

Minutes
State Board of Education
Monday, April 25, 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 9:01 AM.

Members Present:

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

Members Absent:

Dr. Shelton
Ms. Amy Hamilton

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

1. BUSINESS REPORTS

A. President's Report

Mr. Molera stated there would be a Special Board meeting June 10th. Location and further information would be sent to all members by Board staff. The meeting is to discuss the writing assessment and legislative plan for next session. Mr. Molera asked the members to block time on their calendars on June 10th.

B. Superintendent's Report

Supt. Huppenthal stated the department continues to work towards improvement and support to all school districts, teachers and students. Supt. Huppenthal said he held a meeting with northern county superintendents and school superintendents and stated he was very impressed with the organizational cohesiveness, commitment to service and quality of work. The feedback received included support to incorporate out of state teachers.

Supt. Huppenthal attended his first WestEd Board meeting and stated he was very impressed with the work developed by the Board.

C. Board Member Reports

Ms. Ortiz-Parsons attended the NASBE Conference held in Washington, D.C.

Mr. Moore also attended the WestEd Board meeting as a representative of the Board and the highlight of the meeting was a presentation titled "Operation Respect" which is a program by Mark Wise, an educator from New York. The presentation addressed the initiative regarding bullying in public schools.

Mr. Moore stated there was a federal update in regarding funds for education; there is more concern for the 2012 budget.

D. Director's Report

Mr. Yanez stated he would like to hold item 2A.

2. CONSENT AGENDA

- A. Consideration to approve State Board of Education minutes for March 28, 2011
- B. Consideration to Approve Contract Abstracts:
 - 1. Mathematics and Science Partnership Program
 - 2. USDA Fresh Fruit and Vegetable Program
 - 3. USDA Summer Food Service Program
 - 4. Adult Education Assistance Awards FY 2012
- C. Consideration to approve trainers for the Structured English Immersion Provisional and Full Endorsements
- D. Consideration to grant professional preparation program approval for the University of Arizona's Educational Leadership Masters Program and Post-degree Program
- E. Consideration to approve additional monies for teacher compensation for fiscal year 2011-2012, pursuant to A.R.S. §§ 15-952 and 15-537
- F. Consideration to accept the voluntary surrender of the teaching credentials held by Michael Beall
- G. 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. Mario Reyes
 - 2. Barry Levitt
- H. Consideration to extend intergovernmental agreement with the Arizona Education Policy Initiative
- *I. Consideration to approve qualified receiver, pursuant to A.R.S. §**

Dr. Balentine moved to approve consent agenda items B through I.

Motion second by Mr. Moore

Motion Passes

3. CALL TO THE PUBLIC

- Ms. Susan Carlson, Executive Director of the Arizona Business and Education Association (ABEC) provided information about the ABEC's new project titled "The Arizona Higher Performing Schools Recognition Project". Ms. Carlson said ABEC will be working with the ADE and the Greater Phoenix Leadership. The goal of the project is to celebrate schools that are out-performing their peers and schools of like demographics. There will be a study as to why these particular schools are out-performing their peers and identify the best practices in order to promote the best practices with other schools throughout the state. Ms. Carlson stated the ADE has been very supportive in the development of the program and thanked Supt. Huppenthal.
- Ms. Carlson introduced Mr. Efrain Mercado from the National Center for Educational Achievement which is now part of ACT. Mr. Mercado it has been a pleasure to work with the ADE and was looking forward to the soft launch of the program in the spring. Ms. Carlson stated the official launch of the program is scheduled to be in the fall. A packet of information regarding the program was

provided to the Board members.

4. GENERAL SESSION

Mr. Molera stated item G would be addressed after item A.

- A. Presentation, discussion and consideration to approve the proposed model framework for teacher and principal evaluations, pursuant to A.R.S. § 15-203(A)(38)

Dr. Balentine stated the hard copy of the final report presented included two insert pages to correct minor areas. Dr. Balentine stated the task force took time to review the framework and as a summary teachers are in two groups, group A and group B. Group A are teachers who have valid and reliable data that is connected and aligned to their content teaching area. Group B are teachers who do not have reliable data. The goal is for LEA's to incorporate this framework concept into their evaluation instruments across the state so that all teachers have at least 33% to 50% of their evaluation including student academic progress.

Mr. Molera thanked Dr. Balentine and all members of the task force and asked if Dr. Balentine would provide further information regarding the data that could be used. Dr. Balentine stated the framework is set up so that as data is available from the state that data must be used as well as any other valid and reliable data.

Ms. Klein thanked Dr. Balentine and asked if a committee could be assigned to have an ongoing monitoring on the work that is being presented by the task force. Dr. Balentine stated the report includes the recommendation to have a committee monitor and continue the work.

- Ms. Janice Palmer from the Arizona School Board Association thanked Dr. Balentine and Mr. Yanez. Ms. Palmer agrees with Ms. Klein as to having a committee follow up and monitor the framework created by the task force. The framework involves a major cultural shift that will take some time. Ms. Palmer stated schools will be at different levels and the assistance to support them should be available. Education organizations should make this framework a priority and provide support to schools and districts.
- Dr. Debra Duvall from the Arizona School Administrators also thanked Dr. Balentine, Mr. Yanez and members of the task force for the work created and accomplished in a small amount of time. Dr. Duvall stated Arizona should be proud of the task force work and the framework should be implemented as soon as possible. Through a strong communication plan over the next few weeks information can be provided to the field and ensure they will have the time over the summer to begin the task force recommendations. The recommendations allow a certain degree of flexibility for each of the local districts and charter schools. Dr. Duvall encouraged the ADE and members of the State Board to continue to move forward and ensure the plan is able to be successfully implemented in each school district and charter schools.

Dr. Balentine moved to approve the proposed the model framework for teacher and principal evaluations, pursuant to A.R.S § 15-203(A)(38)

Motion second by Dr. Horton

Motion passes

Mr. Molera asked to continue with item G.

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

Mr. Molera thanked Ms. Cannata for her excellent work on behalf of the Board.

Ms. Cannata stated the session ended on April 20th.

Senate Bill 1612 is the main appropriations bill and Senate Bill 1617 is the budget reconciliations bill that pertains to K-12 Education.

The approved budget funds the Board at the FY 2011 level which is at approximately \$908 thousand. Ms. Cannata stated the budget bills make the following reductions which affect K-12 Education:

- Additional soft capital suspension, beyond the FY 2011 reduction and the additional suspension is in the amount of \$23 million.
- Corral and additional assistance reductions totaling \$71.5 million
- A \$30 million reduction to JTED's associated with the funding of 9th grade students
- A career ladder phase down of over 5 years
- Additional \$35 million reduction of basic state aid allowing districts to backfill this with their remaining federal education jobs money

Ms. Cannata stated some of the policy changes in the budget reconciliation bill include a permanent repeal of the optional teacher performance pay program and permanent repeal of the excess utilities formula. The bill also requires the department to develop a detailed plan for implementation of a new information technology system. The plan is to be reviewed and approved by the Board. The department is to present quarterly reports to the Board regarding the status of the plans implementation; the report will also include expenditures to date and a timeline and cost estimates of the completion of the data system. Ms. Cannata stated the department has the option to contact with a third party for the system and the bill outlines some of the contracting procedures. The bill also creates an educational learning and accountability fund to received monies that are to be used in the implementation of the technology improvements. Each University and community college is to transmit \$6. per student to the fund. Ms. Cannata said another requirement of the bill is for the department to transfer \$5 million in state aid.

Ms. Cannata provided an overview of the bills relevant to education and any action required from the Board.

2234 – Allows the Board to assign a letter grade of “F” if the school meets PLA criteria under Federal accountability standards.

2706 – Supplementary Reading instruction for teachers and the bill direct the Board to implement guidelines for supplementary reading instruction for teachers in an underperforming or D school that teaches grades K-3 as part of an improvement plan.

2710 – Establishes a study committee on outcome based funding and the bill has a place for the Board's Executive Director. The committee is to develop that will transition public school funding from assistance based on instructional hours to a system based on student achievement and the committee is to report to Governor and legislation by December 31, 2011.

1256 – Education omnibus bill; one of the areas the bill specifies on is a person is not required to take the teacher proficiency examination if the person has passed an equivalent exam in another state.

1263 – Intended to relive burdens from or provide greater flexibility to school districts and charter schools one of the provisions prohibits the Board from adopting rules that would require bid security for the construction manager at method of project delivery. An amendment also requires the Board to allow automatic certification reciprocity with states that have similar programs that for teacher who provide Arizona On-line instruction.

1303 – Schools dropout recovery programs bill and the bill allows school districts and charter schools to offer a dropout recovery program for students that have been withdrawn for at least 30 days. The bill requires the Board to provide standards for the programs and the standards would require the programs to use curriculum aligned to the academic standards adopted by the Board and standardize tests would also be required. Other requirements include offering sufficient supports such as tutoring, college and career readiness counseling and programs will need to comply with all laws governing students with disabilities and

any other state requirements for high school graduation.

1451 – Regarding the Move on When Ready, the bill makes various changes to the Grand Canyon diploma system to facilitate the implementation. None of the changes specifically affect the duties of the Board.

1452 – The E-Learning program bill which requires the Board to establish a digital learning center, the bill passed the Senate and House Education Committee but did not proceed any further in the House therefore the bill is dead.

Mr. Moore asked for further information regarding bill 2710. Ms. Cannata stated the bill does not have detailed information but she believed the intent of the bill was to reward schools that are performing well.

Mr. Molera continued with Item 4D.

- C. Presentation and discussion regarding the AZ LEARNS Subcommittee. Discussion may include, but is not limited to, preliminary recommendations regarding modifications to the school accountability formula.

Mr. Miller thanked Dr. Balentine, Mr. Tyree and Ms. Hamilton for their assistance in this very important issue. Mr. Miller stated the AZ LEARNS subcommittee met twice; the first meeting was dedicated to an in depth review of ADE's proposal and Dr. Franciosi's presentation. The subcommittee's second meeting was structured with a presentation and a panel of the users of the Arizona growth model. Input was provided as to how the growth model could be used in the Arizona LEARNS formula.

Mr. Miller stated there are serious concerns regarding the ADE's original proposal, specifically providing a regression value added model for sub-groups based on race and demographics. Other concerns with the initial proposal are as follows:

- Strict interpretation of "average level of performance" is unfair and over-identifies failure
- Transparency (difficult to understand and for LEA's to replicate)
- Utility of data for school improvement purposes

Supt. Huppenthal returned at 10:07 AM

Mr. Miller stated it has been determined that a growth model better serves the purposes of AZ LEARS in labeling schools and resolves the concerns highlighted with the ADE value added model. The growth model is more easily understood and it compares each student's performance to students in the same grade throughout Arizona who had similar AIMS score in past years and calculates a growth percentile.

It also compares students to themselves from year to year so the results are not skewed by income levels, parental involvement, race or gender. Mr. Miller stated the growth model is already used by ASBCS for charter renewal purposes and useful data for school improvement for growth and proficiency rates is easily accessible.

Mr. Miller said the subcommittee also recommended using a Criterion Reference approach, establishing meaningful definitions of what it means to be an A, B, C or D school. Since the assessment tool is a Criterion test a Criterion Reference should be used.

Mr. Molera stated it was disconcerting to see there were 80% of schools B and above. A very fair but meaningful process must be in place.

Mr. Miller provided samples of the work left to be done, such as setting cut scores in proficiency, growth and defining average utilizing the standard deviation.

Mr. Yanez stated the numbers presented are only examples and the subcommittee has not developed separate research.

Mr. Miller provided an overview of the next steps needed in order to continue with the work of the subcommittee and asked if the Board would like to move forward or have the subcommittee look at actual applications of cut scores and bring back a final proposal. Mr. Molera asked the subcommittee to continue with assistance of the ADE and include input from the field.

Supt. Huppenthal stated the ADE would be comfortable to move forward with the Arizona growth model but would like the subject to be a rigorous debate, discussion, examination of the model due to the unanswered questions as there are with all the growth models. The subcommittees focus could be narrowed on the percent grade.

Mr. Miller stated another issue to be discussed and decided are the two different formulas for the next two years.

Mr. Molera stated he would like the subcommittee to continue with their research and report to the Board at the May 23rd meeting.

- D. Presentation, discussion and consideration to accept the recommendation of the Professional Practices Advisory Committee and revoke the teaching certificate held by Travis Craig

Mr. Easaw stated Mr. Craig was not present and provided an overview of the item. Mr. Easaw stated the Investigative Unit sent Mr. Craig notice of intent to file a complaint on April 23, 2010. Mr. Craig signed for receipt of this notice on May 6, 2010. There was no acceptance or signatures for subsequent notices sent to the same address, which included notice of the complaint and hearing date. The PPAC voted 5 – 0 to revoke the teaching certificate for Mr. Craig.

Supt. Huppenthal left the room at 10:02 AM

Dr. Horton moved to accept the proposed findings of fact, conclusions of law and recommendation of the PPAC and revoke the teaching certificate held by Travis Craig

Motion second by Mr. Tyree

Motion passes

Supt. Huppenthal did not vote

Continued with item 4C.

- E. Presentation, discussion and consideration to accept the recommendation of the Professional Practices Advisory Committee and approve the proposed settlement agreement to suspend the teaching certificate held by Tad Int-Hout

Mr. Easaw provided an overview of the case and stated Mr. Int-Hout was present and so was his attorney.

Supt. Huppenthal and Ms. Ortiz-Parsons left the meeting at 10:39

Ms. Ortiz-Parsons returned at 10:42 AM

Mr. Easaw stated the PPAC voted 5 – 0 in favor of a one year suspension of Mr. Int-Hout's certificate which would be partially retroactive to October 1, 2010 and would continue through September 30, 2011. One condition is to continue with counseling and provide documentation to Board staff. In addition notice would be forward to all states and territories. Upon completion of all requirements the certificate would be reinstated without further action of the Board.

Dr. Balentine moved to accept the recommendation of the Professional Practices Advisory Committee and approve the proposed settlement agreement to suspend the teaching certificate held by Tad Int-Hout

Motion second by Mr. Tyree

Motion Passes

Supt. Huppenthal did not vote

- F. Presentation, discussion and consideration to adopt the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and grant the teacher certification application for Gerard La Belle

Mr. Easaw provided an overview of the case and stated Mr. La Belle was present.

Supt. Huppenthal returned to the meeting at 10:46

The PPAC found a number of mitigating factors and only one aggravation factor and by a vote of 5 – 0, recommendation to grant Mr. La Belle’s principal certificate.

Ms. Klein asked for further information regarding the history of the certificates held by Mr. La Belle and if Mr. La Belle was currently employed. Mr. Easaw stated the most recent certificate in Arizona was a standard secondary certificate valid from 1999 through 2005 and presently before the Board is a request for a principal certificate. Currently Mr. La Belle does not hold any type of certificate.

Mr. La Belle stated he was currently an enrollment advisor University of Phoenix.

Supt. Huppenthal moved reject the findings of fact and decline Mr. La Belles request

Motion second by Ms. Ortiz-Parsons

Mr. Yanez asked for the Board to receive legal advice. Ms. Pollock stated the Board would have to approve or reject each findings of fact and conclusions of law and determine each area.

Mr. Molera asked if the motion was withdrawn and the Board moved to approve the findings of fact and conclusions of law but reject the recommendation. Ms. Pollock said that was possible.

Supt. Huppenthal withdrew motion

Ms. Ortiz-Parsons withdrew second

Motion Supt. Huppenthal to accept the findings of fact, conclusions of law and reject the recommendation of the PPAC and reject the teacher certification application for Mr. Gerard La Belle

Motion second by Mr. Miller

Motion passes

- G. Presentation, discussion and consideration to adopt proposed achievement levels for the AIMS high school writing assessment

Ms. Alley presented the results of the committee to establish new cut scores for high school writing. The changes are due to the different assessment which included multiple choice and the holistic writing rubric. Ms. Alley introduced Dr. Steve Fitzpatrick from PEARSON.

Dr. Fitzpatrick provided an overview of the work to develop the standards and cut scores for the AIMS writing assessment. Further information was provided to explain the scale scores for the assessment. The presentation included information regarding the following areas:

- Content standards and performance standards
- Writing content standards
- The new AIMS writing assessment
- The writing test blueprint
- Weighting the MC and essay components
- Performance standards
- Standard setting procedures
- PLD revision
- Standard setting results

Ms. Alley provided a handout with information regarding the past outcomes.

Supt. Huppenthal thanked Ms. Alley and stated national research reflects there has been difficulty narrowing on a writing assessment and asked Ms. Alley to provide further information. Ms. Alley stated anchors have been strengthening throughout the process. Annotations are extremely well written to assist the scorers. Every paper is scored carefully and the new holistic rubric has had positive feedback from the field. Every year the writing assessment is strengthened.

Supt. Huppenthal moved to adopt the proposed achievement levels for the AIMS high school writing assessment, as presented.

Motion second by Dr. Balentine

Motion Passes

Mr. Molera continued with item B

- H. Presentation, discussion and consideration to find Precision Academy Systems, Inc. in non-compliance for failure to timely submit Annual Financial Single Audit and Compliance Questionnaires and to approve withholding 10% of the charter holder's monthly state aid apportionment and require a corrective action plan

Ms. Deanna Rowe stated Precision has again failed to timely submit their annual financial audit. The school has not in the past several years presented their audit in a timely fashion. Ms. Rowe stated a representative for Precision Academy Systems was present.

Mr. Miller asked if the school has used the same auditor in the last 5 years.

Mr. Molera asked if the State Board for Charter Schools takes any action on schools not complying, Ms. Rowe provided an overview of the process the Board for Charter Schools has in place for schools who do not submit their financial audits by November 15th.

Mr. Daniel Martinez from Precision Academy stated it has been the same auditor and provided a copy of written statement to the Board

Ms. Klein asked what the schools revenue was; Mr. Martinez stated it was approximately \$3 million. Ms. Klein asked what the problem was and if the due date for the audit changed. Mr. Martinez stated it could be the auditor used the last few years or it is the administration.

Supt. Huppenthal stated he was having difficulty understanding the reason for failure to submit the information year after year.

Mr. Miller asked how long the school had been open; Mr. Martinez stated the school has been open for 13 years. Mr. Miller asked if the audit office was the same for the 13 years, Mr. Martinez stated only 8 years. Mr. Miller stated 5 of the 8 years with the audit office the information has been late. Mr. Martinez said that was correct.

Supt. Huppenthal moved to find that Precision Academy Systems, Inc. is in non-compliance for failure to timely submit Annual Financial Single Audit and Compliance Questionnaires and to approve withholding 10% of the charter holder's monthly state aid apportionment and require a corrective action plan

Motion second by Mr. Moore

Motion passes

***I. Presentation, discussion and consideration to accept the proposed**

Consent Agreement and issue consent order to place Cedar Unified School District in receivership, pursuant to A.R.S. § 15-103

Mr. Yanez provided an overview of the item and stated staff recommends Simon Consulting to be the receiver for Cedar Unified School District. Simon Consulting has successfully managed two districts under receivership. Mr. Yanez stated legal counsel from the school district was present.

Dr. Balentine asked if there was further information as to impact data and the cost factor for the district. Mr. Yanez stated the district received about \$1 million dollars in impact data this year and all of that allocation was used to pay the debt service on impact data revenue bonds.

Legal counsel for the Cedar Unified School district addressed the Board and provided an overview of the districts situation and reasons for their request to be placed in receivership.

Supt. Huppenthal asked if there was an alternative, Mr. Yanez stated a fiscal crisis team was considered but there was no over-expenditure and the situation does not fit the requirements.

Ms. Ortiz-Parsons asked how many students were in the district, Mr. Yanez stated approximately 300.

Mr. Miller asked the receiver would have authority to make changes to the administrative staff. Mr. Yanez stated the receiver would provide a 120 day report.

Supt. Huppenthal moved to accept the proposed Consent Agreement and Order to place the Cedar Unified School District in receivership, pursuant to A.R.S. § 15-103, and that Simon Consulting, LLC be appointed as the receiver

Motion second by Dr. Horton

Motion passes

Supt. Huppenthal moved to convene in Executive Session to receive legal counsel on item 4J and 4K

Motion second by Mr. Tyree

Motion passes

Board convened in Executive Session at 11:24 AM

Board re-convened at 1:03 PM

- *J. Presentation and discussion regarding Curtis Acosta; et. al. v. John Huppenthal, Superintendent of Public Instruction in his Official Capacity and the Arizona State Board of Education, including all members in their official capacities. 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 legal counsel on the Board's position in this matter. The Board may, in general session, take action to authorize Board counsel to act on the Board's behalf in this matter in accordance with instruction given in executive session.**

Mr. Tyree moved to direct legal counsel to pursue nominal party status for the Board of Education and individual members; if the Board of Education is not granted nominal party status, pursue a motion to dismiss the Board of Education and individual members from the lawsuit; if motion to dismiss fails, support Superintendent Huppenthal's defense of the lawsuit in addition, if a motion for summary judgment is filed by Plaintiffs in the interim, coordinate a response with Superintendent Huppenthal.

Motion second by Mr. Miller

Motion passes

- *K. Update regarding Gilbert Unified School District No. 41 v.**

***The State of Arizona et. al.* 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 Board's position on matters relating to *Gilbert Unified School District No. 41 v. The State of Arizona et. al.* The Board may, in general session, take action to authorize Board counsel to act on the Board's behalf in this matter in accordance with instruction given in executive session.**

Mr. Tyree moved to direct legal counsel to proceed as follows; request that the Court of Appeals suspend the current appeal challenging the Superior Court's decision that the career ladder program is unconstitutional as funded and administered and seek a modification of the current superior court order to continue the stay in place pending the phase down of the career ladder program through fiscal year 2014 - 2015

Motion second by Mr. Miller

Motion passes

- L. 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.

Mr. Miller stated the Board June meeting conflicts with Administration meeting held by the ADE in Tucson.

5. ADJOURN

Dr. Balentine moved to adjourn

Motion second by Mr. Moore

Motion Passes Meeting adjourned at 1:12 PM