

ARIZONA STATE BOARD OF EDUCATION
Special Board Meeting, September 15, 2015
1535 W. Jefferson, Conf Room 122, Phoenix, Arizona 85007
SUMMARY OF BOARD ACTION

<p>MEMBERS PRESENT: Mr. Schmidt Ms. Hamilton Mr. Taylor Dr. Rottweiler (via teleconference) Mr. Carter Mr. Jacks Vice President Ballantyne President Miller</p>	<p>MEMBERS ABSENT: Mr. Deschene Dr. Crow Superintendent Douglas</p>
<p>CALL TO ORDER, ROLL CALL</p>	<p>Meeting called to order at 2:00 p.m. Roll Call confirmed a quorum</p>
<p>Item 1 – Presentation, discussion and possible action regarding the execution of the May 18, 2015, and August 24, 2015, Board policy requiring the Superintendent to grant the employees of the State Board Investigation Unit access to necessary documents, records and electronic information, including possible litigation. Pursuant to A.R.S. 38-431.03(A)(3) and (4) , the Board may vote to convene in executive session, which will not be open to the public, for discussion or consultation for legal advice from the Board’s attorneys and/or for discussion or consultation with the Board’s attorneys in order to consider its position and instruct its attorneys in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.</p>	<p>Recorded comments are available (Part 1/00:3:52)</p> <p style="text-align: center;">Motion (Part 1/00:07:09:)</p> <p>Member Schmidt made the following motion, seconded by Vice President Ballantyne: “On May 18, this Board directed the Superintendent to provide the Board’s investigators virtual access to the directories and files necessary to do their jobs by close of business May 19, 2015. She failed to do so. On August 24, 2015, the Board directed the Superintendent to provide the Board’s investigators with virtual access to the directories and files necessary to do their jobs by close of business August 25, 2015. Again, she failed to do so. Because the Superintendent has failed to implement the Board’s policy regarding investigators’ access to the information necessary to do their jobs, I move that the Board authorize its counsel to take all necessary action including if necessary, filing a lawsuit requiring the Superintendent comply with the Board policy requiring that the investigators have virtual access to all files and directories necessary to do their jobs. This includes all data, digital, paper and any individual file of any and all certified personnel in the State of Arizona and housed by the Arizona Department of Education.”</p> <p><i>The motion passed unanimously.</i></p>

Item 2 – Presentation, discussion and possible action regarding the maintenance of the Board’s website at <https://azsbe.az.gov/>, and redirection of all web traffic from the Board’s former website at <http://azed.gov/state-board-education/>, and its subpages, to the Board’s current website at <https://azsbe.az.gov/>, including possible litigation. Pursuant to A.R.S. 38-431.03(A)(3) and (4), the Board may vote to convene in executive session, which will not be open to the public, for discussion or consultation for legal advice from the Board’s attorneys and/or for discussion or consultation with the Board’s attorneys in order to consider its position and instruct its attorneys in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.

Recorded comments are available(Part 1/00:09:19)

Motion (Part 1/00:15:33)

Vice President Ballantyne made the following motion, seconded by Member Schmidt:
“The State Board of Education’s website is at www.azsbe.az.gov . The website is an important means of communication for the public. The website of the State Board of Education, maintained by the Department of Education at www.azed.gov/state-board-education/ shall be removed and the department of education shall direct any internet traffic concerning the State Board of Education to the State Board’s website at: www.azsbe.az.gov . The Superintendent is directed to implement the portion of this policy that relate to the State Board of Education by the close of business Septmeber 16th, 2015.”

**Motion to Amend
(Part 1/00:16:36)**

Member Rottweiler made a motion to amend the motion to include the following statement, seconded by Member Taylor:
“Pursuant to Arizona Revised Statutes §15-251(5), the superintendent of public instruction shall “[e]xecute, under the direction of the state board of education, the policies which have been decided upon by the state board.”” Member Taylor seconded the motion to amendment the motion.

The motion to amend passed unanimously.

Motion, as Amended (Part 1/00:17:33)

The motion, as amended, passed unanimously.

Motion (Part 1/00:17:50)

Vice President Ballantyne made the following motion, seconded by Member Schmidt:
“That the Board authorize its attorneys to file a lawsuit to require the Superintendent to comply with the Board’s policy regarding its website if the Superintendent fails to implement the policy by the close of business September 16, 2015.”

The motion passed unanimously.

<p>Item 3 - Presentation, discussion and possible action regarding filling a Board staff vacancy in the position of Executive Assistant to the Board, including consideration of the Superintendent’s recommendation and those of other Board members. Pursuant to A.R.S. 38-431.03(A)(3) , the Board may vote to convene in executive session, which will not be open to the public, for discussion or consultation for legal advice from the Board’s attorneys.</p>	<p>Recorded comments are available (Part 1/00:19:05)</p> <p style="text-align: center;">Motion (Part 1/00:19:05)</p> <p>President Miller made the following motion, seconded by Member Schmidt: “I don’t believe that this motion I am going to make is necessary in light of the Executive Director’s job description, but I am making this motion so that there is absolute clarity regarding the scope of authority of the Executive Director of the State Board of Education. I move that the Board’s Executive Director take all steps necessary to fill the position of Executive Assistant to the Board.”</p> <p><i>The motion passed unanimously.</i></p>
<p>Item 4 - Presentation, discussion and possible action regarding filling a Board staff vacancy in the position of Executive Director, including appointment of an interview committee, review of the position description, and consideration of the Superintendent’s recommendation and those of other Board members. Pursuant to A.R.S. 38-431.03(A)(3), the Board may vote to convene in executive session, which will not be open to the public, for discussion or consultation for legal advice from the Board’s attorneys.</p>	<p>Recorded comments are available. (Part 1/00:23:50)</p> <p style="text-align: center;">Motion (Part 1/00:30:05)</p> <p>Vice President Ballantyne made a motion, seconded by Member Taylor, to approve the the proposed Responsibilities, Knowledge and Skills for the Executive Director as proposed with the changes discussed by the Board.</p> <p><i>The motion passed unanimously.</i></p> <p style="text-align: center;">Motion (Part 1/00:32:30)</p> <p>President Miller made the following motion, seconded by Vice President Ballantyne: “I move that the Board direct the Executive Director to post the position of Executive Director as soon as possible, and that a Committee comprised of the Board President Greg Miller; Vice Chair Reginald Ballentyne, III; Superintendent Douglas; Member Hamilton; and Member Schmidt be formed to review applications, conduct interviews, and make further recommendations to the Board regarding filling the Executive Director position.”</p> <p><i>The motion passed unanimously.</i></p>

<p>Item 5 - Presentation, discussion and possible consideration regarding Douglas v. State Board of Education (MARCV2015-006171; 1CA-CV 15-0597). Pursuant to A.R.S. § 38-431.03(A)(3) and (4), the Board may vote to convene in executive session, which will not be open to the public, for discussion or consultation for legal advice with the Board's attorneys and/or for discussion or consultation with the Board's attorneys in order to consider its position and instruct its attorneys in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.</p>	<p>Recorded comments available. (Part 1 /00:39:43)</p> <p style="text-align: center;">Motion (Part 1/00:42:30)</p> <p>President Miller made a motion, seconded by Member Taylor, to convene into Executive Session, Pursuant to A.R.S. § 38-431.03(A)(3) and (4), for discussion or consultation for legal advice with the Board's attorneys and/or for discussion or consultation with the Board's attorneys in order to consider its position and instruct its attorneys in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.</p> <p><i>The motion passed unanimously.</i></p> <p>The Board convened into Executive Session at 2:43 p.m., and returned to open session at 3:10 p.m.</p> <p>Member Rottweiler left the meeting at 3:10 p.m.</p> <p style="text-align: center;">Motion (Part 2/00:00:31)</p> <p>Vice President Ballantyne moved to direct counsel to proceed as directed in Exec Session, Member Taylor seconded the motion.</p> <p><i>The motion passed unanimously.</i></p>
<p>ADJOURN</p>	<p>Meeting adjourned at 3:11 p.m.</p>