

**Minutes  
State Board of Education  
Monday, June 26, 2006**

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 9:02 AM.

**Members Present**

Mr. Jesse Ary  
Dr. Vicki Balentine  
Ms. JoAnne Hilde  
Superintendent Tom Horne  
Ms. Joanne Kramer  
Ms. Anita Mendoza  
Dr. Karen Nicodemus (via telephone)

**Members Absent**

Dr. Michael Crow  
Mr. Bill Estes  
Mr. Larry Lucero  
Ms. Cecilia Owen

**PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**1. BUSINESS REPORTS**

**A. President's Report**

Ms. Hilde informed members that they will soon receive the materials that were distributed at the Governor's P-20 conference. She also added that the Board will continue to work in conjunction with the Governor's P-20 Council and other entities around the state that have an interest in high school graduation requirements.

Ms. Hilde noted that at an early childhood conference last week, State Board Past President and Member, Ms. Nadine Mathis Basha was honored with the first ever advocacy award for early childhood education.

Ms. Hilde expressed her appreciation to the Governor and Legislature for additional funding to the State Board Office which will allow the State Board to meet a goal of adding an additional staff in an effort to keep pace with the growing work load. She added that the ability to have additional personnel will make it easier to get work done even though the current staff works above and beyond expectations.

**B. Superintendent's Report**

Superintendent Horne gave recognition to the following activities of Arizona Department of Education Divisions:

- Educational Services and Resources
  - 2<sup>nd</sup> Annual Early Learning Conference
- School Effectiveness
  - School Safety and Prevention Annual Summer Conference
  - Desert Canyon Institute

Mr. Horne announced that Ms. Marie Mancuso will become the Associate Director of the Southwest Comprehensive Center of WestEd and presented Ms. Mancuso with a Certificate of Accomplishments. Ms. Mancuso responded that she was gratified for the recognition and that the past 7 years at ADE were challenging and rewarding. She added that she will continue to work with ADE but in a different role.

Mr. Horne introduced Dr. Kathy Hrabluk, the new Deputy Associate Superintendent in charge of AZ Reads, Reading First and 21st Century Community Centers programs.

**C. Board Member Reports**

There were no additional reports at this time.

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

1. Professional Practices Advisory Committee Hearing Procedures
2. Other Items as Necessary

Mr. Vince Yanez, Executive Director, State Board of Education, updated members on the following items which were discussed at the Board Retreat:

- Additional funding for an additional FTE has been included in the new budget
  - Will relieve issues regarding rule writing and legislative affairs
  - Will work with SBE leadership to fill the positions prior to the August 2006 regular meeting
- PPAC Hearing structures and the two critical areas
  - Staff shortage
    - 4 investigators at this time but it is not realistic to expect them to keep up with the number of cases coming in on a daily basis
    - Proposal is for 2 additional investigators
  - PPAC hearing process
    - Current staff still produce more cases than the present PPAC can hear
    - Two options available
      - Use Office of Administrative Hearings (OAH)
        - Many more cases could be heard
        - Provides same service as PPAC
        - Previously not used due to cost factor
        - PPAC is educationally-based expertise and the Board chose to maintain this structure
        - Legislation would be required to use OAH
    - Create a second PPAC
      - Same structure as original PPAC
      - Unclear as to whether statute amendments are warranted
      - Would allow the Investigative Unit to move more cases through the process and bring them to the SBE

Mr. Yanez further explained that the rules would need to be amended to address the above changes. In addition, Mr. Yanez noted that one Assistant Attorney General works part-time with the four investigators and the PPAC but full-time legal counsel is needed.

Dr. Nicodemus asked that if we could get out from under the existing backlog and make the suggested changes, whether the same situation would exist in a year or two or if we would maintain the load with the current attorney level? She also asked if it was possible to clear the backlog by contracting with an outside attorney. Mr. Yanez responded that this could be a possibility but it would have to be discussed with the Attorney General's Office. Mr. Yanez noted that we also have the opportunity to provide funding for the Attorney General's Office to appoint other attorneys to assist. However, he added that the SBE doesn't have funds to support an attorney at this time.

Dr. Nicodemus asked if this was a situation where ADE funds could assist and Mr. Yanez responded that he could speak to the Superintendent in this regard.

Dr. Balentine expressed her concern that solutions are years down the road and if allegations are true and people remain certified they could remain in school systems in Arizona and more situations could re-cure. She asked if different strategies with varying hearing styles, i.e. grouping cases, could be utilized to get past the backlog and look at the expected number of cases/year.

Mr. Yanez noted that he works closely with the Attorney General's Office and they prioritize the cases in terms of how the hearings are scheduled before the PPAC. He added that it is simply a matter of the number of cases and the amount of available time. He added that the Investigative Unit is doing all they can at this time and that they are covering many more cases than in the past.

Mr. Ary asked what percent of cases, after triage, are left for the SBE to consider and Mr. Yanez noted that the Investigative Unit receives an enormous number of calls each day and a small percentage of these are opened. He added that approximately 40% reach the SBE and the ones that don't come to the Board may have had insufficient evidence or were not a serious enough allegation to bring forward.

Ms. Hilde suggested that this should be discussed further at the August meeting, which will be a two-day Monday-Tuesday meeting, to finalize legislative suggestions prior to the fall session.

*Pull Item 4G from Consent Agenda per Ms. Hilde to an action level item*

*Ms. Hilde also moved Item 5A to be considered after Item 2S and noted that the Career and Technical Education Item for August will be at the beginning of the meeting*

## 2. GENERAL SESSION

- A. Presentation, Discussion and Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Uphold the Denial of the Application for Certification for Robert Jeffrey Russ, Case No. C-2005-050R

Ms. Rachell Tucker, Chief Investigator, Investigative Unit, Arizona State Board of Education, presented the case as per the information in the materials packet. Motion by Ms. Kramer and seconded by Dr. Balentine to approve the findings of fact, conclusions of law and recommendation of the PPAC to uphold the denial of Robert Jeffrey Russ' application for certification. *Motion passes.*

- B. Presentation, Discussion and Consideration to Accept the Recommendation of the Professional Practices Advisory Committee to Approve the Proposed Negotiated Settlement Agreement In the Matter of the State Board of Education v. Robert Kiepke, Case No. C-2005-095

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

Mr. William Holder, Legal Counsel for Mr. Kiepke, noted the following points:

- 5-1 vote in favor of accepting recommendations, which is endorsed by the Attorney General's Office
- Agreement is in the best interest of the State
- Included are a police report, a report by the father and several others who were interviewed
- Technically this was an assault; no charges were brought
- Even if members agree with the dissenting vote, Mr. Kiepke has already suffered the loss of a year's pay
  - Mr. Kiepke resigned at his attorney's advice and was not able to find a job for the upcoming fall until October
  - He is losing pay by taking a \$3-\$4,000 loss in pay which will stay with him for his lifetime as result of this incident
  - He basically already has a letter of censure

Mr. Kiepke addressed the SBE stating that:

- He made a mistake, he is very sorry
- He crossed the professional line and in no way meant harm
- He values his players and has been coaching a variety of sports for 15 years
- He has never been in trouble prior to this
- He has let the parents down and it pains him
- He let his family down, has apologized and suffered a punishment
- His reputation is tarnished

- He revealed this incident to his employers who have hired him for the fall
- He has been offered an opportunity to come back
- It is important to have the SBE's approval of the committee's recommendation
- He realizes with a letter of censure any other incidents would be serious consequences

Ms. Tucker stated that the Investigative Unit stands behind the Settlement Agreement and Letter of Censure as Mr. Kiepke has no other blemish on his record.

Ms. Kramer asked Mr. Kiepke to describe the weapon used and Mr. Kiepke described a Leatherman tool that has a bottle opener, blades, screwdriver and other tools incorporated into a small pocket tool. Ms. Kramer commented that what Mr. Kiepke did was very unprofessional.

Dr. Balentine noted that the student's behavior would have been defined in any district in Arizona and it is very likely that the student would have been expelled and that Mr. Kiepke's actions, whether joking or serious, would be defined as a dangerous incident, well beyond a role model issue and that it is a even a peer issue.

Ms. Mendoza noted that she had not heard Mr. Kiepke say what amends he has made to the students, team, etc., what he has done and what the feelings about his role as a coach are and what differences he would make in his future behavior.

Mr. Kiepke stated that he apologized to the student and his father, that he understands where the professional line is and is willing to help the student and other players to move on. He added that he deeply regrets the incident and understands the magnitude.

Mr. Ary read a statement that the student reported that the knife touched his neck and Mr. Kiepke was asked to stop and Mr. Kiepke said don't move and continued to put the knife to the student's neck in a shaving motion.

Mr. Kiepke responded that this was not true, that he did not touch the student with the blade, but that the blade was briefly underneath his neck for 2-3 seconds.

Mr. Holder added that the agreed facts did not accept the student's version in the final agreement.

Dr. Nicodemus stated that she doesn't condone Mr. Kiepke's actions.

Motion by Dr. Nicodemus and seconded by Dr. Balentine to accept the recommendation of the PPAC and accept the proposed negotiated settlement in the matter of the State Board of Education v. Robert Kiepke and place a letter of censure in Mr. Kiepke's permanent certification file. Dr. Balentine explained that her vote is based on respect for the Investigative Unit and the PPAC's recommendation in this case but that this is a very disturbing case. *Vote was 4 in favor and 3 against. Motion fails.*

Mr. Yanez noted that six votes are required to take action on an item so this item will be tabled until the next scheduled meeting.

- C. Presentation, Discussion and Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Revoke the Teaching Credentials Held by Ronald J. Woods, Case No. C-003-049

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

Motion by Dr. Balentine and seconded by Ms. Kramer to approve the findings of fact, conclusions of law and recommendations of the PPAC and revoke the teaching credentials held by Ronald J. Woods. *Motion passes.*

- D. Presentation, Discussion and Consideration to Adopt the Augmented Version of Arizona's English Language Proficiency Assessment, Approve Recommendations of the Standards Setting Committee and Approve Related Contract with Harcourt Assessment, Inc. Pursuant to A.R.S. §38-431.03 (A) (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 Pertaining to the Contract that is the Subject of Negotiation and/or Litigation in Connection with this Matter.

Ms. Irene Moreno, Deputy Associate Superintendent, Academic Achievement Division, English Acquisition Services Unit, Arizona Department of Education, presented an overview of the development process as outlined in the materials packet.

Dr. Nicodemus asked if no action were taken today, and in light of a letter received today from Dr. Crow, what would happen to the process and Ms. Moreno responded that this would have to be put on hold and the state would be out of compliance according to the USDOE requirement to have this assessment in place by school year 2006. Ms. Moreno added that there is nothing to fall back on as the SELP no longer exists and this is the aligned version required to stay in compliance.

Mr. Yanez clarified that today's action only deals with the test as proficiency standards were already approved by the SBE in 2004.

Mr. Ary asked for clarification regarding the 2006 school year and Ms. Moreno clarified that this has to be in place by Fall 2006 for enrollment. She noted that 30 days from initial enrollment the students must be assessed and then reported to the feds; therefore approval is needed in order to be able to do the assessment in the fall enrollment. Mr. Ary noted that it may be helpful to hold off in order to address the issues brought by Dr. Crow.

Ms. Mendoza noted some procedural concerns:

- Training has already begun
  - Already training people to administer a test that has not been approved
- Understand that there was some expectation that legislation could have been in place
  - This is not the reality, however
- Don't understand how this got moved forward without approval

Ms. Moreno responded that this is a process that was started a year ago and districts must have this in place to do the assessments. Superintendent Horne noted that if the SBE does not approve this, the ADE would inform schools that it has not been approved and would then find a way to provide SELP tests to the districts. Mr. Horne commented procedurally that the training that was given was mindful that implementation wouldn't happen without SBE approval and from a practical standpoint there are some difficulties with respect to the SELP as schools don't have sufficient copies and the cost/practicality of Harcourt providing these to schools. He added that if this is not approved, schools will have to hold off on training and wait for SBE approval.

Dr. Nicodemus noted that the ADE may have sensed the ability to move forward when the SBE made the decision to augment the SELP test but that it would have been ideal for the SBE to see this item prior to training for consideration/approval.

In response to further questions from Dr. Nicodemus, Ms. Moreno stated that 77 teachers attended the standard setting out of 100 that were invited.

Dr. Balentine commented that the alignment report is to be completed by the end of June and that she finds it difficult to take action on an assessment that has not yet been seen.

Ms. Mendoza noted the difficulty of not receiving information in time to consider for approval.

Ms. Hilde moved the discussion to the test itself and read a statement from Dr. Crow which is included in the materials packet.

Superintendent Horne added that a two-year review is a good idea and that representatives from Harcourt will speak to its validity. He noted that there is a legal issue that the SBE should consider regarding the 2000 federal court decision.

Ms. Jennifer Pollock, Assistant Attorney General, noted that there is opportunity for Executive Session to discuss legal issues pertaining to SELP and AZELLA.

Superintendent Horne added that the judge ordered the state to choose a test publisher and set cut scores established by the publisher. Ms. Pollock noted that the Superintendent was referring to the

*Flores* Consent Decree which specifically indicates scores will be based on vendor scores and rules pertaining to ELL proficiency tests will be based on the publisher's pass scores.

Ms. Moreno emphasized the difference between a proficiency assessment in AIMS, which is academic, and this assessment which is language. She noted that the purpose of the proficiency assessment tells that the student is ready for teacher instruction in an English speaking environment. She explained that proficiency and academics are two different things.

Ms. Mendoza noted that the SBE is in a position of being asked to approve this test without prior issues being addressed.

Ms. Hilde asked where they utilized, in the standard setting process, the input from the 77 teachers. Dr. Stephenson, Psychometrician, Harcourt, explained that they have data from Arizona students who have taken AIMS but they need the second year information to complete the study. She added that the information from the 77 teachers was incorporated by looking at the cut scores set by teachers and making sure it was increasing. She said they also looked at a percentage of Arizona students who took the ELL test to see how they performed with the recommended cut scores. She noted that they used level descriptors and impact data of consequential data and put them on the vertical scale to make sure it was in ascending order.

Ms. Hilde noted that the performance level descriptors of literacy used words like "some" or "many" which seemed to indicate that these students lacked base knowledge to participate in a classroom with these kinds of vague measurements. Ms. Moreno explained that these came from the proficiency standards which were written with assistance from Ms. Susan Pimentel and teachers who wanted the standards written this way.

Ms. Mendoza noted that this is not a high stakes test and asked if members could see a copy of each test for comparison. Ms. Barbara Dillard, Program Manager, Harcourt, noted that copies are available and the field tested forms were available at the work shops and could be made available to members. She added that the test is set as compensatory and with assessment no one can pass or fail, but that this is strictly a yardstick to measure how much English they have acquired and how much they are able to use it.

Ms. Hilde noted that a teacher still has the ability to hold a child back as an ELL student and Ms. Dillard noted that state policy has the ability to make these kinds of policy decisions. Ms. Hilde asked for further clarification and noted that if children move to a regular classroom, they lose some of the support from the ELL classroom. Ms. Moreno noted that the student is monitored for two additional years and Ms. Dillard added that the assessment provides a narrative that, once a student is reclassified, weaknesses to be addressed are pointed out.

Superintendent Horne noted that a student can score intermediate on the compensatory model in writing and still get proficient in other areas, but a student cannot score lower than intermediate in one area and get a proficient rating as this is not out of line with other testing.

Dr. Nicodemus asked if there were extra resources available to students dependent on how a student is classified to help them gain proficiency and Ms. Moreno responded, "yes".

Superintendent Horne noted that students that are re-classified obtain supplemental services per the increased legislative budget increase from \$2M to \$10M. Dr. Nicodemus asked if there is other litigation and/or complaints filed related to SELP and assessment and Mr. Horne noted that there is a civil rights complaint pending. Ms. Pollock recommended executive session for further information in this matter. Superintendent Horne further explained that the supplemental services are available only for reclassified students and services are available only before and/or after school. Dr. Nicodemus noted that she may have questions related to the civil rights issue and will defer to other members in this regard if they have further information.

Regarding Attachment 4, AZELLA field testing reports, Dr. Nicodemus asked if this compares to the use of SELP and Dr. Stephenson noted that the percentage of students in each category is based on the AZELLA test and last year's SELP data is not available. Dr. Nicodemus asked about the comparison of the two tests and whether a student would do better on one or the other and Ms.

Moreno responded that they have no idea until tests are taken. Ms. Hilde re-stated the question as, how did the numbers in the bottom chart relate to SELP and Dr. Stephenson stated that they don't have numbers with them but that they can look into last year's data. She noted that last year's data is based on different cut scores and these cut scores are based on the current standard setting with the new test which are two different tests/cut scores. Ms. Hilde stated that district response is often that we are moving children out of ELL assistance much too quickly. Dr. Stephenson added that the new test is more aligned to standards (85% compared to 69% in the old test).

Ms. Hilde asked members if they wanted to go into Executive Session for further clarification.

Ms. Mendoza stated that she understands that monies are available for supplemental instruction and asked if there was a way to find out how many charter schools are accessing these funds. Ms. Moreno noted that their accountability person has this list. In addition, Ms. Mendoza added that according to legislation, if the cut scores set by Harcourt are authorized to be used and if Harcourt is ready to state that it stands behind the fact that these are Harcourt-recommended cut scores for AZELLA. Ms. Dillard stated that Harcourt definitely stands behind the validity and reliability of the cut scores and scale score ranges that result from this. She added that AZELLA has two new sub tests, pre-reading and pre-writing.

Motion by Mr. Ary and seconded by Ms. Kramer to go into Executive Session . *Motion passes.*

*The Board adjourned to Executive Session at 10:44AM.*

Motion by Ms. Mendoza and seconded by Mr. Ary to reconvene in open session. *Motion passes.*

*The Board reconvened in open session at 11:45AM.*

Motion by Ms. Mendoza and seconded by Ms. Kramer to table AZELLA as the state's ELL proficiency test and re-visit it at a special July meeting. *Motion passes.*

Ms. Hilde noted that a special meeting in July will be held to consider additional information which members can request via Mr. Yanez. Dr. Nicodemus noted that a meeting should be planned for early July to assist the Department in completing their tasks in a timely manner.

*At this time, the Board moved to Item 20 to recognize Nogales Unified District as one of the national Reading First presenters.*

E. Presentation, Discussion and Consideration to Approve the Standard Setting for Alternate Assessment (AIMS-A)

Ms. Roberta Alley, Deputy Associate Superintendent, Assessment Division, Arizona Department of Education, joined the presentation via telephone and Ms. Irene Hunting, Director of Test Administration and Contracts, Accountability Division, Arizona Department of Education, presented the information provided in the materials packet utilizing the PowerPoint Presentation included in the packet.

Ms. Mendoza asked for a summary regarding this report which applies to special education students with IEPs and asked what percentage of the total students are taking the test and the number that can be deemed proficient. Ms. Hunting responded that the percentage of students that can be identified as proficient using the alternative assessment is capped at 1% of that grade's enrollment. However, she noted that schools have the ability to appeal this, so if schools are able to demonstrate that they have a large number of students who qualify to test on the alternate test, they may be exempt from the 1% cap.

Ms. Hilde referred to page 6 of the summary report and asked if there is an impact on reportable numbers/data or if these numbers can be used with other assessments done by these students. Ms. Hunting responded that the report should only show "met" or "didn't meet" and other scores are not considered. She added that ADE Research and Evaluation calculates AYP that shows certain percentages met or exceeded, for example, but that they expect teachers/educators to look at all possible data to assist students in succeeding. Ms. Alley added that for reporting purposes AIMS-A only is used, but in the classroom, educators are encouraged to use multiple points of data.

Motion by Dr. Balentine and seconded by Ms. Mendoza to approve the recommendations of the standards setting committee related to the state's alternate assessment, AIMS-A. *Motion passes.*

F. Presentation, Discussion and Consideration to Approve Changes to the State Tutoring Program

Dr. Karen Butterfield, Associate Superintendent, Academic Achievement, Arizona Department of Education, presented the background and information provided in the materials packet.

Ms. Mendoza thanked the Department for being responsive to the field and stated that she appreciated the information provided.

Dr. Nicodemus noted her appreciation for the report and asked if the low participation in some counties is being addressed, i.e. regarding correlation with numbers of students that passed AIMS. Dr. Butterfield responded that they can get further information from Research and Evaluation and will report back. She added that they are working with the county ESAs to encourage a higher percentage of participation. Dr. Nicodemus noted that a report by county in this regard would be helpful.

Ms. Hilde stated that the SBE often asks for follow up reports and that Dr. Butterfield's division has set the standard for timely and thorough information. Ms. Hilde recommended that Mr. Yanez can assist in methods of gathering public input.

G. Presentation, Discussion and Consideration to Approve the Early Childhood Assessment Evaluation Panel Recommendations

Ms. Karen Woodhouse, Deputy Associate Superintendent, Early Childhood Education, Arizona Department of Education, presented the background information provided in the materials packet.

Dr. Balentine asked for an example of the inputting requirements and Ms. Woodhouse reported that a screen in SAIS is available that has a list of children to select from and grouping indicators where information can be entered.

Ms. Mendoza stated that it would be helpful to see an example of the instrument and also asked about the cost per student. Ms. Woodhouse responded that the cost is still being discussed with the assessment companies but ranges from \$7-\$20 per student, excluding the initial teacher training. She added that discussions are still ongoing with the companies and the various aspects of the instrument are included in those discussions/pricings. She noted that she would be happy to demonstrate the instrument at any time for members.

Ms. Hilde asked if there is a pre- and/or post- nature of this instrument and Ms. Woodhouse noted that monitoring progress of a child is part of this program as well as looking at outcome indicators and that the initial cost of the instrument will cover all these activities.

Mr. Ary asked if Ms. Woodhouse is networking with P-20 and she responded that she does not sit on that task force but she is connected and keeping up with the work of the P-20 Council.

Motion by Ms. Mendoza and seconded by Ms. Kramer to approve the Early Childhood Assessment Evaluation Panel recommendations and adopt the following assessment instruments for use in Department administered early childhood programs for three to five year old children. *Motion passes.*

H. Presentation, Discussion and Consideration to Initiate the Rulemaking Procedures for Professional Preparation Programs, R7-2-604, R7-2-604.01 and R7-2-604.02

Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, presented the background information as provided noting that the item was tabled last month and is now being presented for approval. Mr. Yanez noted that technical re-writing has occurred and the policy set by the SBE on February 28, 2005 was reflected in this rule which articulates the three step approval process that all institutions seeking program approval must successfully complete before they are approved by the SBE. Mr. Yanez added that the Assistant Attorney General has assisted in the re-writing and input has been

gathered from members of the field and it is believed that the rules are ready to initiate. He noted that there may be some issues to be clarified with the field.

Dr. Jon Lewis, Chair, College of Education, University of Phoenix, voiced the university's support of this initiative and added that this will make it a more effective and more fair teacher preparation program.

Dr. Bob Hendricks, Associate Dean, College of Education, University of Arizona, noted that he was involved in the previous writing process and that it was a real question as to whether this was a process that had any rigor. He noted that the process being proposed today has a lot of rigor. He noted that they are looking forward to a site visit in the fall that will provide feedback regarding their program and that he believes this will help all preparation programs across the state.

Dr. Daniel Kain, Dean, College of Education, Northern Arizona University, stated that this is a rigorous and demanding program and that this will make all preparation programs better.

Dr. Elaine Surbeck, Associate Dean for Teacher Education, Arizona State University, stated that the process involved in creating this new improved format has been helpful and insightful.

Ms. Hilde thanked all participants as this represents a true collaboration across the state and thanked the staff for their commitment.

Ms. Mendoza complimented all three deans on their growing acceptance of charter schools and being inclusive in their teacher preparation programs.

Motion by Mr. Ary and seconded by Ms. Mendoza to initiate rulemaking procedures for proposed rules R7-2-602, 604.1 and 604.2, and that a public hearing be scheduled at the discretion of the Board's executive director. *Motion passes.*

*Motion by Mr. Ary and seconded by Ms. Kramer to go into Executive Session to consider Item 2T. Motion passes.*

*The Board went into Executive Session and had lunch at 12:48PM.*

*Motion by Ms. Mendoza and seconded by Ms. Kramer to reconvene in open session. Motion passes.*

*The Board reconvened in open session at 1:48PM with Item 2G.*

- I. Presentation, Discussion and Consideration to Close the Rulemaking Record and Adopt the Special Education Services and Speech Therapy Certification Rules, R7-2-401, R7-2-610 and R7-2-615

Mr. Yanez noted that two technical changes were made to the rule outline as noted in the materials packet.

Ms. Lillie G. Sly, Associate Superintendent of Educational Services and Resources, Arizona Department of Education, noted that her Division includes the following programs:

- Early childhood
- Career and Technical Education
- Special Education
- The Superintendent's Discipline Initiative
- Adult Education Services

Ms. Sly presented the request for the rule package as presented in the materials packet. Ms. Sly noted that there are several requirements for speech pathologists:

- Current rules regarding speech pathologists are inappropriate as they are not trained to be classroom teachers but are prepared to be speech and language pathologists
- Speech pathologists participated in the rule writing
- This request is to certify them as specialists per the proposed rule

In addition, Ms. Sly noted the request includes extending the implementation date to January 2007 to provide time for the Department to re-tool the certification programs and notify those who are affected by this rule.

Ms. Hilde noted that there are implications in moving these individuals from teacher categories that may move them off of career ladder, 301 and retirement categories as an unintended consequence. Ms. Sly noted that in approving the rule today, Speech Pathologists would not qualify for career ladder. She added that these individuals are on various pay schedules so it is unclear as to how they might be affected. Ms. Amator noted that as SBE rule currently reads, they will not be eligible for career ladder and the Career ladder Committee will bring proposals in this regard to the Board.

Motion by Dr. Balentine and seconded by Mr. Ary to close the rulemaking record and adopt proposed rules R7-2-401, R7-2-610 and R7-2-615, relating to speech therapy certification to become effective January 1, 2007, as amended. *Motion passes.*

J. Presentation, Discussion and Consideration to Close the Rulemaking Record and Adopt Amendments to R7-2-614 Regarding Administrative Certificates

Mr. Vince Yanez, Executive Director, Arizona State Board of Education, presented the background information included in the materials packet and noted that this would extend the current exemption for superintendents in small schools/districts and would not require them to hold a valid superintendent certificate. He added that the original intent was to have a complete re-write of these rules, however the timeframe has lapsed that would extend this requirement for another year and it is believed that the Department is close to finalizing language on the rule.

Motion by Dr. Balentine and seconded by Ms. Kramer to close the rulemaking record and adopt the proposed amendments to R7-2-614 relating to administrative certificates. *Motion passes.*

K. Presentation, Discussion and Consideration to Close the Rulemaking Record and Adopt Amendments to Board Rule R7-2-307 Regarding High School Equivalency Diplomas

Ms. Karen Liersch, Deputy Associate Superintendent, Adult Education Services, Arizona Department of Education, presented the background information provided in the materials packet explaining that this will eliminate the language concerning the six-month waiting period and that it incorporates provisions of HB 2051 passed in August 2005 allowing the SBE to establish and collect fees for issuance and re-issuance of high school diplomas and transcripts. She added that this would help offset the state administrative costs of the GED program and allow that money to be used for adult education instruction and professional development for teachers.

Ms. Hilde asked about flexibility regarding students who drift or claim to be in a home school situation and Ms. Liersch responded that this has not been a problem with people getting verification. She noted that this refers to people under 18 and proves that they are officially withdrawn from school and for those over 18, the specification does not apply.

Mr. Yanez noted that a public hearing was held on March 13, 2006, and no comments were received.

Motion by Mr. Ary and seconded by Ms. Kramer to close the rulemaking record and adopt the proposed amendments to R7-2-307 relating to High School Equivalency Diplomas. *Motion passes.*

L. Presentation, Discussion and Consideration to Close the Rulemaking Record and Adopt Amendments to R7-2-308 and R7-2-612 Regarding Adult Education

Ms. Karen Liersch, Deputy Associate Superintendent, Adult Education Services, Arizona Department of Education, presented background information provided in the materials packet. Ms. Liersch explained that this proposes updates in language regarding the Arizona adult education system by asking for revisions and updates in language incorporating the rigorous accountability required by the Workforce Investment Act and reflects changes in federal regulations concerning adult education. Ms. Liersch added that this final language does not include the elimination of the language that prohibits local fees.

Regarding the fees, Ms. Pollock commented that any fees to be charged must have statutory authority and recommended removing this language pending clarification. Ms. Pollock stated that the language has been changed to eliminate this language prior to this rule being submitted to the Board.

Motion by Ms. Kramer and seconded by Ms. Mendoza to close the rulemaking record and adopt the proposed amendments to R7-2-308 and R7-2-612 relating to Adult Education. *Motion passes.*

M. Presentation, Discussion and Consideration to Adopt Revisions to the Arts Standards

Dr. Karen Butterfield, Associate Superintendent, Academic Achievement, Arizona Department of Education, presented the background information provided in the materials packet noting that the Arts Standards Committee has worked to complete the standards since the initial presentation to the SBE in April.

Ms. Lynn Tuttle, Arts Education Program Specialist, Title V-Innovative Exemplary Programs, Academic Achievement, Arizona Department of Education, presented the overview via PowerPoint Presentation included in the materials packet. Ms. Tuttle introduced members of the review committee who were in attendance.

Superintendent Horne thanked everyone for their hard work and invited some of the choirs, etc., to perform for the SBE.

Ms. Kramer asked for clarification regarding functional art and Ms. Tuttle noted that art is part of every day life and this helps students understand how we think about artistic objects all around us.

Ms. Hilde noted her strong support for the arts and added that we need to be careful about excluding the student who can't carry a tune or keep rhythm. Ms. Tuttle responded that most people can do some sort of art and can match pitch with instruction and a teacher can assist the student with appropriate assessment. Superintendent Horne noted that the object is not to produce professional musicians necessarily but to help students recognize beauty.

Motion by Ms. Kramer and seconded by Mr. Ary to approve the revisions to the state's art standards as presented. *Motion passes.*

Ms. Vivian Wessel, Arizona Alliance for Arts Education, a coalition of organizations and individuals that support comprehensive arts education in Arizona, addressed the SBE stating that the efforts, willingness to revise and refine the standards, and openness and inclusiveness in this process are greatly appreciated.

N. Presentation and Discussion Regarding the Creation of a Stand-Alone K-12 Certificate for the Arts: Art, Dance, Dramatic Arts and Music

Dr. Karen Butterfield, Associate Superintendent, Academic Achievement, Arizona Department of Education, presented the information provided in the materials packet. Dr. Butterfield provided a copy of her personal certificate as an example of how the information could be confusing as an arts endorsement is not shown. She added that other states use a stand-alone arts certificate, also.

Ms. Tuttle added that we currently have a certificate and a stand-alone K-12 arts endorsement.

However, Ms. Tuttle noted that this is a confusing process and encouraged consideration of creating a stand-alone K-12 Arts Education Certificate.

Dr. Balentine asked how this might fit in with the work of the new Teacher Certification Advisory Committee and Mr. Yanez responded that this item would go through this committee. He noted that a framework would be crafted and brought to the advisory committee for consideration and then brought to the SBE.

O. Presentation and Discussion Regarding Arizona READING FIRST Initiative

Superintendent Horne announced that the National Reading First Program will have its meeting in July and that each state was asked to nominate a school/district to present and the USDOE chose the presenters from the submissions. Robert Bracker Elementary School, Nogales Unified District, was nominated and chosen to be one of the presenters. Mr. Horne noted that Robert Bracker Elementary is one of the top 8-12 out of 50 nominations, being recognized for its success in raising the reading level with 90% of its Kindergarten students reading at benchmark and 85% in first grade, 76% in 2nd grade and 65% in the 3<sup>rd</sup> grade, which are high numbers for a high poverty district.

Ms. Kathy Hrabluk, Deputy Associate Superintendent, Standards Based Teaching and Learning, School Effectiveness Division, Arizona Department of Education, introduced Ms. Lucina Romero, Principal, Robert Bracker Elementary School.

Ms. Romero addressed the Board stating that they have been in this program for three years which has helped them become successful in reading. She noted that they are closing the gap and have made great gains within the ELL population. She added that these funds are used for acquisition of scientifically-based data and literacy intervention, staff development, modeling, professional development, and teaching strategies. Ms. Romero noted that they are using the Dynamic Indicators of Basic Early Learning Skills (DIBELS) assessment which provides real time data in a teacher-friendly retrieval system. She explained that the data-driven decision making ability through this program allows teachers to provide differentiated teaching and if the students are reached early we can keep them from failing. Ms. Romero noted that this provides excellent professional development for teachers and thanked the ADE for allowing its staff to assist the schools/district with support and guidance.

Additional Nogales principals were introduced and congratulated on their success. Superintendent Horne noted that Nogales has been attracting a lot of attention for its accomplishments and that he has been upholding them as an example in the state.

*At this time the Board moved back to Item 2E.*

Ms. Marie Mancuso, Deputy Associate Superintendent, Standards Based Teaching and Learning, School Effectiveness Division, Arizona Department of Education, presented background information via PowerPoint Presentation as provided in the materials packet regarding the Reading First program to date. Ms. Mancuso introduced Ms. Kathy Hrabluk, the new Director, Reading First Program, School Effectiveness Division, Arizona Department of Education, and Ms. Angie Denning, Assessment Director, School Effectiveness Division, Arizona Department of Education, who were available to answer questions.

Ms. Hrabluk then presented information from the field regarding the initiation of this project in schools.

Ms. Kramer commented, as a Reading teacher for twenty years, this program made her feel like she is a master teacher and it does the same for all reading teachers.

Mr. Ary noted that he has been looking at all-day programs versus half-day programs and when legislation was introduced a report was submitted demonstrating that all students were making gains. He added that he sees this as a huge boost to the work being done and that all day Kindergarten will also improve student progress.

Ms. Phyllis Schwartz, Associate Superintendent, School Effectiveness Division, Arizona Department of Education, noted that the vision of Ms. Mancuso has made this effort possible in putting Arizona on the map.

**P. Presentation and Discussion Regarding the High School Economics Graduation Requirement**

Ms. Marie Mancuso, Deputy Associate Superintendent, Standards Based Teaching and Learning, School Effectiveness Division, Arizona Department of Education, presented the information provided in the materials packet. Ms. Mancuso noted that this places emphasis on economics and consistency across the state and provides a well-rounded education covering the areas of American history, world history/geography, government and economics.

Ms. Sherry Perez, Coordinator, Arizona Council on Economic Education, stated that they strongly support this recommendation especially as it is not just under the umbrella of solely social studies but that it is also available for qualified business teachers. She added that they have found that there are an equal number of social studies and/or business teachers that are highly qualified to teach this class. She added that it is important to have a highly qualified teacher to ensure that the student is successful.

Ms. Mendoza noted that rural, small, and charter schools haven't had to test for this and asked if this leads to testing in this area and Ms. Perez noted that this component is being added in the business area.

Ms. Amator stated that they currently have an AEPA economics test and to be highly qualified one must:

- Demonstrate subject knowledge or
- Have 24 credits or more in economics
- Be nationally certified in social studies, history

She added that this becomes a graduation requirement then they have to be appropriately certified if this is the primary teaching assignment. She added that it is already required for a teacher to be highly qualified in every core academic they teach.

Ms. Perez added that the Arizona Council on Economics provides free in-service training and also online education at a low cost.

Ms. Barbara Gray, Teacher, AP Economics and AP US Government, Tucson High School, stated that in her own research of her students, they demonstrated a higher financial success as a result of economics education, adding that they tend to have higher savings and higher net worth. Ms. Gray noted that personal financial education and economics education is essential in assisting people for future successes and that it produces better citizens. She added that young adults are facing more financial challenges these days. Ms. Gray added that the SBE should want to choose to add this course requirement when its skills are considered essential for students to be successful. She also added that this makes students become better participants in their government, as well.

Ms. Gray read the following statements from her students:

- Without a doubt it's the most practically, applicable knowledge I gained in high school
- Knowledge that will do more to further my success later in life
- Economics is relevant for anyone who will ever have a job or will want a job
- Learning and understanding economics has not only given me a radically new understanding of human interaction but has provided me with a versatile tool for analyzing the world around me
- Same kind of mind-blowing conceptual link as learning to read or finally understanding basic algebra
- Indispensable piece of knowledge that has fundamentally altered just about everything I know
- Economics provides an elegant framework for tackling and understanding any question or problem; a framework inherently based on liberty, merit and equality of opportunity

Ms. Gray added that these are the values that we want to instill and carry forward through economics education.

Mr. Steven Reff, Economics teacher, Pueblo High School, Tucson, Arizona, shared a copy of free enterprise points, a lesson covering from 1971 to current times, and he noted that this is fiscal and monetary policy as well as micro economy. A copy of this report is included in the materials packet. Mr. Reff added that TUSD eliminated economics from its curriculum in 1996 and Phoenix Union followed suit, but a few years ago, Phoenix Union put it back in its curriculum. Mr. Reff urged the SBE to not deny our students the opportunity to learn economics.

Dr. Ruth Cooper, private educational consultant, primarily with the Thomas R. Brown Foundation, noted that she is dedicated to teaching and one important mission is economics that needs to be a state-mandated requirement. She noted the following points:

- Economics is a fabulous sorting device to determine what to keep and what not to keep
- Our students need extraordinary tools to compete in the changing world
- Students need the language of business to accomplish this

Ms. Hilde noted that this will be forwarded to the High School Graduation Requirements Subcommittee for further consideration.

Q. Presentation and Discussion Regarding Progress of Subcommittee on High School Graduation Requirements

Ms. JoAnne Hilde, President, Arizona State Board of Education, noted the following:

- The sub-committee has met in open meeting and talked about the wide variety of reports that are available
- By November 1 a letter must go to the Federal Government regarding the new (PELL) Academic Competitive Grant
- Only students can apply that have a rigorous high school curriculum
  - Arizona's general requirements do not meet this criteria
- Imperative to move quickly on the very initial steps
- There was discussion around this topic at the P-20 conference where most of the SBE members were in attendance
  - SBE has a commitment to continue to work with the P-20 Council
- Continue to keep large numbers in the group discussing this subject
- Probably talking about a 12-year cycle in terms of moving things forward
- Long term issues of what Arizona's high school graduates need to know and be able to do when they leave our high schools
  - How far out do we need to go to insure equal opportunity to reach these goals
  - Adequate supply of highly qualified teachers
- Sub-committee will continue to meet and all meetings will be posted
  - Could be telephone based
  - Can be monitored publicly

R. Presentation and Discussion Regarding the Teacher Certification Fee Schedule. Discussion May Include, but is not Limited to Fees Associated with Certificate Issuance and Evaluation, Proficiency Testing and the AZ / U.S. Constitution Test. Pursuant to A.R.S. §38-431.03 (A) (3), the Board May Vote to Go into Executive Session for Consultation and/or Legal Advice.

Dr. Nicodemus asked if this item could be discussed at the early July special meeting. Mr. Vince Yanez responded that it could be postponed to the special session and all members agreed.

S. Presentation and Discussion Regarding the Educator Performance Assessment

Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, presented the background information via PowerPoint Presentation provided in the materials packet. Ms. Amator noted that the rule will have to be revised to coordinate with this requirement.

Dr. Balentine stated that she supports this but that she has a concern with all the teacher-focused issues:

- Is cost a guaranteed factor?
  - May be good for three years per Ms. Amator
- Timing issue and teacher retention
  - Having this due in the fifth year may play a part in whether a teacher stays in the vocation
  - Ms. Amator responded:
    - Recommending this be done in the third year
    - Hearing that current teacher preparation students are ready when they graduate
    - Can bank scores for three years

- Voluntary to go through the rest of the process

Superintendent Horne stated that the AEA supports this as they think it promotes mentoring and more mentoring will lead to retention.

Dr. Elaine Surbeck, Associate Dean for Teacher Education, Arizona State University, noted that they embrace and support this as it is an advantage to students adding a level of rigor which is an essential part of the program. She added that this will make our state unique and will increase mentoring.

Mr. Ary asked if there is a possibility of students “borrowing” materials and Ms. Amator responded that ethical issues are taken very seriously and if the vendor has a question as to whether the materials are original, they are not scored and the student must start the process again and pay the fee again, as well. Ms. Amator noted that if a national board certified teacher submits materials that are not original, the national board certification can be removed and a letter is sent to the state with the risk of the state certification's possible removal. She added that when an evaluation is rehearsed it is easily detected and will not be graded.

Dr. Balentine asked about FERPA and stated her concern about the responsibility of having to monitor each of these teachers. Ms. Amator noted the following:

- Need parent signature to video classes
- Parent release is kept on record for 7 years
- 100% responsibility of ETS, testing company, to monitor

Ms. Pollock noted that the district has some responsibility to make sure the forms are signed insuring that there is no responsibility related to FERPA. Superintendent Horne noted that teachers have been doing national board certification for quite a few years without a problem with district responsibility.

Ms. Hilde asked what the timeline is for this effort and Ms. Amator noted that they are currently working with Mr. Yanez and Ms. Pollock to get rules in place without penalizing teachers.

Mr. Yanez noted that the structure of the performance assessment includes six standards that are in current Board rule that require performance assessment to measure. He noted that in crafting the performance assessment, there are two standards within these six that can't be measured, i.e., parent involvement and working with colleagues and professional agencies. Mr. Yanez noted that the performance assessment has been crafted to measure standards 1-4 as it is structured at this time. He added that this will have to be amended as part of the rulemaking process. He added that this involves the contract with the vendor in order to re-structure the test.

- T. Discussion and Consideration of the Employment Evaluation and Salary for the Board of Education's Executive Director. The Board may Make recommendations and/or Take Action Regarding the Employment Evaluation and Salary of the Board's Executive Director. Pursuant to A.R.S. § 38-431.03(A)(1) and (A)(3), the Board may Vote to go into Executive Session for Discussion or Consideration of Employment or Salary of an Employee of the Board and/or for Discussion or Consultation for Legal Advice.

*This item was discussed in Executive Session during the Board's lunch time. See notation above.*

### 3. CALL TO THE PUBLIC

There were no additional requests received at this time.

### 4. CONSENT AGENDA

- A. Consideration to Approve State Board Minutes
  1. May 22, 2006
  2. June 6, 2006 Retreat
- B. Consideration to Approve Contract Abstracts
  1. Part B-IDEA of 2004; Autism Spectrum Disorder Grant
  2. Part B-IDEA of 2004; Paraprofessional Training Grant

3. Part B-IDEA of 2004; Positive Behavioral Supports and Interventions of Arizona Grant
4. Part B-IDEA of 2004; Systemic Change in Reading Professional Development Grant
5. Federal Title I-Part C, Migrant Education Program NCLB PL 107-110
6. Federal Title I-Part C, Migrant Education Program Section 1304C(1)(B) of NCLB PL 107-110
7. Federal Title I, Part B, Subpart I Reading First
8. Elementary and Secondary Education Act, Title II, Part D, Enhancing Education Through Technology
9. Federal NCLB-Title II-A, Section 2113(C), State Activities PL 107-110 and Title I Sections 1116 and 1117
10. Federal Title I, Part B, Subpart 1 Reading First PL 107-110
- C. Consideration to Approve Members of the Teacher Certification Advisory Committee
- D. Consideration to Approve Appointments to the Special Education Advisory Panel
- E. Consideration to Approve the Teacher Evaluation System Verification for FY 2006-2007
- F. Consideration to Approve the Structured English Immersion Training for the Full SEI Endorsement
- G. Consideration to Approve the Authorization of Alternative Secondary Path to Certification Pilot Sites
- H. Consideration to Approve the "Victim of Violent Crime" Definition in Unsafe School Choice Option Policy
- I. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Approve Certification for the Following Individuals:
  1. Nadine Belovarac, Case No. C-2006-008 R
  2. Samuel Eatman, Case No. C-2005-055 R

Motion by Ms. Mendoza and seconded by Mr. Ary to approve the Consent Agenda as presented with the exception of Item 4G which was pulled for further discussion/clarification. *Motion passes.*

**Item 4G:**

Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, presented the background information as provided in the materials packet noting that some sites have been added as noted in the overview.

Motion by Ms. Mendoza and seconded by Dr. Balentine to approve the Alternative Secondary Path to Certification Pilot Sites as noted in the agenda item. *Motion passes.*

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

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

- A. Presentation, Discussion and Consideration to Approve the Funding Award Process for State Vocational Block Grants

Ms. Barbara Border, Interim Deputy Associate Superintendent and State Director of Career and Technical Education, Arizona Department of Education, presented the background information provided in the materials packet.

Motion by Mr. Ary and seconded by Ms. Kramer to approve the funding award process for state vocational block grants as presented. *Motion passes.*

Motion by Dr. Nicodemus and seconded by Mr. Ary to adjourn as the State Board for Vocational and Technical Education and reconvene as the State Board of Education. *Motion passes.*

*The Board then continued with Item 2R.*

6. ADJOURN

Motion by Dr. Balentine and seconded by Ms. Kramer to adjourn. *Motion passes.*

*The Board adjourned at 4:48PM.*