

ARIZONA STATE BOARD OF EDUCATION

The Arizona State Board of Education held a regular meeting on January 27, 2014 at the Arizona Department of Education, 1535 West Jefferson Street, Room 417, Phoenix, Arizona. The meeting was called to order at 9:02 a.m.

ROLL CALL

Members Present:	Members Absent:
President Tyree	Dr. Hart
Ms. Hamilton	Ms. Ortiz-Parsons
Superintendent Huppenthal	Dr. Rottweiler
Ms. Klein	
Mr. Jacks	
Vice President Miller	
Mr. Molera	
Mr. Moore	

9:00 a.m. CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE, AND ROLL CALL

1. PRESENTATION OF CANDIDATES AND ELECTION OF STATE BOARD OF EDUCATION OFFICERS FOR 2014

Ms. Thompson announced the reelection of Mr. Tyree as President and Mr. Miller as Vice President of the Board.

2. BUSINESS REPORTS

A. President's Report

President Tyree congratulated member Amy Hamilton. She was one of 122 teachers to receive the National Board Certification.

B. Superintendent's Report

Superintendent Huppenthal expressed his thanks for and support of the Governor's budget recommendation that includes funding for the Data System. He spoke about his visit with the Native American schools across the state. The Superintendent met teachers and leaders who are passionate about their jobs and was pleased with the success stories he saw. Superintendent Huppenthal spoke about feedback he has received from his teacher advisory groups and their experiences in regard to the new teacher evaluation system throughout the school districts. He plans to meet with school districts that are having problems.

C. Board Member Reports

Mr. Molera discussed his attendance at his first meeting as a Board representative to WestEd. He highlighted discussions at WestEd that the Board can draw upon regarding the College and Career Ready standards and the selection of a new assessment. Professional development was a key component that was discussed at the meeting.

Mr. Moore thanked President Tyree and member Klein for their participation in Native American day at the Capital. Mr. Moore discussed the highlights he took away his attendance at the WestEd meeting.

D. Executive Director's Report

Ms. Thompson spoke about the December 5th Request for Information (RFI) regarding the new assessment. There were six responses to the RFI, which will be published on the State Board Website. Ms. Thompson discussed the previously discussed procurement for a review of the structured English immersion program. Since the bids for the work came back over three times anticipated cost, the project will be tabled.

Mr. Molera asked about the timeline for the RFI and how long it will take to move it to the RFP process. Ms. Thompson stated she hopes to get the RFP written by mid-March and a final selection decision made in Summer 2014. The legislative budget process and its determination of funding available for the assessment will also have an impact on the projected timeline.

3. CONSENT AGENDA

Member Klein spoke to the Board and asked that Item 3A.2 and Item 3C be pulled from the consent agenda for further discussion. She asked for more clarification on these two items and discussion was held addressing her questions.

- A. Consideration to approve Arizona State Board of Education minutes for:
 - 1. November 25, 2013, Special Meeting
 - 2. December 2, 2013, Regular Meeting

- B. Consideration to approve the following contract abstracts:
 - 1. Avondale Elementary School District FY2014 Migrant Education Allocation Increase
 - 2. Arizona Agricultural Youth Organization Special Plate Fund
 - 3. 2014 IDEA –Paraprofessional Tuition
 - 4. Intel Teach Affiliates Program 2014 Grant Approval
 - 5. Adult Education College and Career Readiness Awards FY2014, Year 1

- C. Consideration to approve the Move on When Reading (MOWR) LEA literacy plans which have been reviewed for release of K-3 Reading Base Support funds.

- D. Consideration to approve the extension of the Arizona Carl D. Perkins Grant FY 2015

- E. Consideration to reappoint Ms. Kimberly Peaslee to the Certification Advisory Committee (CAC)

- F. Consideration to approve the proposed Interagency Service Agreement (ISA) between the Arizona Early Childhood

Development and Health Board (First Things First) for and behalf of the Arizona Department of Education pursuant to A.R.S. § 35-148

- G. Consideration to approve the proposed achievement levels for the following assessments related to Board Examination Systems and the Grand Canyon Diploma:
 - 1. ACT Quality Core Physics
 - 2. ACT QualityCore World History

- H. Consideration to grant professional preparation program approvals for the following, pursuant to R7-2-604(A):
 - 1. Arizona State University – Bachelor of Arts in History with a Concentration in Secondary Education
 - 2. University of Phoenix - Bachelor of Science in Education, Early Childhood Education

- I. Consideration to accept voluntary surrender of the certificates held by John Todorich.

- J. Consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to grant the application for certification for the following individuals:
 - 1. Patrick Bass
 - 2. Latosha Gamez
 - 3. Michael Tuttle
 - 4. Julie Burton
 - 5. Troy Brown

- K. Consideration to permanently revoke any and all teaching certificates held by the following individuals, pursuant to A.R.S. § 15-550:
 - 1. Thomas Warner
 - 2. Dawn Baca-Fanion

- L. Consideration to approve the proposed name change to Higley Unified School District Online Instruction Program and accept revised course descriptions.

Mr. Miller made a motion to approve the Consent Agenda comprised of items 3A1, 3B, and 3D through 3L. Mr. Moore seconded the motion. Motion passed unanimously.

Ms. Klein requested that the December minutes be clarified. Specifically, her concern related to the comments that were made while sitting as the Arizona State Board for Vocational and Technological Education in regard to the process courses are approved for university admissions. Ms. Thompson said the December minutes would be clarified for consideration in February.

Regarding item 3C, Ms. Klein wanted to know more about the Move on When Reading Program, the responsiveness of LEA submittal of plans, and the review process. Ms. Thompson gave a brief overview of the program, the process the Board staff uses in reviewing the plans and bringing the items to the Board for approval. Superintendent Huppenthal spoke about the reading program, the need to keep pressing forward and striving for success.

Mr. Miller made a motion to approve the Move on When Reading LEA literacy plans which have been reviewed for release of K-3 Reading Base Support funds. Mr. Molera seconded the motion. Motion passed unanimously.

4. CALL TO THE PUBLIC

Mr. Bud Forman addressed the Board with concerns regarding Peach Springs School District.

5. GENERAL SESSION

- A. Presentation and discussion regarding legislative affairs. The Board may take action to support, oppose or remain neutral on specific legislative proposals. This item to be presented by Ms. Cannata.

Susie Cannata addressed the Board and spoke about legislative affairs and current bills that are moving through the legislative process that will have an impact on education. She, President Tyree, Ms. Thompson will be meeting with legislators during the next few weeks to introduce Ms. Thompson in her new role as Executive Director and to discuss legislation impacting the Board. Ms. Cannata spoke briefly about Governor Brewer's proposed budget with regard to K-12 education in general. She updated the Board on bills that have been introduced. Mr. Molera spoke to the Board regarding the lack of factual content in some of the bills that are being presented in the legislative process. He suggested providing factual materials and information be distributed to members of the Legislature when making introductions. Mr. Jacks asked how the Governor's budget is being received at the legislature. Ms. Cannata stated it is being well received and suggests this may be a quick session. Superintendent Huppenthal talked about the Arizona Ready meeting and the information provided at that meeting pertaining to data being received by parents regarding the Standards.

- B. Presentation, discussion and consideration to initiate rulemaking procedures for proposed amendments to rules R7-2-809 regarding emergency administration of auto-injectable epinephrine.

Ms. Thompson addressed the Board regarding this item. Stakeholder meetings were held and rules were drafted. Ms. Cannata participated in these stakeholder meetings and helped draft these rules. President Tyree asked if there is any data regarding how often injection is happening and asked about shelf life. Ms. Cannata stated she is not aware of data showing how often this is used but going forward there will be

requirements for reporting to the Department of Health. Training modules will be designed and should cover the issue of shelf life.

Mr. Jacks made a motion to initiate rulemaking procedures for proposed amendments to rules R7-2-809 regarding emergency administration of auto-injectable epinephrine. Mr. Miller seconded the motion. Motion passed with member Ms. Klein opposing.

- C. Presentation, discussion and consideration to initiate rulemaking procedures for proposed amendments to Article 10 and Article 11 of Board rule related to school district procurement, consisting of proposed rules R7-2-1001 through R7-2-1008; R7-2-1010 through R7-2-1016; R7-2-1018; R7-2-1021 through R7-2-1033; R7-2-1035 through R7-2-1037; R7-2-1041 through R7-2-1042; R7-2-1044 through R7-2-1050; R7-2-1053; R7-2-1055 through R7-2-1056; R7-2-1058; R7-2-1061 through R7-2-1063; R7-2-1066 through R7-2-1070; R7-2-1073 through R7-2-1081; R7-2-1083 through R7-2-1087; R7-2-1092 through R7-2-1093; R7-2-1100 through R7-2-1115; R7-2-1117 through R7-2-1123; R7-2-1125; R7-2-1131; R7-2-1141 through R7-2-1153; R7-2-1155 through R7-2-1159; R7-2-1161; R7-2-1164 through R7-2-1165; R7-2-1167 through R7-2-1170; R7-2-1181 through R7-2-1185; R7-2-1191 through R7-2-1192; and R7-2-1194 through R7-2-1196, and the proposed repeal of rules R7-2-1009, R7-2-1057, R7-2-1091, and R7-2-1116. This item to be presented by Ms. Thompson and Mr. Stelpstra.

Ms. Thompson spoke to the Board regarding this lengthy rewrite of the school procurement rules. Mr. Michael Stelpstra was present to answer questions. President Tyree asked if there are any significant changes as it relates to the process of procurement. Mr. Stelpstra addressed the Board and talked about the significant changes pertaining to the new rule involving reverse online bidding, and to changes driven by modifications to statutes related to the alternative project delivery method for procurement of construction. Mr. Molera stated this is very, very well put together effort and applauds the efforts of everyone involved.

Mr. Molera made a motion to initiating the rulemaking procedures for proposed amendments to Article 10 and Article 11 of Board rule as presented in the materials related to school district procurement. Mr. Moore seconded the motion. Motion passed unanimously.

- D. Presentation and discussion regarding Board responsibilities related to Districts and Charters determined by the department to be in noncompliance with laws applicable to English language learners, pursuant to A.R.S. 15-756.08 (J). This item to be presented by Mr. Ellel and Ms. Koenig.

Mr. Jordan Ellel, Assistant Attorney General, addressed the Board and highlighted the Board's responsibilities when school districts are in noncompliance with laws applicable to English language learners. He spoke about the penalty when schools are in

noncompliance and what is expected of the school to become compliant. Kelly Koenig spoke about the specific components of monitoring schools and what is required to help the school become compliant and successful. Ms. Klein asked about the two qualifications that would require a school to come before the Board. Ms. Koenig stated first and foremost you have to have a noncompliance of the SEI model itself. Then it would be either / or on the outcome data. Member Klein stated it should trigger state review in either area. She stated if the re-class rates aren't on track that should be a trigger as well. Superintendent Huppenthal spoke to the Board regarding the strength of the English Language Learner program. Ms. Koenig spoke in greater detail regarding the monitoring, implementation and compliance of the program within districts.

No action required – informational only.

- E. Presentation and discussion regarding the proposed modification to the definition of Alternative Schools. This item to be presented by Dr. Giovannone.

Dr. Giovannone presented a PowerPoint presentation and discussed the proposed modifications to the definition of Alternative Schools. The PowerPoint presentation included the FY14-FY15 Timeline, current definition, requirements and criteria and guidance. She talked about the development of this item and the process involved and what coming action will be required. She discussed the five criteria and guidance given to schools and presented the Board members with a PowerPoint presentation explaining this guidance and criteria. Ms. Klein asked about the significance of the 30 day requirement. Ms. Thompson stated these categories were meant to recognize students who are at risk for dropping out. Mr. Miller asked how we are accommodating kids that are enrolled students who have moved to an alternative setting. She talked about the 70% threshold and was brought to the R&E Department's attention by the field. She went through her PowerPoint presentation and took questions and addressed comments from the Board. She talked about identifying alternative schools and requirements for this processes. She highlighted the process of becoming an alternative school as well as the appeal processes. Dr. Giovannone explained the process and talked about first year schools and current schools.

Mary Burg, representing the Leona Group, thanked the Research and Evaluation and the Board for the evolution of the definition. The Leona Group supports 5000 children who are benefiting from the alternative education label. They support an appropriate definition for Alternative Schools and agree the definition should be designed to allow only those true alternative schools to use the alternative schools accountability model. They ask that the monitoring the model not place additional burden on the schools. They agree with the revisiting of the impact on the model as adopted. The Leona Group would like to request the alternative school grading scale be fixed in order to allow all schools to demonstrate progress against a set scale. Would like to see a continued broader discussion around appropriate measures for alternative schools and whether or not the current framework is the most appropriate measure for alternative schools and accountability.

Dr. Amy Schlessman, President of Rose Academy spoke to the Board regarding this

item in Call to the Public. She wanted to publically thank the Board for making the decision back in September and recognizing Dr. Giovannone and the staff at the State Board, stakeholders and others who were involved in this.

Dr. Hildi Lasko-Kerr spoke to the Board on this item in Call to the Public regarding the potential administrative burden that will be placed on schools seeking alternative school status. Charter schools do not have the option of denying students. Charter schools that are created perhaps should be exempt.

No action required – informational only.

- F. Presentation, discussion and consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to grant the application for certification for Hazel Townsend. This item to be presented by Mr. Easaw.

Mr. Easaw addressed the Board regarding this item. Ms. Townsend was present for the meeting. Hazel T. Townsend applied for a Substitute teaching certificate renewal on August 22, 2013. Ms. Townsend answered “yes” to the arrest question 4: Have you ever been arrested for any offense for which you were fingerprinted? In her disclosure statement, Ms. Townsend stated that in November 2011 her son was arrested. She attempted to have questions answered by the defense attorney representing her son; however, the attorney was not permitted to provide answers. In November 15, 2011, the Phoenix Police Department contacted a fourteen-year old female who was and outstanding runaway. The teen advised police that she had been working as a prostitute for a pimp, later identified as Ms. Townsend’s son. During jail calls to her son, he told Ms. Townsend to write down the events that he described to her as to what happened on postcards to send them to his co-defendant. Ms. Townsend agreed to do so. Ms. Townsend was arrested on or about March 5, 2012, on a charge of Tampering with a Witness. On June 26, 2012, Ms. Townsend pled guilty to one count of Tampering with a Witness, a Class 1 Misdemeanor. She accepted one year of unsupervised probation, substance abuse counseling, and 36 hours of community restitution – all of which she completed. In 2007, Ms. Townsend’s application for certification was reviewed and approved after she disclosed a September, 1971 arrest for shoplifting in DeKalb, IL.

Ms. Townsend was advised that her application required a review by the Professional Practices Advisory Committee (“PPAC”) of the State Board of Education (“State Board”). The PPAC met on December 10, 2013 to review Ms. Townsend’s application. By a vote of 3 to 1, the PPAC recommended the Board grant Ms. Townsend’s application.

Ms. Townsend spoke to the Board and explained what happened regarding this personal matter and regrets what happened but stated she does not believe what she did was wrong.

Mr. Miller made a motion to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to grant the application for certification for Hazel Townsend. Mr. Moore seconded the motion. The motion failed, with only Ms. Klein voting in support.

Mr. Miller made a motion to deny the application for certification for Hazel Townsend. Mr. Moore seconded the motion. Motion passed unanimously.

- G. Presentation, discussion and consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and suspend the certificates held by Brandon Marcum. This item to be presented by Mr. Easaw.

Mr. Easaw addressed the Board regarding this item. Mr. Marcum was not present at the Board meeting. Mr. Marcum held a Standard Secondary Education certificate valid from May 9, 2008, through May 9, 2011. On July 26, 2008, the Investigative Unit received allegations from the Flagstaff Police Department that Mr. Marcum was arrested for sexual abuse of an employee while he was a customer at a Flagstaff, AZ bar. Mr. Marcum had consumed alcohol at the establishment. At court, Mr. Marcum entered a plea to a reduced charge of Disorderly Conduct. He resigned from his employment in the Tempe Union High School District. Mr. Marcum and the State Board of Education ("the Board"), through its authorized agent, entered into discussions for a negotiated settlement agreement. This settlement agreement includes, upon acceptance by the Board, an immediate suspension of all education certificates held by Mr. Marcum through January 27, 2015.

The Professional Practices Advisory Committee ("PPAC") reviewed the settlement agreement on November 13, 2013. The PPAC voted 5 to 0 to approve the Settlement Agreement for a Suspension against any and all teaching certificates held by Mr. Marcum and that it be maintained as part of his permanent record.

Member Moore made a motion to accept the proposed settlement agreement to suspend the teaching certificate held by Brandon Marcum. Member Jacks seconded the motion. Motion passed unanimously.

- H. Presentation, discussion and consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and revoke the certificates held by the following individuals:
 - 1. Shannon Bleigh
 - 2. Janice White

Item H.1, regarding Shannon Bleigh was presented to the Board by Mr. Easaw. Ms. Bleigh was not present at this meeting. Ms. Bleigh was employed by the Littleton Elementary District ("District"). On July 11, 2011, the Investigative Unit received a suspension notice of Ms. Bleigh's fingerprint clearance card from the Department of Public Safety due to an arrest for marijuana possession, dangerous drug possession, theft, and shoplifting. As a result of this incident, the Investigative Unit began

disciplinary action against Ms. Bleigh. On September 9, 2011, Ms. Bleigh guilty plea was accepted by the Superior Court of Arizona for Maricopa County. Ms. Bleigh pled guilty to one count of a class 6 undesignated felony possession or use of drug paraphernalia; and one count of misdemeanor shoplifting. The Investigative Unit attempted to notify Ms. Bleigh that the State Board of Education ("State Board") intend to file a complaint seeking disciplinary action against her teaching certificate on the grounds of unprofessional conduct. The Notice of Complaint was mailed and returned marked as "Unclaimed". The letters were mailed to Ms. Bleigh's address of record with the Department of Education Certification Unit.

On November 13, 2013, the Professional Practices Advisory Committee ("PPAC") held a hearing on the complaint. Ms. Bleigh was not present. After due consideration of the testimonial evidence and the exhibits presented, the PPAC found that Ms. Bleigh engaged in unprofessional conduct and voted unanimously, 5 to 0, to recommend that the State Board revoke her certificate.

Member Miller made a motion to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and revoke the certificates held by Shannon Bleigh. Member Molera seconded the motion. Motion passed unanimously.

Item H.2 was presented to the Board by Mr. Easaw. Ms. White was not present at this meeting. Ms. White holds a lifetime substitute teaching certification. She pled guilty to theft of student funds. Janice White holds a Substitute Teacher Certificate, which expires on July 1, 2099. On September 25, 2006, Ms. White surrendered her Texas Educator certificate for revocation to the Texas Education Agency. The Texas Education Agency accepted her surrender and revoked her certificate on October 4, 2006.

On March 3, 2008, Ms. White pled guilty to theft over \$1,500 and under \$20,000 in the 19th District Court for McLennan County, Texas. She was ordered to pay \$15,597.50 in restitution, and was sentenced to two years in jail. The jail term was suspended for five years. The Investigative Unit attempted to notify Ms. White that the State Board of Education ("State Board") intended to file a complaint seeking disciplinary action against her teaching certificate on the grounds of unprofessional conduct. The Notice of Complaint was mailed and returned marked as "Unclaimed". The letters were mailed to Ms. White's address of record with the Department of Education Certification Unit.

The Board filed a complaint against Janice White's certificate. On November 13, 2013, the Professional Practices Advisory Committee ("PPAC") held a hearing on the complaint. Ms. White was not present. After due consideration of the testimonial evidence and the exhibits presented, the PPAC found that Ms. White engaged in unprofessional conduct and voted unanimously, 5 to 0, to recommend that the State Board revoke her certificate. A hearing was conducted, notification was mailed but she never attended any hearing.

Member Jacks made a motion to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and revoke the

certificates held by Janice White. Member Miller seconded the motion. Motion passed unanimously.

Mr. Huppenthal returned to the meeting at 11:30.

- I. Presentation, discussion and consideration regarding Request For Proposals (RFP) related to the Arizona High School Equivalency Assessment. Pursuant to A.R.S. § 38-431.03(A)(2) and (3), the Board may vote to convene in executive session for discussion or consultation for legal advice from the Board's attorneys and/or for discussion or consideration of records exempt by law from public inspection, including the receipt of information that is specifically required to be maintained as confidential by state or federal law, concerning this item. This item will be presented by Ms. Gomez and Ms. Liersch.

Ms. Thompson spoke to the Board regarding this item. The Board is responsible for selecting at least one High School Equivalency Assessment for the state. A Request for Proposals (RFP) was issued in the last quarter of 2013. An evaluation team convened on January 6, 2014 & January 22, 2014 to review the submitted proposals. The team included: Leila Williams; Irene Hunting; Karen Liersch; Christopher Kotterman; Brian Thayer; and Stacy Morley. Clarification questions were requested as needed. Pursuant to state law, the Board voted to convene in executive session concerning this item for review and discussion of records exempt from public inspection and/or legal advice.

Superintendent Huppenthal made a motion to convene into Executive Session. Mr. Miller seconded the motion. The motion passed unanimously.

Board went into executive session at 11:40 a.m.

The meeting reconvened at 12:02 p.m.

Superintendent Huppenthal made a motion to award the contract for the Arizona High School Equivalency Assessment to GED Testing Services, LLS. He also recommended that the Board return back to the marketplace in a year to seek more qualified vendors. Member Moore seconded the motion. Motion passed with Superintendent Huppenthal opposed.

- J. Board comments and future meeting dates. The executive director, presiding officer or a member of the Board may present a brief summary of current events pursuant to A.R.S. § 38-431.02(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.

Member Molera stated as staff is putting together the information for the Request for Proposals for the new statewide assessment, he recommends that the Board ask for

input from various organizations that have very strong background in assessment. If we have time to allow for that discussion, we should utilize those organizations and benefit from their input that will help us in preparing this RFP.

6. ADJOURN

Member Molera made a motion to adjourn. Member Miller seconded the motion. Meeting adjourned at 12:17 p.m.