

## ARIZONA STATE BOARD OF EDUCATION

The Arizona State Board of Education held a regular meeting on February 24, 2014 at the Arizona Department of Education, 1535 West Jefferson Street, Room 417, Phoenix, Arizona. The meeting was called to order at 9:01 a.m.

### ROLL CALL

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

### 1. BUSINESS REPORTS

A. President's Report  
Nothing to report

B. Superintendent's Report  
Superintendent Huppenthal spoke regarding the standards and talked about the attendance at the Senate Education committee meeting on Thursday, February 20.

C. Board Member Reports  
Nothing to report

D. Executive Director's Report  
Ms. Thompson spoke to the Board regarding reconvening the AZLEARNS Task Force, and President Tyree had appointed Members Miller, Jacks and Hamilton to serve.

### 2. CONSENT AGENDA

A. Consideration to approve Arizona State Board of Education minutes for:

1. December 2, 2013
2. January 27, 2014
3. January 27, 2014 Executive Session

B. Consideration to approve the following contract abstracts:

1. AZED and Glendale Union High School District Grant Award for Art Department

2. Arizona Youth Farm Loan Fund: AZ Agricultural Education/FFA Foundation
  3. Arizona Charter School Program Awards, Round 1, Project Years 2015-2017
- C. Consideration to appoint Ms. Betsy Fera to the Certification Advisory Committee (CAC)
  - D. Consideration to approve trainers for the Full Structured English Immersion Endorsement
  - E. Consideration to approve the Move on When Reading (MOWR) LEA literacy plans which have been reviewed for release of K-3 Reading Base Support funds.
  - F. Presentation and discussion regarding the Arizona Education Learning and Accountability System and Board update of the Quarterly performance review pursuant to A.R.S. § 15-249.
  - G. Consideration to grant one year extensions for Professional Preparation Programs currently approved pursuant to R7-2-604 and R7-2-604.01
  - H. Consideration to grant approval for the Arizona Teaching Fellows Elementary Education Program, pursuant to R7-2-604(A)
  - I. Consideration to accept voluntary surrender of the certificates held by Jerry Marfe.
  - J. Consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to grant the application for certification for the following individuals:
    1. Tina Nicholson
    2. Lisa Mangin

*Member Miller made a motion to accept the Consent agenda. Member Ortiz-Parsons seconded the motion. Motion passed unanimously.*

### 3. CALL TO THE PUBLIC

None

### 4. GENERAL SESSION

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

Ms. Cannata addressed the Board regarding the status of Bills including HB 2265 (computer science course; math credit); HB 2316 (schools; local control; student privacy); HB2485 (technology based language software); HB2539 (PE Taskforce); HB2662 (Schools, sexual abuse handbook); SB1310 (schools common core prohibition); SB1388 (Schools academic tests); SB1395 (Schools competency

requirements); and SB1396 (Schools academic tests).

Member Molera asked what the Board can do to articulate to the Legislature that many of these bills are unnecessary. Ms. Thompson stated that she, President Tyree, and Ms. Cannata have had many meetings with legislators regarding the importance of the assessments and the Boards role. Member Klein posited that the bills appear to ask the Board to regulate everything except the academic standards to be taught in schools. Member Miller stated it would be beneficial to receive a written update regarding many of these bills. Superintendent Huppenthal enforced Member Miller's comments. He reinforced that standards that have been developed are Arizona standards, developed with eight public hearings – not behind closed doors. The Arizona standards were not developed by the Federal government. Member Jacks stated if some of these legislative bills were to pass it would put a huge burden on many school districts.

*Information only – no action required*

- B. Presentation, discussion and consideration to close the rulemaking record and adopt proposed amendments to rule R7-2-809 regarding emergency administration of auto-injectable epinephrine. This item will be presented by Ms. Thompson.

Ms. Thompson stated a rules hearing was held on Thursday, February 20<sup>th</sup>, and that no public comment was received.

*Vice President Miller made a motion to close the rulemaking record and adopt proposed amendments to R7-2-809 regarding emergency administration of auto-injectable epinephrine. Member Jacks seconded the motion. Member Klein opposed. Motion passed.*

- C. Presentation and discussion regarding Buckeye Union High School District determined to be in noncompliance with laws applicable to English language learners, pursuant to A.R.S. 15-756.08 (J). This item to be presented by Ms. Hrabluk and Ms. Koenig.

Mr. Jordon Ellel spoke to the Board regarding this item. Mr. Ellel provided the Board a summary of the history of Buckeye Union High School's noncompliance. Superintendent Godfrey from Buckeye Union High School District spoke to the Board regarding this item and gave a brief summary of action plans to assist in rectifying the issue of noncompliance. Superintendent Godfrey stated they have other facts that show success and that his district is right on the cusp of the requirement of having a staff for this process. Superintendent Huppenthal stated since data does not follow students from school to school it creates problems such as those described by Superintendent Godfrey. Member Molera asked how the district reaches out to parents. Superintendent Godfrey stated the district works through their migrant program and meets with parents, reaching out to them in a variety of ways. He stated that there are no negative comments from parents. Member Klein asked about distribution of the ELL population in the program. Ms. Kelly Klein, Assistant Superintendent from Buckeye Union High School, addressed the Board and spoke briefly to questions regarding

parent notification and addressed the issue of distribution of the population. Over a 3 year average, over 90% is Hispanic, which 80% or more were born in the US with no one over the age of 14 speaking English. 25% also are Special Education students. As they move out of ELL their language is served through their IEP. 76% are at the intermediate level. In the program, 14% passed AIMS and 37% FEP1 students passed AIMS while in program. Assistant Superintendent Klein talked about how having students segregated, spending 4 hours learning English, impacts their high school graduation requirements.

*Member made a motion to find, for the reasons stated in ADE's letter of noncompliance dated November 27, 2013, that BUHSD is noncompliant with the laws pertaining to ELLs, thereby barring the District from receiving any monies from the Arizona Structured English Immersion Fund for ELLs and from reducing the monies spent on its ELL programs despite the loss of monies caused by its noncompliance. Member seconded the motion. Motion passed unanimously. President Tyree stated as required by law, ADE shall monitor BUHSD to ensure that the District does not reduce the amount of monies spent on its ELL programs. BUHSD shall be entitled to receive monies from the Arizona Structured English Immersion Fund only upon confirmation to the Board by ADE that BUHSD has come into compliance with the laws pertaining to ELLs.*

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

Dr. Giovannone presented a PowerPoint presentation and spoke about the reasons why the modified criteria are needed. A guidance document will be posted online for schools to help them in clarifying the alternative status. She spoke about the current definitions and requirement which are as follows:

The educational program and related student services of the school must match the mission or charter of the school.

1. The school must intend to serve students exclusively in one or more of the following categories:
  - Students with behavioral issues (documented history of disruptive behavior)
  - Students identified as dropouts
  - Students in poor academic standing who are either severely behind on academic credits (more than one year) or have a demonstrated pattern of failing grades
  - Pregnant and/or parenting students
  - Adjudicated youth
2. Any school offering secondary instruction for academic credit used to fulfill the Arizona State Board of Education graduation requirements (in part or in full) must offer a diploma of high school graduation.
3. Schools must have current year AIMS test scores to apply for and receive alternative school status.

Dr. Giovannone's department has been working closely with Arizona Charter School Board. If the school is secondary, they have to offer a graduation diploma to be eligible for alternative school status. The school has to be in operation when seeking alternative school status. They have to verify a history of distributive behavioral issues, students who have dropped out and are now returning, students in poor academic standing or at least one grade behind, students who are adjudicated, students who are primary care givers and may need a flexible schedule.

Superintendent Huppenthal asked about the capacity to audit these schools and the burden this might put on that department. Dr. Giovannone stated they have worked closely with audit and they do believe they have the ability and man hours to do this. He asked if there language that would allow the department to move back from some of the requirements without coming back to the Board that would not be so restrictive. Ms. Giovannone asked Ms. Thompson for clarification. Ms. Thompson stated it would not need to return back to the Board. Mr. Miller asked about criteria one regarding the mission of the school. Ms. Giovannone stated this is not a new criterion. Charter schools should have already had this requirement in place. Mr. Miller asked for clarification on number 5, which stated 70% needs to have met the criteria on the 5 categories.

Dr. Ildi Lasko-Kerr from the Arizona Charter Schools Association spoke to the Board regarding this item. She stated she is excited the AZLEARNS Subcommittee will be reconvening to discuss this topic. She provided the Board with a letter from her organization regarding their stance.

Deanna Rowe, Executive Director of the Arizona State Board for Charter Schools addressed the Board. She talked about oversight responsibility and how it takes up to 90 days to process amendment request. If a charter school has adopted a change in their mission that is in the process of being considered by the State board, if that amendment isn't approved for some reason or if they don't submit an amendment in a timely manner, which should be cause for denying them from this program.

Jody Sullivan representing Tucson Preparatory School addressed the Board. She stated she has operated an alternative school for 16 years. She would like the Board to consider extend some of those sub populations such as dependent children, those that are in CPS custody are just as needy and represent about 25% of her school's population. Homeless students who are not eligible for special services need to be included as well. She would like the Board to increase the number from 70% to a high number. Member Klein asked if there a certain number threshold that would include students that are involved in CPS. Ms. Thompson stated the group worked together and took a look at 90% threshold but felt a lower threshold was necessary. The schools were worried they might be penalized for being successful. President Tyree thanked Dr. Giovannone and her staff for their work. President Tyree asked that Mr. Miller reconvene the subcommittee and asked Member Hamilton and Member Jacks to sit on that committee again. They have agreed to do so. Member Klein asked that the criteria be changed to include servicing children who are wards of the state.

*Member Klein made the motion to approve the definition as proposed with the additional language to be drafted by staff to address the needs of students who are dependents in state care or who homeless. Member Miller seconded the motion. Motion passed unanimously.*

- E. Consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to grant the application for certification for Kimberly Fay Lackey (Rader) This item will be presented by Charles Easaw.

Ms. Lynda Boerner addressed the Board on behalf of Mr. Charles Easaw. She stated Ms. Lackey was not present for the meeting. Ms. Lackey's attorney, Diana Rader, was present. She addressed the Board regarding the matter involving her arrest. She believed she was never arrested. The police came to her home, she never went to jail, she was never charged, so she believed she was never arrested. She stated she was not trying to be deceitful, she thought because she did not need to appear before the court, as she was not arrested.

*Member Molera made a motion to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to grant the application for certification for Kimberly Fay Lackey (Rader). Member Jacks seconded the motion. Motion passed unanimously.*

- F. Presentation and discussion regarding the 2013 National Assessment of Educational Progress mathematics and reading results. This item will be presented by Dr. Shelly Pollnow.

*This item was removed from the agenda.*

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

Ms. Thompson explained that the National Center for the Improvement of Educational Assessment suggested adopting a set of values that would inform the scope of work for the RFP. The draft key values were developed by reviewing two years of the Board's public statements and positions, and input received from the business community, from Arizona Ready Council and the Public Engagement Task Force – which includes key members from the business community, education community and parent groups and teacher groups. Member Molera asked if this was shared with legislators. Ms. Thompson stated the document would be shared with legislative leadership. Member Moore stated he does not see any references to formative assessments and asked if that would be part of the package. Ms. Hamilton asked that specific reference to formative assessments be added to the values.

Ms. Thompson spoke regarding the development of a page on the State Board website

which deals with the new assessment selection process. President Tyree stressed that this process was as open and transparent as the Board could make it.

*Member Molera made a motion to recess the regular meeting of the Arizona State Board of Education and convene in Executive Session for review and discussion of records exempt from public inspection and/or legal advice. Vice President Miller seconded the motion. Motion passed unanimously. Meeting convened to Executive Session at 10:50 a.m.*

*Meeting of the State Board of Education reconvened at 11:45 a.m.*

- H. 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. Molera spoke to the Board regarding the appointments and reappointments for the Board and the timeframe involved with those members who are now serving on the Board.

Superintendent Huppenthal talked about the work the Board has done supporting the standards. At the Senate hearing, there were only 15-20 people at the hearing who were against and there were well over a hundred people there who were for the standards. President Tyree asked Ms. Thompson to draft a letter to the legislature expressing the Board's position and support for the standards and new assessment.

## 5. ADJOURN

Mr. Miller made a motion to adjourn. Mr. Jacks seconded the motion. Meeting adjourned at 11:50 p.m.