

**ARIZONA STATE BOARD OF EDUCATION**  
**ARIZONA STATE BOARD FOR VOCATIONAL AND TECHNICAL EDUCATION**  
**Monday March 21<sup>st</sup>, 2016**  
**9:00 A.M.**  
**West-MEC**  
**1617 West Williams Drive**  
**Phoenix, Arizona 85027**

The Arizona State Board of Education held a regular meeting on March 21, 2016 at West-MEC, 1617 West Williams Drive, Phoenix, Arizona. The meeting was called to order at 9:00 a.m.

**Members Present**

Chuck Schmidt  
Tim Carter  
Dr. James Rottweiler  
Amy Hamilton  
President Greg Miller  
Vice President Reginald Ballantyne III  
Roger Jacks  
Jared Taylor  
Superintendent Diane Douglas

**Members Absent**

Dr. Rita Cheng

9:00 a.m. Call to order, Pledge of Allegiance, Moment of Silence and Roll Call

**1. Arizona State Board of Education convening/acting as the Arizona State Board for Vocational and Technological Education for this item only.**

THE BOARD RECESSED FOR A TOUR OF WEST-MEC AND A LUNCHEON

Board reconvened at 12:35 p.m.

**2. BUSINESS REPORTS**

- a. President's Report—President Miller had nothing to report
- b. Superintendent's Report

1. Updates on Department of Education (ADE) Activities

- Superintendent Douglas spoke about the merits of the Professional Development on Civic Learning program
- She also lauded her experience with the Citizenship ceremonies—Excellence in Civics Education Program

President Miller inquired if these are changes to the same Civics Learning Program created under Superintendent Huppenthal. Superintendent Douglas advised that this was an expansion on it.

- c. Board Member Updates
  - Member Carter advised of Classroom First Initiative Council update to develop funding formula for education. The Council has out an RFP to either an individual or entity to develop a conceptual plan or idea.
- d. Executive Director's Report
  - 1. Investigative Unit update—

Dr. Karol Schmidt, Executive Director of the State Board of Education (SBE), updated the Board on the past month's activity of the Investigative Unit .

- Working on reviewing SBE actions back to year 2000 and comparing them with Investigative Unit reports. Will continue reviewing from the 1990s after they receive the case file PDFs
- Continuing training of investigators.
- Tracking and cross-checking monthly NASDTEC downloads as investigators across the nation continue to update their own records.
- Looking at enforcement models across the country.
- Thinking of splitting study session up across April and May.
- Working with ASU to develop data models.
- Holding monthly one-on-one meetings with investigators.
- Negotiated settlement agreements will go straight to the SBE to help with backlog of cases.
- Case load backlog has decreased from around 330 cases to 260.
- PPAC met for 13 hours of hearings in March.
- Opened 104 cases in 2016, with 57 inquiries.

Superintendent Douglas requested the return of files that belong to the Certification Unit that were taken by investigators when they vacated the building. Dr. Schmidt advised that the meeting to determine the missing files was canceled; Superintendent Douglas advised that she still needs a list of all the files that were removed from ADE.

3.

**A. Discussion and possible action regarding State Board of Education vs. Superintendent of Public Instruction and Superintendent vs. State Board of Education.**

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.

Superintendent Douglas requested that, since she should not be included in the discussion of the lawsuit, after the SBE finished its Executive Session for item 3-A that it reconvene and then enter into Executive Session for item 3-B.

Member Schmidt made a motion to convene into Executive Session for 3-A, seconded by Member Carter. The motion passed unanimously.

Board convened into Executive Session at 12:58 p.m.

Board reconvened at 1:28 p.m.

President Miller stated, for the record, that the SBE has been open to mediation since day one.

**B. Discussion and possible action regarding consideration to fill existing vacancies in the positions of Deputy Director and Chief Investigator of the Investigative Unit for the State Board of Education.**

Pursuant to A.R.S 38-431.03(A)(1) and (3), the Board may vote to convene in Executive Session, which will not be open to the public, for discussion or consideration of employment matters, and/or for discussion or consultation for legal advice with the Board's attorneys as it relates to this agenda item.

Dr. Schmidt advised that since January 31, 2016, 221 applications were received and 8 applicants were interviewed for the position of Deputy Director. Jackie Jones was identified as a potential candidate. Dr. Schmidt advised of her qualifications.

Dr. Schmidt also recommended Acting Chief Investigator, Garnett Winters, be officially promoted to the position of Chief Investigator.

Vice President Ballantyne moved that the SBE employ Jackie Jones as Deputy Director and promote Ms. Winters to Chief Investigator, and the motion was seconded by Member Hamilton.

Superintendent Douglas voted nay. She advised that, according to state statute, employees assigned to the SBE are employees of the Department and that the SBE can only employ individuals at the recommendation of the Superintendent. She also advised that the SBE can only direct the rules of the Investigations Unit; there is no mention in the law of them having the authority to hire employees.

The Superintendent also noted that the salary of the current staff members was not set by the SBE and it should be adjusted down to a level appropriate to their workload to save taxpayers money.

**4. 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.

Superintendent Douglas advised that she would like to pull items H, I and J2, J3, J6 and J8.

Vice President Ballantyne moved to accept consent agenda minus items H, I, and J2, J3, J6, and J8 and was seconded by Member Taylor. Motion passed unanimously.

- a. Approval of a contract between the State Board and the Arizona Department of Agriculture for the award of the Specialty Crop Block Grant (Farm Bill) 2015 for Fiscal Year 2015-2017 to the Arizona Department of Education Health and Nutrition Services.
- b. Approval of the 2016 Migrant Education Program Summer School Allocations.
- c. Approval of additional monies for Teacher Compensation for the fiscal year 2016-2017.
- d. Approval of the reappointment of Carol G. Lippert, Associate Superintendent, to represent the Superintendent of Public Instruction on the WestEd Board of Directors.
- e. Approval of the Move on When Reading (MOWR) LEA literacy plans for release of K-3 Reading Base Support funds.
- f. Approval of the Extension of the Arizona Carl D. Perkins State Plan and Funding for fiscal year 2017.
- g. Approval of school district applications for the Arizona On-Line Instruction Program, pursuant to A.R.S. §15-808.
  1. New Programs
  2. Revision of Round Valley High Unified School District's approval from grades 9-12 to grades 7-12.
- h. Approval of the contract extension to the Center for the Future of Arizona for technical assistance for approved board examination systems.**

Superintendent Douglas noted that the contract for this vendor has expired and wanted to know how it could be extended without going through an RFP process.

Dr. Schmidt advised that this is in connection with the Move On When Ready initiative. She advised that she worked with ADOA procurement officials for the extension of contract until a new RFP could be issued. She clarified that it is a reinstatement of the original contract, so it doesn't need new RFP. Superintendent Douglas advised that she hadn't heard about this at all at any previous SBE meeting, so wondered under whose authority the Director was doing this without Board action.

Vice President Ballantyne moved that the SBE accept the recommendation as stated, and was seconded by Member Carter.

Superintendent Douglas voted nay and explained that she is opposed because whether or not the Center for the Future of Arizona is operating under an RFP, she wants to confirm that this is a lawful action first.

Motion passed 8-1.

- i. Approval for the Board's Academic Standards Development Committee to continue to function.**

Dr. Schmidt advised of the history of the Committee. Board rule states that Board Committees can operate for one year without express authorization for the committee to exist. Member Carter inquired if Member Taylor feels the Committee needs to continue.

Member Carter made the motion to approve item I on the Consent Agenda, and was seconded by Dr. Rottweiler.

Superintendent Douglas voted aye, but asked to explain her vote. She advised that reporting to the Board bogs down the process. She advised this could be all but done had the standards revision process continued as it had done in the past.

Member Taylor advised that the new process is very cumbersome--17 members makes it difficult to meet and the processing of the feedback is tedious.

Member Hamilton advised that 17 members makes it difficult to manage, but gives it a wide representation of the people it will ultimately impact.

Member Taylor expressed his desire to have a four member committee discuss how it may be streamlined, then come back to the Board with recommendations.

President Miller advised he was chair of the much smaller subcommittee for A-F Accountability and it still took 2 years.

All voted aye.

**j. Approval for the voluntary surrender of any of all educator certificates held by:**

1. Patrick Johnson-Campbell
2. **Vanessa A. Cardoso**
3. **Robert A. Estep**
4. Daniel L. Goman
5. Tarik A. James
6. **Marilyn F. Johnson**
7. Samantha M. Rivera
8. **Harry T. Schueren IV**

Superintendent Douglas explained that according to statute, the SBE is supposed to write rules for all investigations but ADE is supposed to run the investigations.

She advised of inappropriate relations cases not addressed for over a year for items 2, 3, 6, and 8 and asserted that the Unit isn't working as efficiently since they are working separately from Certification.

Dr. Schmidt advised that accountability has been increased over the past few months and that now these cases are being handled much more efficiently.

President Miller advised that, for some of the cases, investigators were not able to take action while criminal proceedings were taking place.

Superintendent Douglas made a motion, seconded by Member Taylor, to approve items J2, J3, J6 and J8 on the Consent Agenda.

All in favor.

- k. Approval of the permanent revocation of any of all educator certificates, pursuant to A.R.S. §15-550, held by Jay Mitchell Edelson.
- l. Approval of a contract with Crane Elementary School District for funding an additional migrant preschool class.

## **5. CALL TO THE PUBLIC**

Both calls to the public are in relation with agenda items.

6H moved up under 6C.

## **6. GENERAL SESSION**

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

Board lobbyist Brooke White made the presentation on legislative updates.

Budget updates—House has been holding small budget hearings.

Ms. White stated that Representative Mesnard had confided in her that there is discussion of a one year delay for implementing current year funding and the small school weight, as well as expecting \$24 million to go to the universities' budgets.

SB 1197, cursive writing bill—passed in the Senate and failed in House and is being reconsidered. She advised the main argument against it is that it should be in Board rule rather than statute.

SB 1416—passed out of the Senate and moved into House, but she said that the head of Appropriations would not hear it.

Member Carter advised there was also a Boyer striker for SB1416 that has not moved. Ms. White advised that it was held in committee.

Superintendent Douglas stated that she had some concerns to raise regarding legislative affairs. She reminded the SBE that she had inquired last month as to how SB1416 was started and why Axiom testified for the SBE without the Board's authority. She advised that the SBE has paid Axiom \$5,000 per month all year long, not just for legislative session, and the SBE has officially only taken action on SB1430. She also noted that Dr. Schmidt has been testifying and lobbying without direction of the Board. She wondered about the use of resources at great cost to our taxpayers. She stated that at the December 22, 2015 meeting the SBE took the vote to

hire Axiom in January, but on the Secretary of State's website it shows that the SBE started paying them in November. She stated that this action is a violation of procurement law.

Member Taylor advised that when the SBE moves items to the Legislature or takes an official stance then the lobbyists can take action on it, but should only speak for themselves if the Board has not taken a vote to define its position.

Member Schmidt raised concerns over the process and wants singular meeting over Legislative positions.

President Miller advised that because the Superintendent sued the SBE, they were unable to meet last summer.

Member Carter advised that he has been assured a summer retreat will take place and that he feels this does not require further discussion.

Superintendent Douglas advised that she has heard from various legislators that Axiom is putting a lot of pressure on them to advance SB 1416. This is happening without direction of Board and is disturbing. She also clarified there was nothing she did to stop the retreat from happening.

Vice President Ballantyne asserted that he has confidence in Axiom and in Dr. Schmidt, as Executive Officer of the SBE, and advised she can seek counsel from President Miller. He suggested that the SBE save a lot of money by ending the lawsuit. He said that SB1416 is attempting to resolve the lawsuit.

Superintendent Douglas stated in response that the lawsuit can be over immediately if the SBE were to follow current law. She also clarified that this bill is not comparable to last year's bill.

**B. Presentation, discussion and possible action regarding developing and soliciting a list of receivers for appointment by the Board.**

Dr. Schmidt advised that she has compiled a list of qualified receivers for an RFP for SBE approval. She requested that staff be given permission to work with Procurement to create a list to bring back to the SBE.

Superintendent Douglas stated that as the true Executive Officer of the SBE, this should be given to ADE, not given to staff.

Vice President Ballantyne made the motion, seconded by Member Carter to approve the issuance of an RFP to generate a list of receivers for Board approval.

All Aye, motion passed unanimously.

Superintendent Douglas requested to explain her vote, and stated that she voted yes because this is a vital process that needs to be taken forward, but it is out of step with respect to both constitutional and statutory authority to have the Executive Director take action on this.

**C. Presentation, discussion and possible action on the temporary adoption of the California Subject Examinations for Teachers (CSET) Mathematics Subtests I(211) and II (212).**

Dr. Cecilia Johnson, Associate Superintendent of Highly Effective Teachers and Leaders, made the presentation for this item.

She advised that this exam would allow the option for separating foundational math examinations from the total math portion to allow two tiers of highly qualified and effective teachers to meet the federal requirements for lower level high school courses. Many people are interested in teaching math, but do not have the knowledge base to pass advanced math tests. She advised that they have brought in specialists to pull questions from national tests until we can create our own Arizona test.

Vice President Ballantyne requested clarification that this would create two tests testing different classes. Dr. Johnson clarified that both tests would be for 6-12<sup>th</sup> grade tests; both would teach the foundations, but the original one would certify them to teach all the way through calculus and AP courses and the second, newly established test would allow them to teach foundational math, including algebra and geometry.

Member Jacks advised this is a good move to get more teachers in the classroom.

CALL TO THE PUBLIC: Mark Joraanstad—advised there is a great shortage of appropriately certified teachers for foundations mathematics. This will be especially helpful for rural areas where not every student needs calculus, but they all need geometry and algebra. The rural schools could have only one teacher for advanced math and several for foundational math. It removes obstacles from certification.

Vice President Ballantyne made the motion, seconded by Member Taylor, to adopt the item as presented.

Dr. Rottweiler advised that by widening the pool, we are not addressing the issue that we are not paying our teachers enough; this is mitigating.

All in favor.

**H. Presentation, discussion and possible action to revise the Arizona Framework for Measuring Educator Effectiveness.**

Dr. Schmidt advised that the Framework subcommittee is drafting clarifying language to implement the framework in the upcoming school year.

Member Hamilton advised that the intent is good, that it is important that we still have the subcommittees, but understands that time is an issue.

Dr. Schmidt advised that there are 3 requests to speak.

Mark Joraanstad—advised has concerns over changes in framework.

Ed Sanchez—representing Stand for Children—requested clarification of language for review.

Joe Thomas—social studies teacher, AEA Vice President—thinks that process is appropriate as it gives more flexibility to the LEAs. He advised that it is appropriate to have all students be measured.

Vice President Ballantyne advised that in light of cry for diligence, the item should be withdrawn.

Superintendent Douglas advised that she would like to make a comment that there was a task force that reported in January and a Board vote in January and now, after the February meeting, Stand for Children, who was part of subcommittee, suddenly has problems and advised that it needs to go back to the task force. She asserted that Stand for Children doesn't report to any stakeholder section of society and that it is a special interest group. She is concerned that now draft language comes forward without any direction of the SBE. There has been no previous opportunity to be vetted by the public and now it is being called forward to vote.

Dr. Rottweiler made the motion to table it back to the task force for review and was seconded by Vice President Ballantyne. The motion passed unanimously.

Dr. Rottweiler then exited the meeting.

**D. Presentation, discussion and possible action regarding the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee(PPAC) to revoke the certification of Gregory Ethridge.**

Assistant Attorney General Eric Schwartz presented and advised that Mr. Ethridge has not called in. He advised that Mr. Ethridge was found to have had sexual communications with a student, among other complaints.

Vice President Ballantyne made the motion, seconded by Member Jacks, to accept the findings of fact, conclusions of law and recommendations of the PPAC to revoke any and all certificates of Gregory Ethridge. All in favor. Motion passed unanimously.

**E. Presentation, discussion and possible action regarding the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to suspend the certification of the following individuals:**

**1. Jonathan Harviston**

Mr. Schwartz advised that Mr. Harviston has not called in and that this is a breach of contract case; he quit his post prior to his resignation being approved by local Board. The PPAC recommended a one year suspension of certificate.

Motion to accept findings of fact and conclusions of law and approve the recommendation of the PPAC by Vice President Ballantyne and seconded by Member Jacks.

Member Carter advised that the SBE needs to create a matrix with consequence levels for PPAC. He is concerned over a 1 year suspension here, but 2 year suspension in the next case. He stated he is very concerned over this lack of consistency.

President Miller advised that Member Carter's concern is shared by all, and staff is working on a rubric.

7-1 Vote

Member Schmidt opposed.

**2. Trenton J. Ricci**

Mr. Schwartz advised that this is another case of a breach of contract. It is considered unprofessional conduct. This one was given a two year suspension because the PPAC felt it was more problematic.

Member Carter feels that it is better to have a two year suspension than one year for breach of contract cases, but feels that a break should be given to this teacher because Mr. Ricci had approval from local board to quit pending they find an employee to fill the position, while in the previous case the teacher just quit.

Vice President Ballantyne made a motion, seconded by Member Jacks to accept the findings of fact, conclusions of law and recommendation of the PPAC for a two year suspension of any and all certificates held by Mr. Ricci.

Members Carter, Schmidt and Superintendent Douglas were opposed.

Motion failed 5-3, as all Board actions require a majority of all members of the Board (six minimum) to be validated.

Assistant Attorney General Kim Anderson advised that the SBE can either create an alternative motion or not take a motion and move to the next item without taking action.

Member Carter suggested that all of the breach of contract cases should be two years suspension as a standard.

Superintendent Douglas made a motion to accept PPAC findings of fact and conclusions of law and that the SBE suspends the initial motion to 1 year. Seconded by Member Taylor.

Member Schmidt inquired if it was included in the contract of the teacher that he needed to find a replacement or if it was just a governing board decision.

Superintendent Douglas advised that the SBE clearly needs to have discussion on this. She advised that the first case received a yearlong suspension after just walking out on children. Mr. Ricci gave his district notice, even though he didn't find replacement, but the PPAC wanted to give him a harsher penalty.

Chuck Schmidt still opposed.

7-1 Motion passes

**F. Presentation, discussion and possible action on the recommendation of the Professional Practices Advisory Committee to approve the settlement agreements for:**

**1. Carlos A. Martinez**

Mr. Schwartz advised that Mr. Martinez stole some iPads meant for classroom use from a district and tried to pawn them off for money. He had a substitute teaching certificate. As part of the negotiated settlement agreement, the PPAC recommended a two year suspension and substance abuse treatment. Mr. Schwartz advised that he would still have to go before the PPAC again if he wanted to reapply.

Member Jacks inquired if the district received restitution for the iPads. Mr. Schwartz advised that the pawn shop called the school district because they were stamped as belonging to them. He gave the iPads back to the district, so they didn't have any permanent loss.

Vice President Ballantyne moved to accept the PPAC recommendation, seconded by Member Taylor.

2 opposed

Superintendent Douglas advised that this punishment is too lenient. He stole from children.

Member Schmidt advised breach of trust is now being equated to a contract breach. It is too lenient.

6-2 approved

President Miller advised that this is a settlement; he didn't have a hearing.

## **2. Jake Corey Rashkow**

Mr. Schwartz advised that Mr. Rashkow had a substitute teaching certificate and was working at a private school for a short period of time before he was let go for poor performance. Before he left, he deleted student IEP files from his computer. The school had to spend a lot of time to recreate those files. This is a case of unprofessional conduct. The PPAC recommended a two year suspension of any and all certificates, and that Mr. Rashkow attend a teacher ethics course. He would then need to reapply and have a hearing before being allowed back into the classroom.

Vice President Ballantyne advised that he should have a competence evaluation or anger management class. He stated that Mr. Rashkow only worked there for a few weeks before they decided they weren't satisfied with his work. Firing him is his punishment. Ineffective teaching isn't necessarily a case of unprofessional conduct.

President Miller inquired if anyone would like to make the motion.

Motion dies for lack of sponsor.

President Miller asked that Mr. Schwartz bring this case back to the PPAC and stated that the SBE does not want this type of person going back into the teaching environment. There will be no settlement.

Member Carter advised that he has no concern with findings of fact of PPAC, his concern is with what appears to be inconsistencies. He advises that this penalty is not as severe as it needs to be. He wants to pursue a complaint with the PPAC, not a settlement.

President Miller advised that the PPAC is not seeing eye-to-eye with the SBE on the severity of infractions. He recommends a new settlement agreement be created with the teacher and then it can go straight to Board.

## **G. Presentation, discussion and possible action on the recommendation of the Professional Practices Advisory Committee to deny the application for certification for Matthew Campagna.**

Mr. Schwartz passed out handouts to the SBE with recent emails showing Mr. Campagna's arguments and stated he has indicated he will not call in. Mr. Schwartz advised that Mr. Campagna originally applied for a reciprocal teaching certification but he had a revoked certificate in New Mexico for unprofessional conduct. He advised that Mr. Campagna keeps requesting hearings but then not calling in or saying that everything is a farce without providing evidence to defend himself.

Member Schmidt requested that the email printouts Mr. Schwartz provided be made part of the record for the meeting.

Vice President Ballantyne inquired why there was a second denial for certification if he failed to show for the first hearing. Mr. Schwartz advised that the first was a screening review before the recommendation was brought to the Board. It was not a full hearing. The Board adopted the original recommendation to deny the application before he requested a full hearing.

Vice President Ballantyne made a motion to deny the application of Matthew Campagna and was seconded by Member Taylor.

All in favor, motion passes unanimously.

**7. SUMMARY OF CURRENT EVENTS, FUTURE MEETING DATES AND ITEMS FOR FUTURE AGENDS.**

**The executive director, presiding officer or a member of the Board may present a brief summary of current events pursuant to A.R.S. 38-431.01(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.**

Superintendent Douglas requested an agenda item for the next meeting to discuss video recording and broadcasting of future meetings.

Meeting adjourned at 3:26 p.m.