

**Minutes**  
**State Board of Education**  
**Monday, January 24, 2011**

The Arizona State Board of Education held a regular meeting at the Arizona Department of Education, 1535 West Jefferson, Room 417, Phoenix, Arizona. The meeting was called to order at 9:13 AM.

**Members Present:**

Dr. Vicki Balentine  
Mr. Jacob Moore  
Ms. Amy Hamilton  
Ms. Eileen Klein  
Mr. Gregory Miller  
Mr. Jaime Molera  
Ms. Diane Ortiz-Parsons  
Mr. Thomas Tyree  
Dr. James Horton  
Supt. Huppenthal

**Members Absent:**

Dr. John Haeger

Pledge of allegiance and moment of silence

1. PRESENTATION OF CANDIDATES AND ELECTION OF  
STATE BOARD OF EDUCATION OFFICERS FOR 2011

The Board accepted the recommendations of the nominating committee and by a unanimous vote Mr. Jaime Molera was elected as Board President and Mr. Thomas Tyree was elected as Vice-President for 2011.

Mr. Molera thanked Dr. Balentine and presented her with a plaque in appreciation for her time of service to the Board.

2. BUSINESS REPORTS

A. President's Report

Mr. Molera thanked the Board members for the opportunity and trust to be elected Board president. Mr. Molera also thanked Governor Brewer for his re-appointment to the Board and for her trust and confidence in him and stated he looks forward to working with the Governor and Supt. Huppenthal on the legislative agenda and policy.

Mr. Molera provided the members with a policy agenda and stated the purpose of the information is to assist with the decisions to be made by the Board and also to inform the education field and the public. Mr. Molera said questions or concerns regarding the policy agenda were welcomed.

Mr. Molera sated he met with President Pearce, Speaker Adams and the education chairs and informed them the Board is willing to work with them as a partner in education policy.

B. Superintendent's Report

1. Presentation of the Milken National Educator Award recipient
2. Other items as necessary

Supt. Huppenthal stated he will continue to support the team work with the Board and also agreed to extend the team work and dialogue to the legislature in order to move forward as a state.

Supt. Huppenthal introduced Mr. Bradley Breuer and stated Mr. Breuer was the 2010 recipient of the Milken National Educator Award. Mr. Breuer is a 4<sup>th</sup> grade teacher at Guerrero Elementary School in the Mesa Unified School District. Supt. Huppenthal thanked Mr. Breuer for his dedication and presented him with a monetary award of \$25,000.

C. Board Member Reports

Dr. Balentine shared three poems written by a student in the Amphitheater School District in remembrance of the Tucson tragedy.

Mr. Moore stated he attended the WestEd quarterly Board meeting in representation of the State Board. The topics discussed were committee reports on finances, presentations regarding formative assessment and the balanced assessment consortiums.

D. Director's Report

Mr. Yanez stated he worked with Mr. Molera and Supt. Huppenthal on the Critical Issues Timeline which was provided to the members. Mr. Yanez said additions to the timeline could be necessary towards the end of the year and the timeline presented to the members would also be posted on line for public feedback. Mr. Yanez stated the Teacher and Principal Evaluation Framework referenced on the time line has been accelerated. The task force has agreed to present the work and request Board action in April.

Mr. Yanez reviewed the changes to the structure of agenda for Board meetings and stated informational items that do not require action will be under the consent portion of the agenda. If a presentation or further information is requested by the Board the item will be presented for further discussion at the following Board meeting.

3. CONSENT AGENDA

- A. Consideration to approve State Board of Education minutes:
  1. December 6, 2010
  2. December 6, 2010 – Executive Session
- B. Consideration to Approve Contract Abstracts:
  1. 2011 Migrant Education Program
  2. Verizon Thinkfinity Grant
  3. 2010-2011 Refugee Children School Impact Grant
- C. Consideration to accept funds from the Arizona Character Education Foundation, pursuant to A.R.S. § 15-204

- D. Consideration to accept the award for the 2010-2011 Striving Readers Comprehensive Literacy Program State Formula Grant, pursuant to A.R.S. § 15-206
- E. Consideration to revoke the teaching certificates for the following individuals, pursuant to A.R.S. § 15-550:
  - 1. Benjamin Henry Tyau
  - 2. James Lynn Anderson
- F. Consideration to accept the voluntary surrender of the teaching credentials held by Kent Roberts
- G. Consideration to accept the recommendations of the Career Ladder Advisory Committee and approve the following Career Ladder programs for fiscal year 2010 - 2011:
  - 1. East Valley Institute of Technology
  - 2. Mesa Unified School District
  - 3. Patagonia Union High School District
  - 4. Scottsdale Unified School District
  - 5. Catalina Foothills Unified School District
  - 6. Litchfield Elementary School District
  - 7. Kyrene Elementary School District
  - 8. Creighton Elementary School District
  - 9. Chandler Unified School District
  - 10. Show Low Unified School District
- H. Consideration of the 2009 NAEP National Indian Education Study results
- I. Consideration of the Arizona NAEP results for grades four and eight in mathematics, reading and writing
- J. Consideration to approved list of qualified Fiscal Crisis Teams, pursuant to A.R.S § 15-107

Mr. Molera recued from voting due to item G

Mr. Moore asked to pull item H for presentation and further discussion

Ms. Klein asked to pull item I for presentation and further discussion

*Mr. Tyree moved to approve the consent agenda with the exception of item H and I to be presented at the February meeting*

*Motion second by Dr. Balentine*

*Motion passes*

Mr. Molera did not vote

#### 4. CALL TO THE PUBLIC

- Ms. Lisa Gram Keegan provided information regarding National School Choice Week and the Education Breakthrough Network. Ms. Gram Keegan stated National School

Choice Week highlights the different education options such as public, charter, home school, private and online learning. Members were provided a handbook with further information which included letters from parents. Ms. Gram Keegan thanked the Board for the opportunity present.

- Ms. Jennifer Anderson – High school Girl Scouts  
Thanked the Board and Department for all of the work and said the standards are motivating students to move on to post secondary education.

## 5. GENERAL SESSION

A. Presentation and discussion regarding 2011 legislative priorities:

### 1. Arizona Department of Education

In Ms. Morley's absence Mr. Molera continued with the presentation from the Arizona Education Association and introduced Ms. Jennifer Loredo.

### 2. Arizona Education Association

Ms. Loredo stated the AEA is most concerned with the funding aspects and the state retirement system. AEA will also continue to pay attention to bills regarding tax policies. Ms. Jennifer Loredo provided the Board with a handout and listed the following 2011 AEA goals:

- Promote necessary and adequate funding for public education as an investment in Arizona's children and its future.
- Promote fairness and respect for public education and all public education employees
- Advance sound education policy that meets high standards for teaching and learning and ensures a high quality education for all Arizona students
- Maintain a fair and secure retirement system for school employees

Supt. Huppenthal stated he will continue to support the AEA and work through the challenges.

### 3. Arizona School Administrators

Mr. Ken James provided a handout and stated ASA process for determining legislative priorities is undergoing revisions as a result of staffing changes in the organization.

Mr. James stated the information provided highlights the general principles for the 2011 legislative priorities and the focus areas were:

- Economics – Staff employed and contributions they make to the local economy as well as the investment made in student success. AEA will support improved quality and consistency in programming for students.
- Equity – Resources to provide equal opportunities for all students
- Local Control – Local schools governed by representatives of the local community can determine how best to deliver the educational program that optimizes the potential for success for all students

Mr. James stated ASA looks forward to working with the Board and the Department.

Mr. Molera introduced Ms. Eileen Sigmund from the Arizona Charter Schools Association.

Ms. Sigmund thanked the Board for the opportunity to present and stated one of the association's priorities is to assist with the budget crisis by proposing to reduce the state annual audits for exemplary charter schools. Yearly audits could be performed every other year; this would save the state funds and it would also allow more time to collect accurate information from the SAIS system.

Ms. Sigmund stated the ACSA will continue to support the work to update the SAIS system. It is crucial to have a reliable system.

The funding system for charter schools is also a priority for the association. The current system has many discrepancies including current year student counts. Ms. Sigmund said the K-12 system of finance also requires improvement and the association is seeking help from legislature to stabilize the funding system for all students.

Supt. Huppenthal stated the SAIS system is a priority for the Department and a plan in process as well as work with the Governor's office to resolve this issue.

#### 4. Arizona School Boards Association

Ms. Beth Sauer provided an overview and a handout listing the top 10 political agenda priorities for ASBA. Ms. Sauer stated ASBA has new Board members and listed the 2011 Executive officers.

- Ms. Dee Navarro, President
- Mr. Michael Hughes, President Elect. Mr. Mark
- Mr. Mark Warren, Treasurer
- Mr. Randy Schiller, Secretary

The delegate assembly creates the political agenda for ASBA and votes on the top 10 priorities for the legislative session. Ms. Sauer reviewed the list of priorities for 2011.

Mr. Molera introduced Ms. Stacey Morley from the ADE.

Ms. Stacey Morley stated the department does not have an extensive legislative agenda for the 2011 session. The budget continues to be priority, the department's general funding is very small and most of the employees are federally or grant funded. Ms. Morley stated the department would like to continue assisting the interested organizations obtain the flexibility they need to manage through the fiscal crisis.

Ms. Morley provided an overview of the bill regarding permanent statutory authority for the Superintendent to recommend to the State Board re-payment of over-expenditures by a district or a charter school if their state aid or budget limit exceeds 25% of their current fiscal year budget. The recommendation to the Board would be a 5 year payment plan such districts or charters.

Supt. Huppenthal stated in addition to the legislative agenda he would like to bring groups together in the legislative strategy to ultimately have one educational strategy and goal as a state.

Supt. Huppenthal left the meeting at 10:05 AM

Ms. Morley said the Hoop Group meetings will continue and the purpose of these meeting will be to have a voice in the legislature regarding education.

Mr. Yanez stated the proposed over expenditures legislation would have certain consequences for the district or charter if it shall pass. The consequences would include for the Board to take action such as assigning a fiscal crisis team. Ms. Morley said the purpose is not to change the consequences or authority of the Board but to assist with the re-payment period.

Ms. Ortiz-Parsons left the room at 10:08 AM

- B. Presentation and discussion and regarding legislative affairs.  
The Board may take action to identify 2011 legislative priorities and to support, oppose or remain neutral on specific legislative proposals.

Ms. Ortiz-Parsons returned at 10:12 AM

Mr. Yanez provided an overview of the changes and updates made to the Belief Statements and the 2011 legislative priorities.

Ms. Hamilton asked to add math and technology to the Arizona Education Reform Plan.

Ms. Klein asked to add to the Belief Statement the Board's student policies that promote student achievement for the states goals and the Board's efforts to promote increased student performance.

Mr. Moore asked to add a statement in reference to the P-20 continuum, work with higher education and early childhood education.

*Dr. Horton moved to adopt the Board's 2011 legislative priorities, as presented  
Second by Dr. Balentine  
Motion passes*

Ms. Cannata provided a summary of the significant Arizona Legislation for 2011. A handout with detail information for each Bill was provided.

Ms. Cannata stated the deadline to file bills for the session was January 31<sup>st</sup> for the Senate and the deadline for House bills was February 7<sup>th</sup>. Ms. Cannata said Governor Brewer recognized a budget shortfall in K-12 of \$103 million and federal dollars could be used as an off-set, the amount of the federal funds would be of about \$101 million and also appropriating an additional \$1.8 million to for profit charter school who are not eligible for the federal funding.

Ms. Cannata stated with regard to FY 2012 it has been recommended to make the FY 2011 the base level for 2011, the Governor also recommended growth funding of about \$55.8 million to cover the cost of 1% student growth .9% transportation formula growth and net assessed evaluation changes.

An alignment of the K-12 formula to the established state support level was also proposed. This formula change would include the following:

- Elimination of additional state aid for certain locally adopted property taxes, this would be a savings of \$61.9 million
- Phasing out the career ladder funding over a period of 5 years by reducing it 1% per year, for saving in FY 2012 of \$5.6 million
- Eliminating the transportation and facilities funding for Arizona On-line Instruction students, this would bring a savings of about \$11.6 million
- Reducing the coral and additional assistance funding by \$62. per student for a total saving of about \$66.5 million

Ms. Cannata stated the Governor recommended a revision to the P-20 Council with a role that emphasizes performance over site and accountability and codifying the P-20 Council into statute. The core focus of the council would be shifted to performance management and oversee the development of a high quality student data system. Funding for a new student data system could be with a per student fee for all districts, charters, community colleges and universities.

Ms. Cannata stated flat funding was recommended by the Governor for the State Board; funding at the FY 2011 for FY 2012 this would be of just over \$908 thousand.

Ms. Cannata provided information regarding bills that would directly affect specific duties of the Board. The following bills were discussed:

HB 2234 – Would allow the Board to recognize schools that have been determined at persistently lowest achieving under the federal accountability standards and assign these schools to a letter grade of F. Bill sponsor, Rep. Goodale.

HB 2418 – Would require the Board to conduct an annual study to ensure the text books used in schools and charters are aligned to the academic standards adopted by the Board. If text books are not aligned the Board would be required to contact the publisher and the school district/charter school. Bill sponsor, Rep. Yee.

Mr. Yanez stated he has discussed the bill with Rep. Yee and the bill's purpose would not be to convert to a text book state but to ensure all text books are aligned with the state's adopted standards.

HB 2419 – The bill would require every school district and charter school providing K-12 instruction to have at least one "highly qualified research based systematic phonics instruction coach" at each school and the Board would be charged with the development of standards for the designation.

HB2420 – Board would require K-3 teachers to obtain a literacy instruction endorsement by July 1, 2015. The Board would also be charged in selecting one or more online course providers for teachers to obtain the endorsement and there should be no fee. Each teacher who receives the endorsement shall be paid \$250. by the State Board if funds are available.

Ms. Hamilton stated a reading coach would not be necessary if teachers are required to have a reading endorsement.

Mr. Molera asked to continue with item 5E

- C. Presentation, discussion and consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and grant the teacher certification applications for the following individuals:

1. Gene Gonzales

Mr. Easaw stated Mr. Gonzales received notice of the hearing and was not present. An overview of the case was provided. Mr. Easaw said Iowa reinstated Mr. Gonzales certificate after completing a psychological evaluation.

Mr. Easaw stated by a vote of 4 to 1 the PPAC recommended to grant the certificate for Mr. Gonzales.

*Dr. Balentine moved to accept the findings of fact, conclusions of law and recommendation of the PPAC and grant the teacher certification applications for Gene Gonzales.*

*Second by Mr. Miller*

Mr. Molera requested a roll call vote.

*Yes:*

*Dr. Balentine*

*Dr. Horton*

*Mr. Miller*

*No:*

*Mr. Moore*

*Ms. Hamilton*

*Ms. Klein*

*Mr. Molera*

*Ms. Ortiz-Parsons*

*Mr. Tyree*

*Absent:*

*Supt. Huppenthal*

*Dr. Haeger*

*Motion fails*

*Mr. Moore moved to deny the teacher certification applications for Gene Gonzales.*

*Second by Ms. Hamilton*

*Yes:*

*Mr. Moore*

*Ms. Hamilton*



*Ms. Klein  
Mr. Miller  
Mr. Molera  
Ms. Ortiz-Parsons  
Mr. Tyree*

*No:  
Dr. Balentine  
Dr. Horton*

*Absent:  
Supt. Huppenthal  
Dr. Haeger*

*Motion passes to accept the findings of fact, conclusions of law and modifying the recommendation of the PPAC to deny the teacher certification applications for Gene Gonzales.*

## 2. Benjamin Shintaku

Mr. Easaw provided an overview of the case and stated Mr. Shintaku was present. Mr. Easaw stated the PPAC recommended granting Mr. Shintaku's certificate by a vote of 4 to 0.

Mr. Shintaku stated it has been a humiliating experience and has learned from his mistakes.

*Mr. Moore Move to accept the findings of fact, conclusions of law and recommendation of the PPAC and grant the teacher certification applications for Benjamin Shintaku  
Second by Tyree*

*Yes:  
Dr. Balentine  
Mr. Moore  
Ms. Hamilton  
Mr. Miller  
Mr. Molera  
Mr. Tyree*

*No:  
Dr. Horton  
Ms. Klein  
Ms. Ortiz-Parsons*

*Absent:  
Supt. Huppenthal  
Dr. Haeger*

*Motion Passes*

## 3. Emerson Nez

Mr. Easaw provided an overview of the case and stated the PPAC by a vote of 5 to 0 recommended the approval of Mr. Nez's application.

Mr. Nez was present telephonically.

Mr. Molera asked if the accident was DUI related, Mr. Easaw stated the police record was not obtained to clarify that situation.

Mr. Molera asked Mr. Nez if he had any comments. Mr. Nez did not.

*Mr. Miller move to accept the findings of fact, conclusions of law and recommendation of the PPAC and grant the teacher certification applications for Emerson Nez*

*Second by Mr. Moore*

Mr. Molera asked if Mr. Nez has gone through any AA or counseling. Mr. Nez stated he did participate in AA meetings and some counseling in the past.

*Yes:*

*Dr. Balentine*

*Mr. Moore*

*Ms. Klein*

*Mr. Molera*

*Mr. Tyree*

*No:*

*Dr. Horton*

*Ms. Hamilton*

*Mr. Miller*

*Ms. Ortiz-Parsons*

*Motion Fails*

*Mr. Yanez informed Mr. Nez he would be contacted for further information regarding his case. The item will be re-scheduled for Board action.*

D. Presentation, discussion and consideration to adopt Board Examination Systems, pursuant to A.R.S. § 15-792.02

Dr. Francis and Mr. Yanez provided an overview of the Board Examination Systems. Dr. Francis stated the Board Examination Systems had gone through a very rigorous process.

Dr. Francis said the Move on When Ready Initiative is a rigorous program of study for students leading to the Grand Canyon diploma and preparation to be college ready. The examination systems have been reviewed by the multi state consortium. The review process was led by the state of Kentucky. The National Center for Improvement of Educational Assessment and the National Center on Educations Economy and their advisory group also reviewed the examination systems. The Board was provided a packet with extensive information.

*Ms Ortiz Parsons moved to approve the list of Board Examination Systems, pursuant to A.R.S. § 15-792.02*

*Second by Dr. Horton*

*Motion passes*

- E. Presentation, discussion and consideration to the close rulemaking record and adopt proposed rule R7-2-615 (Q) regarding the Drivers Education Endorsement

Ms. Jan Amator provided an overview of the rule and stated a public hearing was held on January 5, 2011, no comment was received. Ms. Amator requested to close the rulemaking process and have an effective date for the endorsement of October 1, 2011.

*Mr. Tyree moved to close the rulemaking record and adopt proposed rule R7-2-615 (Q), regarding the Drivers Education Endorsement.*

*Second by Mr. Miller*

*Dr. Horton recued*

*Motion Passes*

Continued with item C

- F. Presentation, discussion and consideration to close the rulemaking record and adopt proposed rules R7-2-314, R7-2-315 and R7-2-315.01, regarding the “Move on When Ready Initiative” and the Grand Canyon Diploma

Mr. Yanez provided an overview of the rule making process and provided information on the changes made to the rule. A public hearing was held and no public comment was received.

*Mr. Tyree move to close the rulemaking record and adopt proposed rules R7-2-314, R7-2-315 and R7-2-315.01, regarding the “Move on When Ready Initiative” and the Grand Canyon Diploma.*

*Second by Mr. Miller*

*Motion passes*

- G. Presentation and discussion regarding complaint filed with the Office for Civil Rights of the U.S. Department of Education addressing the English Language Proficiency Assessment. Discussion may include, but is not limited to, policies and procedures under which Arizona schools identify and reclassify ELL students as fluent English proficient and proposed resolution agreement related to these matters. The Board may convene in executive session, pursuant to A.R.S. §38-431.03 A(3) and (4), to receive legal advice and/or consult with and instruct counsel on the Board's position in this matter.

Ms. Pollock recommended to convene in Executive Session.

*Ms. Ortiz-Parsons moved to convene executive session*

*Second by Mr. Tyree*

*Motion passes*

Board convened in executive session at 11:11 AM

Board re-convened at 12:01 PM

A Special Board meeting will be scheduled to further discuss the matter and receive legal counsel.

*Mr. Tyree moved to instruct counsel to proceed as determined in executive session*

*Second by Dr Balentine*

*Motion passes*

6. ADJOURN

Meeting adjourned at 12:02