

Minutes
State Board of Education Special Session
Monday, February 1, 2007

The Arizona State Board of Education held a Special Session at the Arizona Department of Education, 1535 West Jefferson, Room 417, Phoenix, Arizona. The meeting was called to order at 2:02 PM.

Members Present

Mr. Jesse Ary
Dr. Vicki Balentine (via telephone)
Superintendent Tom Horne
Ms. Joanne Kramer (via telephone)
Mr. Larry Lucero
Ms. Anita Mendoza (via telephone)
Dr. Karen Nicodemus
Ms. Cecilia Owen (via telephone)

Members Absent

Mr. Bill Estes
Dr. John Haeger
Ms. JoAnne Hilde

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

1. GENERAL SESSION

A. Presentation, Discussion and Consideration to Initiate Research Regarding the Use of Calculators on the Arizona Instrument to Measure Standards.

Mr. Vince Yanez, Executive Director, Arizona State Board of Education, introduced the item stating that at the last SBE meeting he presented an additional possibility regarding IEP students' with specific mention of calculator use in their plan, to use calculators on the AIMS assessment. Mr. Yanez noted that he asked the SBE for direction as to whether or not to pursue a research study similar to that done by California. Mr. Yanez stated that he approached AEPI to do this research and received a response from Drs. Joanna Gorin and Roy Levy. Mr. Yanez also outlined at the last meeting that because this is a research request from the SBE to AEPI, this meets the criteria in the IGA for expedited consideration of the research request.

Dr. Roy Levy, Assistant Professor, ASU Program of Measurement, Statistics and Methodological Studies, described the proposal noting that Dr. Gorin's expertise is in the area of cognitive modeling and item response modeling and that his expertise is in statistical modeling of assessment data and response model detection procedures for when their models may not be working so well.

Dr. Levy reiterated the goals set forth in the proposal:

- Investigate the extent to which calculator use affects performance on the AIMS high school mathematics exam
- Develop a tool to account for such affects by equating scores from tests for different groups of students

Dr. Levy noted that the background for this study comes from the recently completed California study regarding their high school exit exam which compared four different groups

- Students that received special education services as well as the use of a calculator on the exam were compared to three other groups
 - Students that received special education services but do not get the modification or accommodation of a calculator on an exam
 - Students who took the exam under standard conditions
 - Students who did not receive special education services

Dr. Levy pointed out that the items were classified in terms of what content strand or standard was measured and whether or not they were deemed to be calculator sensitive or neutral. Dr. Levy added the following points:

- California research study sought to examine whether the items exhibited differential item functioning
 - Whether some of the items were easier for students who have the use of a calculator as opposed to students who do not
 - Drew samples from each group, in a stratified sampling procedure so groups were matched on test score distribution
 - Fit theoretic models to each group separately
 - Compared item difficulty parameter estimates
 - Comparison of those item difficulty parameter estimates gives insight as to whether there is differential functioning between the groups
 - California found that there were some items that were believed to be calculator sensitive that did have different parameter estimates
 - California found that some items were easier for groups of students that had the use of calculators versus those who did not
 - Used other differential item functioning procedures to address the same issue and found indications of this differential item functioning
 - In light of these findings, they developed a number correct scale score conversion table, using IRT-based scaling and equating techniques to anchor scales and align all items to a common metric
 - Result is a conversion table which allows for the scoring of number correct for students who have the use of a calculator to the common scale score that is reported for each examinee

Dr. Levy pointed out that AEPI's goals are quite similar in that they want to identify whether or not it is the case that there are items and that the test as a whole is easier for students using calculators during the exam. He noted that should they find such things as were reported in the California study, they would develop a conversion table for scoring that group of students. Dr. Levy noted that they propose to replicate the California study as closely as possible given constraints imposed by some slight differences between the assessments using Spring 2006 and Fall 2006 data from the high school AIMS mathematics assessment. Dr. Levy noted the specifics of the proposal:

- Perform the sampling, the IRT calibrations, differential item functioning analyses, the IRT equating, and the number correct to scale score conversion table if it is warranted
- Deliver a report on these analyses, the findings and the scale score conversion table
- Information required from ADE
 - Data and classification of items in terms of their content strand and whether or not they were deemed to be calculator sensitive
 - Descriptions of all various possible modifications or accommodations that students received during the test
- Submit the report by May 27, 2007, if the requested data/information is received by February 23, 2007
 - If the data/information is not received by this date, AEPI will revise the project timeline

Superintendent Horne responded that Dr. Franciosi has been asked to include this information in the request for amendments to be submitted to the federal government which are due February 15, 2007. Mr. Horne noted that he supports having this research done by AEPI and added:

- At the last meeting, it was stated that California reported that in 2003 Arizona was the only state that did not allow calculators on these tests
- Someone gave California wrong information prior to Mr. Horne taking office and in fact Arizona does allow calculators
- Neither the ADE or anyone else has ever asked the SBE to prohibit the use of calculators by special education students on these tests
 - Special education students with this in their plan have used calculators with no problem until last year when the federal government said that schools could not use them as participating students
- Up until this date, it has been up to the districts as to how they would react to what the federal government has said
- Mr. Yanez and the ADE are attempting to talk to the relevant person in California but there may be some confusion as to whether or not the federal government has approved this method for California
 - California assumed they could proceed because they had peer group approval which has to precede USDOE approval of the assessment plan as a whole
- Arizona's plan has been approved, and California's plan has not yet been approved
- Peer groups have requested re-submission of data from California and ADE understands that California has not attempted to amend their workbook and peer approval is different from departmental approval, which is required to amend the workbook

Mr. Yanez responded that the information read at the last meeting came from a letter from the California DOE, dated August 21, 2006, written by the Director of Standards and Assessments, indicated that approval had been received from the federal government; however there may be some confusion as to what the approval means and a conference call with representatives from California will clarify this.

Dr. Balentine asked about any reason that might delay the ADE in providing the requested data and Superintendent Horne indicated that the study information from Dr. D'Agostino should be available close to the required date.

Dr. Nicodemus noted that the data requested would be independent from the research being conducted by the ADE and therefore it should be ADE data that should be given to AEPI by the February 23, 2007 due date. Mr. Horne stated that their understanding was that AEPI's work would start when Dr. D'Agostino's work finished; however, Mr. Yanez clarified that the work of this proposal will incorporate part of the original study which was the review of the individual test items by the content experts. Mr. Yanez noted that he believed there are methods already in place to transfer data from the ADE to AEPI, and that they will work with ADE staff to make sure the data is transferred in time to complete the research.

Dr. Nicodemus asked if the research results done by the ADE prior to this project will be received earlier than the research related to this particular project and Mr. Yanez responded that he has not seen Dr. D'Agostino's proposal so the details of the study are not known. Superintendent Horne stated that he couldn't imagine any problem in getting the data from ADE to AEPI well in advance of the required date.

Ms. Kramer asked how the state sampling will take place and whether it will be statewide, done by grade level, etc. Dr. Levy noted:

- The sampling mechanisms for this study will be like the one done in California
 - test score distribution with the idea of taking samples from each group and facilitating the comparison in the statistical item response theory modeling
 - Having matching score distributions allows separate calibrations which allows them to see the differences between the groups

- Should be representative of students across the state, using high school AIMS test
- Policy focus is on those with IEPs and whether it is a reasonable accommodation or whether it invalidates the existing AIMS test
- Presence of other groups' comparison will help determine whether or not there are differences between the groups
- No conversion table in place for the affects of calculator use
- Separating out the groups who do and do not use calculators allows research to see whether there are group differences and then to adjust for them
- If a negative comparison is found it might suggest a policy question but that is a question much larger than this study
- A conversion table would specify what the adjusted score would be to compare with those who don't use a calculator
- Analysis is done item by item, but converting scores is done at the test level, where the appropriate conversion is done
 - When items are aggregated up to form a total test score, this is where the adjustment in the criterion is made
 - There would not be an item-by-item adjustment
 - Adjustment is made at total score level but is only influenced by items for which this is found to be effective

Dr. Nicodemus noted that the intent was to use the 2006 high school math AIMS data, but added that in advance of the 2006 testing there was an awareness that there were changes at the federal level that would indicate the use of calculators would then mean that that student would be counted as absent and wouldn't get credit for taking the test for AYP purposes. Mr. Horne noted that he was quite certain that districts were notified as soon as the feds said so and some IEPs were changed so as not to call for calculator use.

Ms. Roberta Alley, Deputy Associate Superintendent, Assessment Division, Arizona Department of Education, stated that they were aware that there might have been some difference from '05 and '06 and Dr. D'Agostino was looking at both years' longitudinal changes. Ms. Alley stated that they could look at the elementary level; the high school level is very complicated as different standards and PO's would need to be considered.

Dr. Nicodemus asked if there may be students with IEPs testing without calculators in the 2006 cohort and Ms. Alley noted that in the special education identification code, they are identified as special education but not identified as to a specific disability. It was pointed out by Ms. Mendoza that if there were non-standard accommodations the subject area must be identified on the answer sheet; the area where the student receives a standard accommodation does not have to be identified. Ms. Mendoza asked if the 2006 students identified with IEPs was compared to the number of students passing with standard and non-standard accommodations in math only. Ms. Alley noted that they do not have a way of identifying math students as it is not broken down by what kind of standard accommodation they received, and that this is not identified for standard accommodations.

Dr. Nicodemus asked if the students identified were part of the special population that should be provided access to calculators but chose not to use them and Ms. Alley responded that students can select not to use a non-standard accommodation and teachers must identify those that did not use the non-standard accommodation.

Ms. Alley confirmed that the number in the cohort in Arizona of non-standard accommodation is approximately 2000 as the calculator is considered non-standard in Arizona.

Dr. Cindy Ziker, Director of Research and Assessment, Glendale HSD, stated that the data from '06 did not specify or has no way of detailing whether students got a calculator or not. She noted

that it details whether the student had access to a calculator and when the coding says non-standard accommodation, it just says that the student had access and not whether they used it or not. She recommended that other methods be used to confirm differential item functioning studies. She noted other precedent studies in this area such as:

- cognitive labs where students are observed during testing to see how much they use their calculator and to what extent it helps them, and
- surveys with students as to how much they relied on the calculator

Dr. Ziker added that these have been done on the Tennessee gateway assessment and Algebra I. She noted that Massachusetts has a very clear calculator policy for who is eligible to use one and who isn't, which is used at the IEP meeting time. Dr. Ziker recommended that the Department review this policy as it has an operational definition for what qualifies a student to access a calculator during state testing. She added that currently IEP teams have to decide on their own without an operational definition and she read the following definition:

- Calculator devices
 - Student uses a calculator when both or one of these conditions apply
 - Student has a specific disability that severely limits or prevents ability to calculate mathematically even after varied and repeated attempts to teach the student to do so, and
 - Student has access to mathematical calculations only through the use of a calculator, number chart or arithmetic table
 - If a student qualifies in this realm, the IEP team has something to guide them in assigning this as a non-standard accommodation in Arizona

Dr. Nicodemus noted the difference between standard and non-standard accommodation and that if the calculator were considered a standard accommodation; we would assume that it has no affect on the validity of the existing test and that right now we assume that the calculator is a non-standard accommodation. She asked if either of the studies will address whether it should be considered a non-standard or standard accommodation and Mr. Horne responded that Dr. D'Agostino's study will make this determination and if he finds that it does not significantly influence the outcome of the test, it will be considered standard and if it does significantly influence the outcome of the test, it will be considered non-standard, which was the point of the California study.

Dr. Levy noted that the proposed study will also indicate whether or not the scale score, the number correct for the two groups ought to be the same. Dr. Nicodemus noted that from a policy perspective, if the results of both studies look similar and if calculator use is a standard accommodation then the policy issue before the SBE would be a consistent definition of when it is appropriate to use and when it is a standard accommodation versus if it is non-standard, having a conversion table or revisiting the test in terms of accommodating.

Superintendent Horne stated that up until now all these decisions have been left up to the districts and if the study finds no significant difference, then it will be a standard accommodation and the students can be counted as having attended the test, but whether or not they permit the students to use calculators in the IEPs, etc., up until now has not been centrally directed in Arizona. In response to Dr. Nicodemus, Mr. Horne noted that it could be considered a standard accommodation but it wouldn't necessarily be as the best choice may be to let the districts continue to make those decisions themselves. Ms. Mendoza suggested that guidelines for IEP teams to use in making these decisions could be created.

Motion by Dr. Balentine and seconded by Ms. Mendoza to approve the research proposal regarding the use of calculators on the AIMS test, and that this research be conducted under the expedited procedures permitted in the Board's agreement with AEPI. *Motion passes.*

B. Presentation, Discussion and Consideration to Support, Oppose or Remain Neutral on Specific Legislative Proposals. Bills Being Considered Include, but are Not Limited to, HB 2378, HB 2382, SB 1045 and SB 1177. Board Members May Discuss, Consider or Take a Position on Any Additional Proposed Legislation.

Mr. Vince Yanez, Executive Director, Arizona State Board of Education, referenced two bills that are on the agenda which the SBE has dealt with in past years or earlier this year:

- **SB 1045** to modify the existing fingerprint requirements as outlined in the materials provided

Mr. Yanez noted that this bill would cause a person to be denied a fingerprint clearance card with no option for appeal for these crimes and would add additional crimes to the appealable list as outlined in the materials provided. Mr. Yanez also clarified that all of the crimes included above are specific Arizona offenses and that the elements of these crimes are enumerated in Title 13. The wording in the Title states that it is this crime in Arizona or any similar offense in another jurisdiction, a comparison decision made by DPS.

Mr. Yanez stated that the SBE will be asked what its position is regarding the addition of these crimes and that historically as the list has grown over the last several years, the SBE has been supportive of these changes.

Superintendent Horne noted that he is engaged in a review of the rule currently in effect that requires teachers to be re-fingerprinted every six years and that while he wants the DPS to be doing a daily check of who has committed crimes, they should be required to keep fingerprint records for the remainder of a person's life. He noted that if DPS cannot provide a good reason for their keeping these records, he might consider asking the legislature to re-consider the requirement of having teachers return every six years.

Mr. Lucero noted that the records are not maintained by DPS and Mr. Horne noted that a possible solution would be legislation to require DPS to keep the records.

Mr. Ary responded to Mr. Horne's concern regarding the add-on item included in this bill, and Mr. Horne stated that it is in early stages of being investigated.

Dr. Balentine stated that her governing board has been questioning this matter for some time and noted that there is a claim that saving this information could be an invasion of privacy. Mr. Horne responded that they will communicate with DPS and report back to the SBE.

Mr. Yanez noted that as a participating agency and being involved in the development of the proposed legislation, it would be easier for staff and for the Legislative Liaison to have a firm position on the bill if members are comfortable with this.

Dr. Nicodemus asked if in supporting this bill, whether consideration should be given to the issue raised by Mr. Horne and Mr. Yanez noted that the key issue has been the assurance that if this is moved to a lifetime fingerprint clearance card, it continues to include a national criminal history check. He added that in the past only a state check has been required, but a national check should also be required. Mr. Horne noted that this bill is not near ready for the SBE to take a position but that he just wanted members to know that his investigation is in the early stages.

Mr. Lucero commented that this is a fiscal issue for DPS as to whenever the renewal is required as it generates revenues for DPS. Mr. Horne noted that if DPS must generate revenue, there has to be better ways than making teachers come in every six years to renew the card.

Mr. Ary noted that, regarding all bills the SBE may consider taking action on, members may want to recall those basic policy considerations that were agreed upon at the retreat, making sure bills supported by this board meet those criteria. He added that one of the beliefs clearly stated that the SBE would not want to support bills that would seem to put unnecessary burdens on school districts.

Motion by Mr. Lucero and seconded by Mr. Ary to support SB 1045 in its present form. *Motion passes.*

- **HB 2382** in response to a SBE action item regarding the current fee structure for the existing assessments

Mr. Yanez explained that the bill exceeded some of the scope of what the SBE was trying to do and that he discussed this with ADE to make sure this bill is focused strictly on fees dealing with the existing proficiency assessments and fees associated with the performance assessment, which are to be implemented in the future and will require the individual to pass in order to move from a provisional to a standard certificate. Mr. Yanez supplied some suggested language to be proposed as an amendment that will clarify language and remove the fee structure for evaluation and issuance of certificates.

Dr. Balentine stated that in the SBE's discussion last year regarding performance assessment implementation, assessment was delayed based upon a need to identify a funding source for the performance assessment fee itself and asked for clarification in this regard. Mr. Yanez noted that the specific concerns were whether or not there was specific authority in statute to charge fees for the performance assessment and there were some discussions as to whether the SBE would pursue an outside funding source to sway that cost.

Superintendent Horne stated that the legislature is resistant to funding proposals because the funds available are not the same as last year and they are receiving numerous demands for funding, but that this is not going to cost any money for at least 4-5 years. Mr. Horne added that if the legislature would appropriate funds to pay these fees, it would be highly desirable, as there is at least 3-4 years to do this. He noted that in the meantime they need to get authorization to have the teachers pay the fees if funding is not provided so the program can proceed. He added that hopefully within the next 3-4 years they would be able to persuade the legislature to fund it, but if not, they would have authorization to charge the fees and proceed with the program.

Dr. Balentine asked if there is a date in the suggested language changes that delays the implementation as it now says that if it is passed the performance assessment to qualify for certification would be in place now. Mr. Horne responded that it would be in place right now but the teachers get six years to pass the test and that he assumed they wouldn't want to take their first test for at least the first three years.

Mr. Yanez confirmed that the SBE's original discussions when it adopted the performance assessment were that all current teachers who hold a provisional certificate would be essentially grandfathered in and would not have to pass the performance assessment. He noted that the performance assessment would be implemented when there is a rule change to move the provisional certificate from 2 years to 3 years, so those who received a 3-year provisional certificate would be required to pass the performance assessment before getting their standard. In addition, he added that they get the opportunity to extend their certificate which could create an additional opportunity to take the performance assessment. Mr. Yanez confirmed that at the very least, no one would have to pass the performance assessment for at least four years.

Ms. Yanez noted the suggested language would be not to strike in paragraph one the "not less than \$20 and not more than \$30" and that we also not strike the language from paragraph two and explained that the rationale for leaving this open-ended is because it is believed that this legislation does not address issues with the fees associated with actually issuing certificates, either initial or renewal certificates. He noted that this is strictly a bill focused on the assessment problem with proficiency assessment and performance assessment. Mr. Yanez noted that including additional fee structures could create future potential problems for the bill. In addition, Mr. Yanez clarified that in paragraph 4 they are recommending to strike the specifics to reading, grammar, mathematics proficiency as proficiency assessments are given in many other areas due to NCLB requirements.

Mr. Yanez added that, per Mr. Art Harding, Director of Legislative Affairs, Arizona Department of Education, the ADE agrees with the proposed changes as presented.

Dr. Balentine explained that she would not be able to support this bill based on the chilling affect that it has on teachers combined with so many other qualifications that have been added to their maintaining certification as well as the impact on school districts in terms of creating the capacity for their teachers to participate in this performance assessment process.

Dr. Nicodemus noted that the understanding is that until the fee issue is resolved the SBE would continue to suspend and Dr. Balentine noted her concern regarding the list of requirements including a video, students' faces not showing on the video without parental consent, and other administrative problems in having this be a process that occurs after a person's employment and within the school setting.

Mr. Ary stated his concerns and that a message needs to be sent that the SBE would like to see that the legislature makes appropriations to these kinds of bills so local teachers won't be responsible for additional expenses.

Ms. Owen noted that she will not be able to support this bill as there are implications that go far beyond the business of education.

Superintendent Horne stated that this was an initiative of the AEA and Mr. Andrew Morrill, Vice President, AEA, reminded members that the performance assessment was an attempt to alleviate both the 50% attrition rate in the first 5 years of teaching and create an opportunity for teachers to demonstrate what teaching is, the essential skills in classroom teaching as they are currently still outlined in SBE rule. He noted that SBE rule calls for demonstration of these skills from teachers and that it is unlikely that the performance assessment was created simply to give teachers something additional to do in their first few years. Mr. Morrill noted that he understands the concern at the district level that is shared by school administrators and that there are also those who say that this will require professional development to be targeted and be a great deal more deliberate and focused, and just as the AIMS test is focused on student achievement, teacher achievement and teacher preparation will also have to be very deliberate. Mr. Morrill stated that the AEA still advocates for this legislation in connection with strong mentoring and induction programs and that his concern is that if the focus is on this individually, it looks like just one more hoop for teachers is being created. He noted that taken within the context of what teachers do in the classroom and how many of them are leaving after a number of years because of feelings of being ill-prepared, and with the rising expectation that districts bear some responsibilities in coaching their teachers in how to endure and thrive in a classroom, the AEA is still comfortable with a position of support. He added that cost is a serious consideration; however, it seems to be a case of getting what you pay for as the same company that underwrites the National Board Certification process is the one handling the Take One strategy that is the performance assessment, which comes with a body of warehousing, research for the process, reliability and validity, and scoring. Mr. Morrill added that AEA has been saying for some years that the legislature needs to dedicate the funding necessary to supplement costs as it is that important to the teaching profession.

Ms. Owen asked for a comparison of the proficiency examination program to the career ladder program and Mr. Morrill responded that career ladder is a systems approach involving student achievement, professional development and compensation structure and the performance assessment is one part of the AEPA as described and while career ladder follows someone through their career, this is part of the assessment process that takes someone from their provisional certificate to a standard certificate.

Ms. Mendoza stated that if a person has a provisional certificate, they have already demonstrated core level knowledge and professional knowledge and if they are in a classroom on a provisional

certificate, a lot of the things talked about in this assessment are things done as a course of matter by the site level administrator. In addition, Ms. Mendoza stated that this follows along with National Board Certification and it seems a consideration could be to support, acknowledge and reward teachers for going through the NBC process which would give teachers the same opportunity but is already there as a positive acknowledgement and gives them a choice when there are other means of evaluating them that don't have additional costs and possible legal implications.

Mr. Yanez reiterated the concerns regarding the performance assessment and listed issues at play:

- Suggested splitting this bill along the lines of existing proficiency assessments and another dealing with performance assessment
- Noted the Executive Session discussion that addressed the need to pursue changes related to the proficiency assessments
- Suggested removing the language under 15-533 and strictly dealing with proficiency assessments rather than not supporting the entire bill
- Deal with performance assessments at the next meeting when ADE staff is present to add to the discussion

Dr. Nicodemus stated that the fee issue modifications in 15-531 need to be addressed but reminded members that the SBE did take action at one point to support and endorse the performance assessment. In addition, Dr. Nicodemus noted that the current conversation seems to indicate that some may like to re-visit this issue with full information from ADE regarding the costs to teachers and impact to teachers/districts.

Dr. Nicodemus suggested that the SBE lobbyists insert the language agreed upon by Mr. Yanez and ADE and the reference to performance assessment be withdrawn from the bill.

Mr. Yanez responded that if a reference to the performance assessment were removed from this bill it is unlikely that it would be attached at a later time; therefore, the potential is there for not taking any action regarding the performance assessment until next year if the SBE wants to move in this direction. Dr. Nicodemus confirmed that in the absence of the fees the SBE would not move forward with implementation of performance assessment requirements.

Dr. Nicodemus stated that there is probably merit to taking action specific to the fee and asking for that amendment or leaving it to SBE leadership to meet with Mr. Yanez for further discussion on members' behalf.

There was no motion and with no further comments, Dr. Nicodemus stated that the SBE will take no action at this point and will allow SBE leadership to follow up with Mr. Yanez.

- **HB 2378** would modify the current statute dealing with receivership which will sunset January 1, 2008. This bill would do away with the sunset and add additional language as to why a district could be placed in receivership so it would conceivably expand those receivership duties.

Mr. Yanez noted that he raised some concerns last year with the expansion of receivership strictly in terms of resources as was also mentioned at the January 2007 SBE meeting. Mr. Yanez noted that after meeting with Superintendent Horne and Mr. Harding, the ADE has agreed to amend the language to specify that the administrative functions dealing with managing receiverships would be dealt with by the ADE but all decision-making authority regarding when to place a district in receivership, looking at the improvement plan, and termination of the receivership would remain with the SBE. Mr. Yanez noted that this should satisfy the resource problems from the perspective of the SBE office and that the language modifications can be worked out. Superintendent Horne confirmed that the ADE is in agreement with the proposed language changes which will be finalized and forwarded to members.

Dr. Nicodemus noted the two issues to be considered by members at this time:

- Support the continued legislation as it currently exists, or
- Broaden the language

and asked for information regarding what would rise to the level of a “grossly mismanaging” or what would come under the description of “other duties”.

Superintendent Horne made these clarifications:

- gross incompetence or systemic and egregious mismanagement is the definition of gross mismanagement
- this bill would apply to any significant substantial duties, such as
 - not fingerprinting teachers
 - not teaching standards
 - not having certified teachers
- these actions have to be deliberate or involve gross incompetence or systemic and egregious mismanagement
- a district would be given a notice with a chance to come into compliance
- ultimate decision is made by the SBE as it is now

Ms. Owen inquired about the system for a charter school that may be in financial or other mismanagement and Mr. Horne noted that charters are under the jurisdiction of the State Board for Charter Schools, which could revoke a charter. Ms. Pollock noted that the SBE sponsors some charter schools and it currently has an agreement with the Charter Board to oversee and monitor those schools but if the Charter Board reports mismanagement the SBE can revoke a charter. Ms. Pollock noted that this statute as it is currently only pertains to school districts as there is a different process for charter schools.

Ms. Mendoza noted that the charter school board law does not have a receivership opportunity, but if a school is found to be grossly negligent or they don't have their annual audit it goes to a recommendation for revocation. She added that there is no vehicle for the state to take over and manage monies for charter schools.

Mr. Horne explained that the language in the bill is strong requiring systemic and egregious mismanagement, which is fundamental, and that he hopes that this will never have to be used but that it will be a deterrent. He noted that a case brought to the SBE would be a very extreme case. Mr. Horne also noted that if a school/district is referred in this matter it would be managed by an outside entity, approved by the SBE. Dr. Nicodemus asked what assurance there is that takeover duties would automatically fall to an outside receivership and Mr. Horne explained that the remedy provided is for the appointment of a receiver by the SBE with expanded language to include all egregious mismanagement.

Mr. Ary stated that “other duties” is too broad for the SBE to assume that there could not be potential of exceeding power of authority to local school districts and he requested further explanation/definition/examples of this language for clarification.

Ms. Owen asked if a change to “statutory responsibilities” would assist in the language clarification and Mr. Ary agreed that it would. Mr. Horne noted that the ADE would offer that amendment.

Mr. Lucero stated that a motion is not in order at this time as more work is needed and there may also be a need to reference specific statutes for clarity in the wording changes to be made.

Dr. Nicodemus offered that in terms of continuing the legislation related to financial receivership, that the SBE support continuation of this legislation as it currently exists. She also stated that conversations will continue between SBE leadership and the ADE in terms of language changes and at this point the SBE will be neutral until further clarification is made for consideration.

Ms. Owen asked if this legislation and the process of receivership provide some continuing support for students and teachers in charter schools. Ms. Mendoza responded that there is not a parallel process as charters have contracts with the state and policies are going to be different. She noted that charters are privately owned, even though they are public schools, and they have agreed to be financially responsible. Ms. Mendoza noted that if something were to happen, students always have an opportunity to enroll in another public school.

- **SB 1177** Superintendent Horne noted that this is the bill on end-of-course assessment and that there has been concern as to whether this bill provides that additional tests would be approved by the SBE and the short answer is that the bill does provide by its language for approval by the SBE. In addition to that an amendment has been prepared to reiterate that the SBE will approve the tests at a public meeting. Mr. Horne also clarified that each time it is stated which test will be developed in which years, the provision that the SBE must approve the proposed tests is always added.

Dr. Nicodemus asked which disciplines would receive an end-of-course test and Mr. Horne noted that in the draft amendment, Mathematics has been added but at the outset, science will be tested per NCLB.

Dr. Balentine asked for clarification regarding fine arts testing and noted her support for end-of-course testing in concept. Dr. Balentine noted models of success discussed at the NASBE conference where members were asked to go back to their SBEs with its position on national standards. She mentioned that she will bring this for further discussion at a future meeting, but based on the question, she saw concern in terms of developing a costly system of end-of-course assessments that may or may not be aligned to some change in standards.

Dr. Nicodemus added another concern regarding testing that allows a student in some way to demonstrate that they are college ready and then be able to enroll in a college level course. Mr. Horne noted that the AIMS test is standard where questions are to measure the student's performance objective and that the Math standards will be revised with input from university and community college personnel so revisions can be brought to the SBE for approval.

Ms. Lynn Tuttle, Education Program Specialist, Title V-Innovative Exemplary Programs, Academic Achievement, Arizona Department of Education, reported that the SBE approved new art standards for Arizona, which, unlike other standards, are skill-articulated standards. She noted the following:

- end-of-course assessment looks different than other subjects
- they are looking at creating an online secure item bank of test questions for music and visual arts
 - calibrated in difficulty to match the beginning, intermediate, advanced and distinction level of standards
- based on what the teacher has taught, the student would log on, answer secure questions and based on answers, a test would be generated to ask students to respond to questions
- Never will ask students questions on something they have never been taught

Ms. Mendoza reiterated her concerns that influenced her vote against the Social Studies standards as they may be dictating curriculum and her similar concerns with developing end-of-course tests. Ms. Mendoza noted that some formative tests have already been established through IDEAL, which is similar to the proposed concept, and that this may be proposing another large expenditure. Ms. Mendoza noted that staff is limited and has many duties including class management, grading and promotion and now this seems to say teachers are not capable of creating their own tests based on what they have taught. She urged members to look at the impact on curriculum, the ability to create programs and other areas in addition to just agreeing that accountability and testing on

standards are important things. Ms. Mendoza stated that she would not feel comfortable supporting anything like this until these kinds of questions are answered.

Ms. Tuttle responded that in terms of the arts, several districts noted that standards are set up in technique, creative ability, and tests that are set up similarly to what the teacher chose to focus on. In addition, she added that the ADE, in collaboration with three state university colleges of fine arts and the Arizona Commission on the Arts commissioned the Morrison Institute of Public Policy to study arts education in the state and one of the major findings of that study is that the arts education community is ready for statewide assessment.

Mr. Horne pointed out that:

- the primary purpose for this proposal is to motivate schools to not narrow their curriculum to reading, writing and math
- Yuma ESD teaches no history, science or arts in its elementary schools as they are so anxious to do well in their performance achievement profiles
 - this may be true of as many as half of Arizona's elementary schools
 - the ADE is now surveying to see how wide-spread this problem is
- in the case of the arts, there is no particular required course but the ADE may propose to the SBE that schools could get bonus points for their students achieving certain scores on arts tests
- this is a travesty for students

Ms. Tuttle explained that if what we believe is true, that up to 50% Arizona elementary schools are not teaching science and social studies on a regular basis because of the perceived pressures of the accountability system for reading, writing and math, then more Arizona elementary children receive instructional minutes per week in music and visual arts than they receive in science and social studies because we have music and arts specialists in the elementary schools.

Mr. Andrew Morrill, Vice President, AEA, stated that the idea of end-of-course testing is good and asked how much of this belongs in statute and:

- encouraged the SBE to choose the minimal course possible in what is put into statute
- the scope, subject of testing, timeline, delivery, format has been under the purview of a very able body, the SBE, and is consistent with the parameters the SBE is charged with
- seems that this could create a division in oversight
- more comforting for a classroom teacher to see the SBE as leading the ideas, discussions and strategies of student testing
- urged the SBE to be extremely restrictive in what it signs over to statute and not put so much detail in statute

Dr. Nicodemus commented that she supports end-of-course testing, which may also:

- be tied to high school reform and being able to assess students
- assist in the alignment perspective
- time remediation

Dr. Nicodemus pointed out that the language in this bill is very specific and is being submitted to the SBE for the first time today and Mr. Horne responded that the legislation provides that whatever is done has to be approved by the SBE and the authority is really within the SBE.

He added that teachers would pool end-of-course tests they already have, make the best questions and then the testing company would be used only minimally for psychometric validity, etc. He noted that the task force recommended the desired revisions in the past and the SBE made the final approval.

Ms. Owen inquired regarding the fine arts as developed by the ADE as it is not specific enough to give license and not a clear enough picture. She noted that she leans more toward arts integration into content areas, with performance and creation as final products.

Dr. Nicodemus pointed that approval is still required by the SBE and would have to be fully vetted out before it is okayed.

Ms. Tuttle responded to Ms. Owen's concern:

- the arts are creative in nature and the creative product should be part of what any quality statewide assessment looks at
- the inhibiting factor of cost regarding an objective and viewing many pieces of art is probably an unrealistic goal at this point
- compromise of suggested online testing would include paper and pencil questions graded at the state level, but also performance or portfolio prompts which would allow for creation, performance and portfolio response on behalf of the students tested
- the local school/district would do the grading

Mr. Horne stated his concern that arts programs flourish but that these tests would not presume to occupy the entire field of what is expected in an arts program.

Ms. Owen asked if there would be funds for districts to support the arts as many have difficulty with separate arts teachers and funding has not been as generous as is necessary. She noted that this seems to be an experiment with test questions, and yet the legislation is ready to go. Mr. Horne explained that the current requirement is that the students take either arts or CTE and a change to this requirement is not being proposed. Mr. Horne noted that the test for those who choose to take the relevant subjects will be available and the benefit to schools would be bonus points for having a certain percentage of their art students getting a certain score on their tests but no one would be penalized in that area.

Ms. Mendoza noted that oftentimes members are asked for approvals without sufficient evidence, time to consider the proposal and to look at options. Ms. Mendoza asked for more information, i.e. arts and science end-of-course tests, before this plan is considered for approval.

Mr. Horne noted that in the case of science, which is federally funded, the test development is far along. Ms. Alley responded that any time there is an assessment development in the state they start with input from a task force and just like the 8th grade life science test, the field is always brought in. She noted that the science items are close to completion and are available on the IDEAL site for input. Ms. Alley noted that the blueprint is posted on the ADE website for science and the item specs are on the IDEAL site for teachers and anyone else to review for the science items. Ms. Mendoza asked if members could view the test items and whether it could be handled like the AZELLA project to allow members to review test items and Mr. Horne assured members that they could be made available to members in the near future with the understanding that they are confidential.

Dr. Nicodemus asked if the timeline of the legislation would be affected if the SBE decides to discuss some of the issues further. She noted that she personally favors end-of-course testing and requesting funding from legislature but that the specific language in this bill is of concern regarding the completion of the tests for fine arts. She added that more general language to test areas not covered by AIMS may be preferred.

Superintendent Horne asked members to submit language changes to his office for further consideration.

Mr. Yanez noted that the proposed language is still under a timeline to develop and adopt the tests, so the SBE would be responsible to approve the form and content of the test but all of the tests would have to be developed within timeframes established in legislation.

Dr. Nicodemus clarified that it seems members support the legislation regarding end-of-course testing and asked SBE leadership to negotiate some of the language and send suggestions to Mr. Yanez and/or Mr. Horne for further discussions.

Ms. Pollock recommended, according to open meeting law, that members send any proposed revisions directly to Mr. Yanez and Mr. Yanez can incorporate that information to be disseminated at a public meeting.

Ms. Owen proposed changing “test” to “assessment” in item #2, last sentence.

Superintendent Horne noted that has been scheduled for hearing.

2. ADJOURN

Motion by Mr. Ary and seconded by Superintendent Horne to adjourn. *Motion passes.*

The Board adjourned at 4:24PM.