

REVISED MINUTES
ARIZONA STATE BOARD OF EDUCATION

The Arizona State Board of Education held a regular meeting on September 22, 2014 at the Arizona Department of Education, 1535 West Jefferson Street, Room 122, 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	Dr. Rottweiler
Ms. Rogers	Vice President Miller
Superintendent Huppenthal	
Mr. Molera	
Mr. Moore	
Mr. Ballantyne	
Mr. Jacks	

9:02 a.m. CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE,
AND ROLL CALL

1. BUSINESS REPORTS

- A. President's Report
- B. Superintendent's Report
- C. Board Member Reports
- D. Executive Director's Report

2. CONSENT AGENDA

- A. Consideration to approve Arizona State Board of Education minutes for:
 - 1. August 4, 2014 – Annual Retreat Meeting
 - 2. August 25, 2014 – Regular Meeting
- B. Consideration to approve the 45 Clock Hour Augmented Provisional Structured English Immersion Endorsement Program
- C. Consideration to approve the contract abstract for Crane Elementary School District for the 2014-15 Migrant Education Program for Migrant Preschool

- D. Consideration to accept funds from the US Department of Education, Institute of Education Sciences Partnership Grant, pursuant to A.R.S. § 15-206
- E. Consideration to appoint and/or reappoint members to the Certification Advisory Committee

Mr. Molera asked that Item 2E be held for discussion. Mr. Ballantyne made a motion to accept the consent agenda. Mr. Molera seconded the motion. Motion passed unanimously.

After a brief discussion, Item 2E was tabled until next month.

3. CALL TO THE PUBLIC

4. GENERAL SESSION

- A. Presentation and discussion regarding Chinle Unified School District determined to be in noncompliance with laws applicable to English language learners, pursuant to A.R.S. 15-756.08 (J)

Ms. Sheila Betz, Director of Federal Programs at Chinle Unified School District, addressed the Board regarding noncompliance issues pertaining to Chinle's English language learners. She gave a PowerPoint presentation and passed out a copy of this presentation to all Board members. She talked about issues that are now in compliance, training provided during 2013-2014 and adjustments that are currently being made.

Superintendent Huppenthal stated he recently visited schools in Chinle Unified School District and was very pleased with what he saw within the schools.

Member Ballantyne asked about the follow up monitoring plan. Mr. Jordan Ellel, Assistant Attorney General answered. Member Moore asked if there is a financial penalty if the school district doesn't come into compliance. Mr. Ellel stated the Board would prevent them from applying for funding until they come into compliance.

~~Member Ballantyne made a motion to determine that Topock Elementary School District No. 12 is in continuing non-compliance with the USFR for fiscal year ending June 30, 2012 and 2013 based on the reports of the Auditor General and move to direct the Superintendent of Public Instruction to withhold an additional 3% of the District's state aid (for a total of withholding of 8% of state aid) until the Auditor General verifies that the deficiencies have been met and that the District is in compliance. Member Moore seconded the motion. Motion passed unanimously.~~

Member Ballantyne made a motion for the reasons stated in ADE's letter of noncompliance dated July 14, 2014, that CUSD is noncompliant with the laws pertaining to ELLs, thereby barring the District from receiving any monies from the Arizona Structured English Immersion Fund established by A.R.S. § 15-756.04 for ELLs and from reducing the monies spent on its ELL programs despite the loss of monies caused by its noncompliance. Member Moore seconded the motion. Motion passed unanimously.

President Tryee stated as required by law, ADE shall monitor CUSD to ensure that the District does not reduce the amount of monies spent on its ELL programs. CUSD shall be entitled to receive monies from the Arizona Structured English Immersion Fund only upon confirmation to the Board by ADE that CUSD has come into compliance with the laws pertaining to ELLs.

- B. Presentation and discussion regarding rulemaking procedures for proposed amendments to Board rules R7-2-604 through R7-2-604.04 regarding professional preparation programs

Cecilia Johnson addressed the Board and presented specific issues regarding proposed amendments to the rule.

No action required. Presentation only.

- C. Presentation, discussion and consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to deny the application for certification for Larry Joseph Flock

Lynda Boerner, Investigator with the State Board of Education, addressed the Board regarding this item. Mr. Flock was present and briefly addressed the Board.

Member Molera made a motion to accept the recommendation of the Professional Practices Advisory Committee to deny the application for certification for Larry Joseph Flock. Member Ballantyne seconded the motion. Motion passed unanimously.

- D. Presentation, discussion and consideration of the request for rehearing and review of the Board's prior decision in the matter of Amaechi Akpa, pursuant to R7-2-709

Lynda Boerner presented this item to the Board. Mr. Akpa is present and briefly addressed the Board and asked the Board to consider his request for rehearing. At the June 23, 2014 meeting, the Board adopted the recommendation of the PPAC to deny Mr. Akpa's application for certification. Pursuant to Arizona Revised Statutes §41-1065, Mr. Akpa timely filed a request for rehearing and review of the decision by the Board to deny his application for certification. Mr. Akpa's bases for a rehearing are outlined in his letter dated July 23, 2014. The Board may grant a rehearing pursuant to Arizona Administrative code ("A.A.C.") R7-2-709 (B). R7-2-709 (B) reads as follows:

A rehearing of a decision by the Board may be granted for any of the follow causes materially affecting the moving party's rights.

1. Irregularity in the administrative proceedings of the hearing body, or abuse of discretion, whereby the moving party was deprived of a fair hearing.
2. Misconduct of the hearing body or the prevailing party.
3. Accident or surprise which could not have been prevented by ordinary prudence.
4. Newly discovered material evidence which could not with reasonable diligence have been discovered or produced at the hearing.
5. Excessive or insufficient penalties.
6. Error in the admission or rejection of evidence or other errors of law occurring at the certificate review.

A.A.C. R7-2-709 (C) reads as follows: The Board may affirm or modify the decision or grant a rehearing to all or any of the parties, on all or part of the issues, for any of the reasons set forth in subsection B herein. An order granting a rehearing shall specify with particularity the ground or grounds on which the rehearing is granted, and the rehearing shall cover only those matters so specified. A.A.C. R7-2-709 (D) reads as follows: After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Board may grant a motion for rehearing for a reason not stated in the motion. The order granting such a rehearing shall specify the grounds therefor.

Member Molera asked for clarification regarding the basis of a rehearing. President Tyree stated there are six specifics for requesting a rehearing and this request for rehearing does not meet any of those six requirements as listed by the Professional Practice Advisory Committee.

Member Molera made a motion, pursuant to R7-2-709, to deny Mr. Apka's request for reconsideration of rehearing. Member Jacks seconded the motion. Motion passed unanimously.

- E. Presentation, discussion, and consideration to approve the Arizona Department of Education's operational use of the National Center and State Collaborative (NCSC) Alternative Assessment for ELA and Mathematics for Spring 2015. Pursuant to A.R.S. § 38-431.03(A)(2) and (3), the Board may vote to convene in executive session to review confidential information and/or for discussion or consultation for legal advice

Dr. Leila Williams, Associate Superintendent Quality Assessment and Adult Education and Audra Ahumada, Director of Alternative Assessment, addressed the Board regarding this item. Ms. Ahumada provided the Board a brief PowerPoint presentation.

Member Jacks thanked Ms. Ahumada for all the hard work she has done on this item.

Member Ballantyne made a motion to approve the operational use of the National Center and State Collaborative (NCSC) Alternative Assessment in ELA and

Mathematics beginning in Spring 2015. Member Jacks seconded the motion. Motion passed unanimously.

- F. Presentation, discussion of matters related to the proposed Request for Proposals (RFP) for a new statewide assessment. Pursuant to A.R.S. § 38-431.03(A)(2) and (3), the Board may vote to convene in executive session to review confidential information and/or for discussion or consultation for legal advice

Executive Director Thompson gave a brief discussion to the Board regarding the timeline of the new statewide assessment. She stated the State Board of Education intends to select a rigorous, cost efficient statewide assessment through an independent process as required by the state procurement law. The RFP responses were due in July, and the evaluation process is in progress. The Board remains on schedule, and, as listed in the RFP, anticipate that the Board will be able to make a selection in October. Appreciating the complex nature of implanting the new assessment, the State Board of Education is working closely with the Department to identify transition issues that can be address regardless of the Board's selection. Further information and guidance specifically related to the selected assessment will be provided to the field as soon as possible. Ms. Thompson stated Superintendent Huppenthal has informed the Board President of his intent to recuse himself from the selection of the assessment. As such, he did not receive materials or participate in any executive session related to the selection. Pursuant to state law, the Board may vote to convene in executive session concerning this item for review and discussion of records exempt from public inspection and/or legal advice.

Member Jacks made a motion to recess the regular meeting and convene in Executive Session for review and discussion of records exempt from public inspection and/or legal advice. Ms. Rogers seconded the motion. The Board convened to Executive Session at 10:25am. Superintendent recused himself from participation in executive session and left the meeting. The Board reconvened at 11:55pm.

- G. 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 Jacks made a motion to adjourn the Arizona State Board of Education meeting. Member Ballantyne seconded the motion. Meeting adjourned at 12:05pm.

5. ADJOURN