ms. Whalen is not going to teach and Ms. Whalen said she would hurt to have one incident destroy all the work she had done for 30 years.

Dr. Nicodemus asked about Ms. Whalen's decision not to attend the PPAC hearing and Ms. Whalen responded that she was out of town and did not receive the notification.

Ms. Mendoza asked if Ms. Whalen considered volunteering surrendering the certificate if she has strong feelings about the certificate being revoked. Mr. Yanez noted that the surrender option is part of the complaint packet which is served on the individual and that staff and PPAC have spent a considerable amount of time and all the background information has been provided to members.

Dr. Nicodemus noted that this happened three years ago and now there are only 5 months left on the certificate and Mr. Yanez noted that the SBE has the option of modifying the recommendations.

Superintendent Horne noted the unusual circumstances with respect to the notice being received by someone other than Ms. Whalen and Mr. Sampson noted that educators are noticed by certified mail and calls are sometimes made in additional efforts to contact the person. Mr. Sampson added that all procedures outlined in law and Board rule are followed in each case.

Ms. Hilde asked if the SBE has the ability to suspend the certificate until it expires noting that it cannot be renewed. Ms. Pollock responded that generally this cannot be done without a settlement agreement but that a license can be suspended for a specific period. Ms. Pollock added that if an application is made after that the disciplinary action would then apply.

Motion by Dr. Nicodemus and seconded by Ms. Mendoza to table this item until next month's regularly scheduled State Board of Education meeting on September 25, 2006, at 9:00AM. *Motion passes.*

Ms. Hilde moved the discussion to the Consent Agenda at this time.

Lunch break at 12:35PM. Reconvened at 1:17PM with Item 2L

F. Presentation and Discussion Concerning Participation in the Career Ladder Program by Non-Classroom Certified Personnel

Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, presented the background information provided in the materials packet. Ms. Amator noted that there has been a disconnect in the verbiage that was discovered a few years ago due to some differences in Board certification rule affecting particular areas. Ms. Amator noted that the Career Ladder Advisory Committee looked at the possible affects on some personnel and made recommendations that would have the least negative impact per the attached information.

Ms. C. J. Hronik, Speech Language Pathologist, Scottsdale USD, stated that some districts have SLPs not on career ladder but it is critical regarding professional growth and as a tool for retention of SLPs in the district. She noted that there is a critical need for SLPs nationwide and recent changes to certification, exempting from career ladder, would affect them professionally and financially.

Ms. Nancy Creighton Brown, Career Ladder Specialist, Scottsdale USD, stated that this subject has been discussed at length with a shared interest in preserving the integrity of the career ladder program. She noted that career ladder was for those participating in the classroom but now the language needs to change to keep up with the times. She added that professionals have a certificate and are successfully fulfilling career ladder requirements and urged members to approve this.

Ms. Anna Cicero, School Counselor, Mesa Public Schools, stated that the state approved school curriculum needs to be incorporated by being in the classroom. She noted that Arizona leads the nation in creating the model that reaches out to all students and urged members to support this.

Dr. Nancy Fiandach, Mesa Public Schools, stated that she supports career ladder and uses national standards. She added that counselors and SLPs are not in traditional classrooms but are being held accountable for student achievement, assessments, interventions and curriculum alignment. She urged the support of the suggested language change.

Dr. Balentine noted that action should be retroactive to make sure the SLPs can maintain membership without losing a year. Mr. Yanez noted that it is believed that this is possible. Ms. Hilde noted that three years ago the SBE voted that information was needed at one meeting and the action for any given item could then be taken at a subsequent meeting. Ms. Hilde added that today's information will assist in laying the foundation for the necessary knowledge in making these decisions.

Ms. Amator noted that if the rule is not changed these people will not be eligible for the work they have accomplished last year, as the pay is retroactive. Ms. Amator noted that those SLPs on the teacher salary scale have indicated they would be off the career ladder.

G. Presentation and Discussion Regarding Proposed Modifications to AZ LEARNS School Accountability Formula

Dr. Robert Franciosi, Deputy Associate Superintendent, Research and Evaluation Section, Arizona Department of Education, presented the information provided in the materials packet via PowerPoint Presentation.

Superintendent Horne emphasized that MAP is given as an encouragement to schools that do well in poor neighborhoods. He noted that if teacher quality is good, students will make more progress and this is designed to be fair to schools that have good teachers and will show up those schools that have bad teachers. Mr. Horne added that in order to be approved on the federal model there is no credit for proficiency but this model gives credit for proficiency.

Dr. Ildi Laczko-Kerr, Scottsdale USD, noted that communication and timeliness is critical in this process as preliminary classifications are due to schools this week. Dr. Laczko-Kerr noted items needing more clarification:

- Components of formula: where do the 5.2 and .22 come from?

- Helpful at classroom and school level to know what do to with this for students understanding interpretation
- MAP required in statute, holds accountable stable students
- Weight is actually given for stable student
- Would want to adjust with some kind of co-efficient
- Definitions; full academic year; population of students
- Does this keep us on track?

Dr. Cindy Ziker, Glendale UHSD, noted that they are working on appeals for NCLB and AYP and they are a stakeholder in working with parents, schools, press, etc., in explaining this process. Dr. Ziker asked for a clear, well-defined process.

Dr. Franciosi noted that a preliminary release will be on September 11 and the final release will be October 16, but if this is delayed until after the September SBE meeting, the final release could be at the end of October.

It was noted that schools have to get their school improvement plan as soon as they receive the profile but there is no statute or federal guideline for the October deadline.

Ms. Tommie Miel, Education Program Administrator, State Intervention Section, Arizona Department of Education, stated that school improvement plans are due to the state by mid-January and if they are performing or better there is no negative. She added that if a school is underperforming, Solutions Team visits must be scheduled and as well as intervention teams and the end result is that the schedule is put off by a month.

Ms. Hilde pointed out that the SBE cannot release a formula if there are still questions and Dr. Franciosi stated that they would do whatever it takes to continue to meet with members to assist understanding of the formula so members are comfortable to approve the process. Mr. Yanez noted that small study sessions could be scheduled to get further clarification. Mr. Yanez asked for possible date suggestions to post as sessions with Dr. Franciosi.

Dr. Nicodemus asked for a more sophisticated communication plan in order to assist the schools in getting the information in a timely manner and how it will be communicated to the districts.

Superintendent Horne excused himself at 3:00 PM to meet with the press regarding AYP.

Dr. Balentine left at 3:35PM.

H. Presentation and Discussion Regarding Impact of Board Rule R7-2-302.05 and R7-2-302.06, Relating to AIMS Augmentation

Dr. Robert Franciosi, Deputy Associate Superintendent, Research and Evaluation Section, Arizona Department of Education, presented the information via PowerPoint which is included in the materials packet. Dr. Franciosi noted that augmentation is allowed per statute and Mr. Yanez noted that legislature made a change to the eligible credits that can apply toward a student's augmentation. Mr. Yanez added that he has drafted the necessary amendments to Board rule which will be presented at tomorrow's SBE meeting.

I. Presentation and Discussion Regarding Proposed Revocation Procedures for Charter Schools Designated as Failing, Pursuant to A.R.S. § 15-241

Mr. Vince Yanez, Executive Director, State Board of Education, acknowledged the work and input from the State Board for Charter Schools that has been incorporated in this item. Mr. Yanez pointed out the following factors:

- For charter schools designated as failing, SBE is required to revoke or restructure and restore the charter
- Attempt to have the least amount of negative impact on students
- Procedure is proposed with state board for charter schools

- Visit to each charter school
- If a school is failing, the entire charter is affected
- Intention is to look at a specific failing site and perhaps recommend action for a specific school through a consent agreement without revoking the entire charter
- Considering a special meeting in November to consider charter schools
- If SBE chooses to take action against a charter school, a consent agreement could be utilized
- If agreement is reached, it would be presented to the SBE
- If agreement is not reached staff will proceed with revocation recommendations
- Administrative hearings can be conducted by SBE or by utilizing OAH
- SBE hearings insure greater consistency and control over scheduling considerations
- Would likely take at least a half-day meeting to conduct these hearings

Ms. Mendoza spoke in favor of this process noting that accountability is important and recommended that the SBE serve as the hearing officers in this case.

J. Presentation and Discussion Regarding Uniform Report Format for Technology Assisted Project Based Instruction (TAPBI) Programs

Mr. Vince Yanez, Executive Director, State Board of Education, presented the information provided in the materials packet, explaining that the reporting format was modified by legislature this year in an effort to present information in a more clear and useful format. He noted that specific data will be imported into the report by the Charter Board and the general questions are essentially the same.

Ms. Jordison noted that statute outlined the subjects to be addressed and the format was modified to elicit information about the program results itself rather than simply getting a marketing plan report. She agreed that there are definitions that need to be clarified as well as listing out the cost effectiveness.

Mr. Yanez added that this proposed report has been distributed to the TAPBI schools in an effort to allow them to submit their reports by the due date of September 1, 2006.

K. Presentation and Discussion Regarding the Alternate Teacher Development Program as Articulated in Chapter 359, Forty-Seventh Legislature, Second Regular Session, 2006

Mr. Vince Yanez, Executive Director, State Board of Education, presented the information provided noting that the legislature in its last session required the SBE to adopt the program outlined in the materials. Mr. Yanez noted that an RFP will be let out which will include the listed criteria and the responses will be brought to the SBE for approval. He added that the SBE is required to modify the language for intern certificates as current language states that an intern certificate can only be used when the person is providing intern or paraprofessional duties. He added that the new language states that the person can be the teacher of record.

L. Quarterly Update Regarding the Receivership of the Colorado City Unified School District. Pursuant to A.R.S. §38-431.03 (3) and (4), the Board May Vote to Go Into Executive Session for Consultation and Legal Advice and/or For Instructing the Board's Attorneys Regarding the Board's Position in Connection with this Matter.

Mr. Peter Davis, Simon Consulting, LLC, noted that he has complete confidence with the current staff and asked them to address the Board.

Mr. Jared Hammon, Governing Board Member, stated that an entirely new governing board has been appointed and that significant changes have been made. He noted that problems between academic and business issues no longer exist and board meetings are now held on site and anyone

can attend and give input. Mr. Hammond invited SBE members to visit the district.

Ms. Carol Timpson, Interim Superintendent, Colorado City Unified School District, addressed the educational system at the district, noting that they have been performing for several years and the district is determined to make it an excelling school. Ms. Timpson noted that they looked at expenditure control, re-organization of the business office, personnel training, and writing school policy which is now online and accessible. Ms. Timpson noted that the district is paying down the cash deficit it had incurred and added that they have an upcoming review with the Auditor General. She noted that she is also committed to offering best practices opportunities.

Mr. Samuel Zitting, Governing Board Clerk, noted that this is his first experience in local government involvement, that he is a parent who had children in the district and was very frustrated in the past. He added that there was no connection between the board, faculty, parents and students and that he is grateful to be in this position. He noted that their desire is to bring all parties to one common goal of a better learning environment. Mr. Zitting added that they want to break down the walls to offer continued education to ongoing generations. Regarding the receivership, Mr. Zitting noted that Mr. Davis has been extremely efficient; however, they are working to move forward within budget restraints. Mr. Zitting also pledged their support of the SBE in continuing to pursue justice in the wrongdoing that happened previously.

Mr. Davis responded to the litigation question and the investigation that has identified a number of claims noting that they are in conversation with the Assistant Attorney General.

Mr. Yanez noted that he has had some discussion regarding potential litigation that may have harmed the district in previous years and that he wants Ms. Pollock to look at the litigation before going into great detail about the district's plan. He added that the best course of action is to meet and come to a good conclusion regarding Mr. Davis' investigation to this point and then Ms. Pollock can advise the SBE about future actions.

Dr. Nicodemus asked about what to anticipate in the next few months regarding requests to be released from receivership and the long-term issues that affect the learning environment.

Ms. Simpson that they have a current enrollment of about 440 students and it is continuing to gain. She noted that students are coming back into the area as families are getting back into their homes.

Mr. Davis noted that there are a number of items for the team to accomplish before the district is ready to be released from the receiver, but that he is very interested in having the governing board and district accomplish these things rather than the receiver. Mr. Davis noted that it is hard to do a budget when past years have a stain but there is a budget in place that all are comfortable with which includes debt repayment. He added that all these items will affect the timing of a request for receivership release, which could possibly be considered toward the end of the fiscal year. Mr. Davis also noted that no one is running against the existing governing board members this year.

Mr. Davis added that as they wind down to a monitoring role the expenses of the district will decrease.

Ms. Hilde noted she is honored that the representatives are here and added that the district has taken good care of the schools by filling all the teaching positions and recruiting the governing board members.

Mr. Ary asked Ms. Timpson if she was comfortable with the response and cooperation from the SBE and whether they feel support from the SBE and Ms. Timpson responded that what happened had to happen and that they would like to see the district released as soon as possible. She noted that assistance from many state agencies has been overwhelming.

Ms. Hilde noted that the SBE will wait for Mr. Yanez and the Attorney General's Office to bring a plan for further consideration. Mr. Yanez noted that statute requires a six-month review and that he will work closely with Mr. Sampson toward this goal.

- M. Consideration to Appoint a Nominating Committee to Recommend a Slate of Candidates for State Board of Education Officers for Discussion at the September 2006 Meeting

Ms. Hilde stated that traditionally the committee announces a slate of candidates at the SBE September meeting and after agreement around the nominations, the person recommended for the Presidency begins to take over more of the responsibility so when the elections takes place in January, the officers are ready to assume full responsibilities. Ms. Hilde stated that she has asked Ms. Kramer, as the senior representative from the education community, and Mr. Ary, as the senior lay member, to sit on the nominating committee with Ms. Hilde. She noted that this is the committee that will make the recommendations to the SBE.

3. CALL TO THE PUBLIC

4. CONSENT AGENDA

- A. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve Certification for the Following Individual:
 - 1. Brian Carlson, Case # C-2006-032 R
 - 2. Victor Gomez, Case # C-2006-038 R
 - 3. Hector Guanajuato, Case # C-2006-018 R
 - 4. Janet K. Karp, Case # C-2004-188 R
 - 5. Robert Mangan, Case # C-205-080 R

Motion by Dr. Balentine and seconded by Mr. Ary to approve the consent agenda. *Motion passes.*

5. ADJOURN

Motion by Ms. Mendoza and seconded by Dr. Nicodemus to adjourn. *Motion passes.*

Meeting adjourned at 4:15PM.