

NOTICE OF PUBLIC MEETING  
ARIZONA STATE BOARD OF EDUCATION

The Arizona State Board of Education held a regular meeting on May 20, 2013 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.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

**Members Present:**

President Tyree  
Superintendent Huppenthal  
Ms. Hamilton  
Mr. Jacks  
Vice President Miller  
Mr. Molera  
Dr. Rottweiler  
Ms. Ortiz-Parsons

**Members Absent:**

Dr. Hart  
Ms. Klein  
Mr. Moore

PERSON  
RESPONSIBLE

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mr. Tyree

ROLL CALL

Ms. Gray

1. BUSINESS REPORTS

A. President's Report

President Tyree attended the 21<sup>st</sup> Century Career and Technical Education Pathway, On the Rise sponsored by the ASU Morrison Institute for Public Policy. He spoke about Career and Technology Classes, how they apply today and how they need to be readily available to more students to be able to participate.

Mr. Tyree

B. Superintendent's Report

Supt. Huppenthal

1. Milken Educator Award Presentation, Dr. Danielle Ferreira

Superintendent Huppenthal recognized Dr. Ferreira for outstanding and impressive work inside and outside the special education classroom at Constitution Elementary School.

2. Presentation of the 2013 Arizona Poetry Out Loud State Champion

Superintendent Huppenthal presented the annual award for the 2013 Arizona Poetry Out Loud competition. Arizona Poetry Out Loud is a program of the Arizona Commission on the Arts, facilitated in partnership with the Young Writers Program at Arizona State University and The Poetry Center at the University of Arizona. Out of over 13,000 Arizona high school competitors, Cassandra Valadez, a senior at Sunnyside High School in Tucson, Arizona, was selected as the Arizona Poetry Out Loud State Champion at the finals event held on March 20, 2013. Ms. Valadez will represent Arizona at the Poetry Out Loud National Finals competition in late April, where she will compete for over \$20,000. Runner-up in the Arizona competition, Nathan Poston, a sophomore at Glendale Preparatory Academy, was present and read his winning recital, Ego by Denise Duhamel. Superintendent Huppenthal thanked President Tyree for his comments regarding the need for rigorous Career and Technology ready classes. He also spoke about Common Core and how it has become controversial among some groups in the community and state. He talked about how Common Core has been painted into a monster and how he has been going out in the community relaying the message that this is not a truth but a mistruth.

C. Board Member Reports

None

D. Director's Report

Mr. Yanez

Mr. Yanez spoke about the ESEA Waiver. Board action to increase the graduation rate was not consistent with what was written in the waiver request. That could threaten the status of our waiver. The Director has asked that the conversation be elevated and appreciate the Superintendent's effort to defend.

Written request was received to withdrawal Item 2G and Item 4G.2 be removed from the agenda.

2. CONSENT AGENDA

A. Consideration to approve Arizona State Board of Education minutes for April 22, 2013

Mr. Yanez

B. Consideration to approve the Contract Abstract for USDA Fruit and Vegetable Program

Mr. Peterson

C. Consideration to accept and approve amendments to the charter for Daisy Education Corporation dba Sonoran Science Academy

Ms. Rowe

D. Consideration to approve the expenditure of funds, pursuant to A.R.S. § 15-249, relating to the Arizona Education Learning and Accountability System.

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

Ms. Daniels

F. Consideration to accept the voluntary surrender of the certificates held by the following individuals:

Mr. Easaw

1. Jeffrey G. Lawrence
2. Ruthe J. Thursby
3. Robert L. Tye

G. Consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and deny James Mann's application for certification as being substantively incomplete, pursuant to A.R.S. § 15-534.01

Mr. Easaw

H. Consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to grant the applications for certification for the following individuals:

Mr. Easaw

1. Brian Mellott
2. Francine Akins-Arbuckle

*Vice President Miller made a motion to approve the consent agenda with exception of Item 2G and Item 4G.2 which was removed from Consent Agenda. Mr. Rottweiler seconded the motion. Motion passed unanimously.*

3. CALL TO THE PUBLIC

Dr. Stephen Gall addressed the Board and spoke about the importance of daily organized school-based physical activity.

4. GENERAL SESSION

Motion was made to convene into Executive Session. Ms. Ortiz Parson made motion to Move to 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 Flores v. The State of Arizona.

An executive session of the State Board of Education was convened on May 20, 20113 at 9:25a.m. at the State Board of Education, 1535 W. Jefferson, Phoenix, AZ 85007, pursuant to A.R.S. §38-431.03 (A)(3) and (4). The following Board members were present: President Tyree, Vice-President Miller, Member Molera, Member Hamilton, Superintendent Huppenthal, Member Jacks, Member Ortiz-Parsons and Member Rottweiler. Member Hart, Member Klein and Member Moore were not present. Others present for the executive session were Vince Yanez, Executive Director and Rick Bistro, Chief Deputy Attorney General. Other Assistant Attorneys General were Jordan Ellelel, Kevin Ray, Leslie Cooper, Jinju Park. Also present was Dave Gardner with Lewis & Roca and Christine Thompson, Deputy Director.

Regular meeting reconvened at 10:10am.

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

Mr. Yanez  
Ms. Cannata

Ms. Susie Cannata spoke to the Board regarding legislative matters currently passing through the House and Senate.

Bill	SBE Duty Imposed or Affected
<p><b>HB 2047: PUPIL ASSESSMENTS; AIMS TRANSITION</b> Sponsors: Rep. Goodale and Boyer. ARS Title 15.</p>	<p>Removes AIMS and NRT testing references and replaces most references with <i>competency test adopted by SBE</i> to allow for the transition from AIMS to PARCC. Allows SBE to incorporate PARCC test results in the minimum course of study and Competency requirements for high school graduation. Contains delayed effective dates.</p> <p>[2/5 Passed House 50-9; assigned to Senate Ed and Government; DEAD, but see HB 2425]</p>
<p><b>HB 2071: ADE OPERATIONS</b> Sponsor: Rep. Coleman. ARS Title 15.</p>	<p>Removes reference to “general equivalency development test” and pleases it with “an equivalency test adopted by the state board of education.”</p> <p>[Singed by the Governor – Chapter 11]</p>
<p><b>HB 2318: SCHOOLS WITHOUT FEDERAL FUNDING; EXEMPTIONS</b> Sponsor: Rep. Farnsworth. ARS Title 15.</p>	<p>Exempts charters and schools in a school district that do not accept federal funding from federal rules, regs and statutes and state rules, regs and statutes funded by federal appropriations, including assessments, teacher and principal evaluations etc. <i>Senate Ed amendment adopted that states that the bill does not prohibit SBE from adopting state testing standards or implementing state assessments.</i></p> <p>[3/7 Passed House 36 to 23; 4/4/ Passed Senate 17 to 12; Free Conference Committee; awaiting final pass]</p>

<p><b>HB 2322: RULE MAKING RESTRICTIONS</b> Sponsor: Rep. Farnsworth. ARS Title 41.</p>	<p>Prohibits agencies from adopting or amending rules in a way that would restrain or burden the free exercise of vested rights; stipulates that an agency may only adopt or amend a rule if it is strictly ministerial and consistent with the statutory delegation of authority. More.</p> <p>[3/4 Passed House 35 to 24; 4/15 Passed Senate on Recon.16 -13; 4/17 VETOED]</p>
<p><b>HB 2425: ELL TASK FORCE REPLACEMENT</b> Sponsor: Rep. Goodale. ARS Title 15.</p>	<p>Repeals the ELL Task Force and gives its duties to the State Board of Education. <i>Senate Floor amendment adopted addressing AIMS and NRT issues.</i></p> <p>[Signed by Governor – Chapter 20]</p>
<p><b>HB 2496: SCHOOLS; PETITIONS; REGULATORY EXEMPTIONS</b> Sponsor: Rep. Mesnard ARS Title 15.</p>	<p>Adds charters to the statute allowing for petitions for regulatory exemptions. Changes the criteria for those who can petition from having a letter grade of A for last three years to having an A for two of the last three years, and not having a C, D or F for the same three years. Makes granting of exemptions discretionary.</p> <p>[2/21 Passed House 36 to 23; 4/3 Passed Senate COW]</p>
<p><b>SB 1293: OUTCOME-BASED FUNDING</b> Sponsor: Crandell ARS Title 15.</p>	<p>SBE shall establish a competitive application process for a pilot program for outcome based funding. “Simulated” pilot as amended.</p> <p>[Signed by Governor – Chapter 105]</p>
<p><b>SB 1320: SCHOOLS; CORRECTIONS; REPAYMENT PLANS</b> Sponsor: Jackson ARS Title 15.</p>	<p>Amendment requires SBE to approve any request that budget correction be repaid over a period of years.</p> <p>[3/13 Passed Senate 20 to 9; passed House Ed; 3/27 FAILED in House Approps]</p>
<p><b>SB 1421: SCHOOL PERSONNEL; EPIPENS</b> Sponsor: Lopez ARS Title 15.</p>	<p>Requires SBE to adopt rules before January 1, 2014.</p> <p>[2/28 Passed Senate by a vote of 25-3; awaiting House COW]</p>
<p><b>SB 1446: SCHOOLS; STUDENT LEVEL DATA</b> Sponsor: Yee ARS Title 15.</p>	<p>Transfers responsibility for review and approval of the Arizona Education Learning and Accountability System from SBE to JLBC.</p> <p>[3/4 Passed Senate 28 to 0; ready for House floor action]</p>
<p><b>SB 1449: SCHOOLS; GRADUATION; PERSONAL FINANCE</b> Sponsor: Yee. ARS Title 15.</p>	<p>Requires SBE to adopt competency standards for “personal finance and entrepreneurship.”</p> <p>[3/4 Passed Senate 24 to 4; 3/18 passed House Ed; waiting for Rules]</p>
<p><b>SB 1450: SCHOOL DISTRICTS; FERPA VIOLATIONS</b> Sponsor: Yee. ARS Title 15.</p>	<p>Requires SBE to adjudicate complaints about FERPA violations. <i>Amendment removes SBE from adjudication role, and only leaves SPI in that role.</i></p> <p>[2/27 Passed Senate 29 to 0; 3/18 passed House Ed; waiting for Rules]</p>

*Presentation Only – No action required*

- B. Presentation, discussion and consideration to initiate rulemaking procedures for proposed rules R7-2-300, R7-2-302 and R7-2-302.09 and repeal of R7-2-302.01, R7-2-302.02, R7-2-302.04, R7-2-302.05, R7-2-302.06, R7-2-302.07, and R7-2-302.08, regarding curriculum requirements and special programs specific to AIMS

Ms. Thompson

Ms. Christine Thompson spoke to the Board regarding initiating rulemaking procedures for the above referenced proposed rules. Laws 2013, 1st Regular Session, Chapter 20, also known as HB 2425, allows the Board to move forward with the December 2012 Board adopted plan to transition from the current Arizona Instrument to Measure Standards (AIMS) assessment to a new assessment aligned with the standards adopted by the Board and currently being implemented in schools. In summary the newly proposed R7-2-300 restates the Board's statutory authority to adopt assessments to measure student achievement; R7-2-302.02 is repealed and the content all incorporated into R7-2-302, in order to consolidate into a single rule the minimum course of study and competency requirements for graduation from high school for current and future graduating students; Amendments to R7-2-302.09 will maintain the status quo for AIMS augmentation through the class of 2016; and the repeal of R7-2-302.01, R7-2-302.04, R7-2-302.05, R7-2-302.06, R7-2-302.07, and R7-2-302.08 will remove confusing, outdated rules that are no longer in use.

Mr. Miller asked about Paragraph 3B under distant education on page 3 of the rule attachment and stated this is the only place in the document that doesn't reference charter schools. He asked if this was a typographical error. Ms. Thompson stated she would look back at the original rule to verify. Mr. Yanez stated that language is existing language. State Board would normally amend it to include charters as well but because of legislative action with respect to AOIs it does trump the distance learning rule. Amending it is a moot point right now.

*Vice President Miller made a motion to initiate rulemaking procedures for proposed rules R7-2-300, R7-2-302 R7-2-302.09, R7-2-302.01, R7-2-302.02, R7-2-302.04, R7-2-302.05, R7-2-302.06, R7-2-302.07, and R7-2-302.08, regarding curriculum requirements and special programs specific to AIMS. Mr. Jacks seconded the motion. Motion passed unanimously.*

- C. Presentation, discussion and consideration to initiate rulemaking procedures for proposed rule R7-2-614(I), regarding the Provisional Foreign Teacher Teaching Certificate

Mr. Fleming

Mr. Aiden Fleming spoke to the Board regarding opening rulemaking procedures for the above referenced rule. At its February, 2013 meeting, the Certification Advisory Committee approved the proposed amendment to R7-2-614(I) and recommends the State Board open the rulemaking process for this amendment. The proposed amendment expands the foreign teacher certificate from two to three years and allows a local education agency to extend the validity of a foreign teacher certificate yearly for up to two years. Additionally, the amendment allows a prospective foreign teacher to obtain a letter from the applicant's home university for submission to the Department stating mastery of their purposed language of instruction. The change, in practice, would exempt foreign teachers from the ACTFL exam that demonstrates mastery in their native language.

*Superintendent Huppenthal moved to initiate rulemaking procedures for proposed rule R7-2-614(I), regarding the Provisional Foreign Teacher Teaching Certificate. Member Rottweiler seconded the motion. Motion passed unanimously.*

- D. Presentation, discussion and possible action to amend the Arizona Framework for Measuring Educator Effectiveness to require student academic growth

Ms. Phillips  
Dr. Butterfield

Ms. Karla Phillips spoke to the Board regarding amending the Arizona Framework for Measuring Educator Effectiveness to require student academic growth.

Due to the unlikely reauthorization of the Elementary and Secondary Education Act (ESEA), or No Child Left Behind (NCLB), and the goal of 100% proficiency by 2014 looming, President Obama announced in September 2011 that the U.S. Department of Education would make “flexibility waivers” available in exchange for state leadership in four key reform areas.

- Adopt and implement college- and career-ready standards and aligned assessments.
- Develop and implement a system of differentiated recognition, accountability, and support.
- Develop and implement a system of teacher and principal evaluations.
- Evaluate and revise, as necessary, a state department’s own administrative requirements to reduce duplication and unnecessary burden on LEAs (school districts and charter schools).

- Currently 34 states plus DC have been approved.
- FL, GA, OK, AZ, OR, KS, WA, NV have been approved conditionally.

Arizona applied as one of 26 states plus D.C in Round 2 on February 28 and was approved on July 19, 2012 but only through the 2012-2013 school year. Arizona may request an extension of these waivers through the end of the 2013-2014 school year by meeting two conditions.

One of these conditions is to submit “final guidelines for teacher and principal evaluation and support systems that meet the requirements of ESEA flexibility, including the use of student growth, as defined in ESEA Flexibility, as a significant factor in determining a teacher’s or principal’s summative evaluation rating.”

Throughout this past school year ADE has traveled throughout the state briefing stakeholders on the ESEA Flexibility Request and the required changes as well as seeking feedback. Moreover, on January 10 and again on May 9, 2013 a specific group of stakeholders including LEA human resource directors, representatives from the education associations, and others met to review, edit and comment on the proposed changes to the Framework.

Vice President Miller stated there are significant differences in equities in Charter Schools vs. District Schools. There has to be some kind of compensating process in evaluating processes. My concern is the language on that particular element does not address the equity role that a principal may role. This framework doesn’t provide that flexibility and it should.

Kelly McManus with Stand for Children spoke to the Board regarding this item. Room for clarification. Ms. McManus thanked the Board along with Vince Yanez, Karla Phillips and Karen Butterfield for their hard work on this Framework.

Jamie Molera left at 10:36am.

*Superintendent Huppenthal moved to adopt the proposed amendments to the Arizona Framework for Measuring Educator Effectiveness to require student academic growth. Mr. Jacks seconded the motion. Motion passed unanimously.*

- E. Presentation, discussion and possible action to approve recommendations regarding the new AZELLA administration and the potential impact on the ELL reclassification rate criteria for the A-F Letter Grade Accountability System

Dr. Giovannone  
Dr. Metcalfe

Dr. Giovannone spoke to the Board regarding the recommendations regarding the new additional points on the ELL system. The administration was earlier this year because of standard setting. The administration is slightly different on the speaking portion of the assessment. Students had to score combined on the previously. Now they have to perform on each level. We recommend aligning the reclassification create used for the ELL Additional Points in 2013 A-F Letter Grades with the AMOA

Dr. Ilde Lasko-Karr spoke to the Board and gave the Board a handout and report regarding School Ratings: Improving the Data in Data Driven Decision Making.

Superintendent Huppenthal talked about growth models in Florida and Tennessee. New Mexico is doing some interesting things and we need to watch them closely. Have the states that adopted letter grading moved ahead, fallen behind or stayed the same? This is something we need to look at and keep a close watch on.

*Superintendent Huppenthal made a motion to authorize staff to proceed with adjustments to the ELL reclassification rate for the purpose of the A-F school accountability system, as proposed. Vice President Miller seconded the motion. Motion passed unanimously.*

- F. Presentation, discussion and consideration to close the rulemaking record and adopt proposed rules R7-2-205, R7-2-701 and R7-2-703 regarding teacher certification review, suspension and revocation and the Professional Practices Advisory Committee

Mr. Yanez  
Ms. Ortiz-Parsons

Mr. Yanez spoke to the Board regarding the above referenced item. The rule package is identical to what was presented in February. President Tyree asked about the backlog. The backlog has gone down 120 cases per investigator, down to about 90 now. We still have a lot of work to do as 90 cases per investigator is still huge. Staff has been working hard to get this backlog down.

*Ms. Ortiz-Parsons moved to close the rulemaking record and adopt proposed rules R7-2-205, R7-2-701 and R7-2-703 regarding teacher certification review, suspension and revocation, and the Professional Practices Advisory Committee. Mr. Jacks seconded the motion. Motion passed unanimously.*

- G. Presentation, discussion and consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to deny the applications for certification for the following individuals:
1. Chris Johnston
  2. Laurie Lagemann

Mr. Easaw

Mr. Easaw spoke to the Board regarding the matter involving Mr. Chris Johnston. Mr. Johnston is not present at the Board meeting. Chris Johnston applied for a Substitute Certificate on October 29, 2012. Mr. Johnston answered “yes” to having been arrested for an offense for which he was fingerprinted. In 2000, he was arrested for Aggravated Assault (convicted of lesser Misdemeanor Assault), and in 2007, he was arrested for Sexual Abuse (not guilty by jury).

Mr. Johnston answered “yes” to having any professional certificate or license revoked or suspended, and having received disciplinary action involving a professional certification or license. His Arizona Registered Nurse License was revoked by the Arizona Board of Nursing on November 15, 2011, for a minimum of five years. Mr. Johnston was advised that his application required a review by the Professional Practices Advisory Committee (“PPAC”) of the State Board of Education (“State Board”). On March 12, 2013, and April 9, 2013, the PPAC conducted a review of Mr. Johnston’s application. Mr. Johnston denied nearly all of the allegations in the Arizona Board of Nursing Consent Agreement and Order of Revocation including fondling female patients, making inappropriate sexual comments to female patients and colleagues, and sexually harassing female colleagues.

The PPAC found that the following conduct occurred:

- 2000 arrest for Aggravated Assault (convicted for lesser Misdemeanor Assault)
- 2007 arrest for Sexual Abuse (not guilty)
- 2010 Suspension of Arizona Registered Nurse License
- 2011 automatic Revocation of Arizona Registered Nurse License
- A physician who completed an evaluation of Mr. Johnston for the Arizona Board of Nursing recommended that Mr. Johnston be limited to adult males with direct supervision; that in the Order of Suspension, the Arizona Board of Nursing limited Mr. Johnston’s license to males only and prohibited him from providing nursing care to females.

- From September 2002, until November 2010, numerous separate and unrelated reports were made by females in applicant's work settings complaining of sexual harassment.

The PPAC found the following aggravating factors:

- Long-term pattern of incidents of sexual harassment in the work environment

The PPAC found the following mitigating factors:

- Evidence of compliance with the evaluation and educational courses required by the 2010 Amended Consent Agreement with the Arizona Board of Nursing.

By a vote of 4 - 0, the PPAC recommended that the State Board deny Chris Johnston's application for certification.

*Vice President Miller moved to adopt the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to deny the applications for certification for Chris Johnston. Mr. Rottweiler seconded the motion. Motion passed unanimously. Item 4G.2 recommended to deny Laurie Lagemann's application for certification was withdrawn from the agenda at the request of Ms. Lagemann.*

- H. Presentation, discussion and consideration to accept the recommendation of the Professional Practices Advisory Committee to approve the proposed settlement agreement and issue a two-year suspension of teaching certificate held by Ellen C. Abbadessa

Mr. Easaw

Ellen C. Abbadessa holds a Standard Secondary Education (7-12) certificate valid October 25, 2011, through September 9, 2017, and a Provisional Structured English Immersion Endorsement (K-12) valid October 25, 2011, through October 25, 2014. On September 15, 2011, Kyrene Elementary School District ("District") notified the Investigative Unit of the State Board of Education ("Board") of an allegation that Ms. Abbadessa altered her application for renewal of teacher certification. The District reported that Ms. Abbadessa falsified the number of hours completed for professional development activities. On November 29, 2012, the Investigative Unit notified Ms. Abbadessa of the intent of the State Board of Education to file a complaint seeking disciplinary action against her teaching certificates. After discussing the matter with Ms. Abbadessa and her legal counsel, a settlement agreement was proposed. The Professional Practices Advisory Committee ("PPAC") reviewed the settlement agreement on April 9, 2013. The terms of the settlement agreement include the following: •A two-year suspension of certification.

The PPAC voted 4 to 0 to approve the settlement agreement for a two-year suspension against any and all teaching certificates held by Ms. Abbadessa and that it is maintained as part of her permanent record. That the Board accepts the recommendation of the PPAC and issue a two-year suspension of Ellen C. Abbadessa's teaching certificates, and that all states and territories be so notified.

*Vice President Miller moved to approve the proposed settlement agreement and issue a two-year suspension of the teaching certificate held by Ellen C. Abbadessa. Ms. Ortiz-Parsons seconded the motion. Motion passed unanimously.*

- I. Consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to revoke any and all teaching certificates held by Wing Tsang

Mr. Easaw

Wing Tsang holds a Substitute Certificate valid from August 24, 2009, through December 16, 2015. On November 10, 2011, while employed as a Chemistry Teacher at Youngker High School, Mr. Tsang showed a YouTube video entitled "Freak Show" to his high school students. This video which displayed images of disfigured and partially clad women, many of which were in provocative poses. After the video ended, several thumbnails appeared displaying lewd and pornographic images. Mr. Tsang was placed on paid administrative leave and letters were sent by the district administration to parents explaining the incident and apologizing on behalf of Mr. Tsang. The district moved to terminate Mr. Tsang, but he resigned pursuant a

settlement agreement on December 12, 2011. A complaint was filed against Mr. Tsang and a copy of the complaint and exhibits were mailed to Mr. Tsang, via certified mail. According to postal service records, the complaint and exhibits were returned unclaimed, as were all other certified mailings sent to Mr. Tsang. A hearing was held before the PPAC on April 9, 2013. Mr. Tsang was mailed timely notification of the hearing; however, the notice was returned unclaimed. Mr. Tsang was not present for the hearing and did not participate. By a vote of 4 to 0, the PPAC recommended that the State Board of Education revoke any and all certificates held by Wing Tsang.

*Ms. Ortiz Parson move to adopt the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to revoke any and all teaching certificates held by Wing Tsang. Vice President Miller seconded the motion. Motion passed unanimously.*

- J. Update regarding Flores v. The State of Arizona. 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 Flores v. The State of Arizona. 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. Ray

An executive session of the State Board of Education was convened on May 20, 2011 at 9:25a.m. at the State Board of Education, 1535 W. Jefferson, Phoenix, AZ 85007, pursuant to A.R.S. §38-431.03 (A)(3) and (4). The following Board members were present: President Tyree, Vice-President Miller, Member Molera, Member Hamilton, Superintendent Huppenthal, Member Jacks, Member Ortiz-Parsons and Member Rottweiler. Member Hart, Member Klein and Member Moore were not present. Others present for the executive session were Vince Yanez, Executive Director and Rick Bistro, Chief Deputy Attorney General. Other Assistant Attorneys General were Jordan Ellel, Kevin Ray, Leslie Cooper, Jinju Park. Also present was Dave Gardner with Lewis & Roca and Christine Thompson, Deputy Director. Regular meeting reconvened at 10:10am.

- K. 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. Tyree

None

- L. ADJOURN Vice President Miller made a motion to adjourn meeting. Ms. Ortiz Parsons seconded the motion. Meeting adjourned at 11:16am.