

**Minutes
State Board of Education
Monday, December 3, 2012**

The Arizona State Board of Education held a regular meeting at the Arizona Department of Education, 1535 West Jefferson Street, Room 417, Phoenix, Arizona. The meeting was called to order at 9:02 a.m.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

Members Present:

Ms. Hamilton
President Molera
Ms. Klein
Superintendent Huppenthal
Mr. Jacks
Mr. Miller
Mr. Moore
Ms. Ortiz-Parsons
Dr. Rottweiler (by phone)
Vice President Tyree

Members Absent:

Dr. Hart

1. BUSINESS REPORTS

A. President's Report

Mr. Molera

1. Presentation of the nominating committee's slate of candidates for 2013 Board officers
2. Other items as necessary

B. Superintendent's Report

Supt. Huppenthal

Superintendent Huppenthal gave a presentation on graduation data which was released from the Federal Government. The data showed that Arizona had the third highest rate of improvement on graduation rate in the nation. The Hispanic and African American rates are on a positive trend as well. Low income households were also increasing and moving in a positive direction. Arizona's low income graduation rate ranks 15th among 47 states reporting. Arizona ranks 27th overall, which is up from 46 in graduation rate. We still have a lot of work to do especially in our Native American communities but the information and data is very healthy and encouraging.

Superintendent Huppenthal made a special announcement that Associate Superintendent, Roberta Ally will be retiring effective December 21, 2012. It has been a great pleasure to work with Roberta. She has been a leader in the national standards movement and is recognized as a great leader in the education community not only locally but nationally. Best wishes to Roberta in her retirement. Ms. Ally thanked everyone for all the support given to her and her assessment team over the years.

Superintendent Huppenthal also thanked President Molera for this service as Board President and remarked what a pleasure it has been working with him.

C. Board Member Reports

Mr. Moore spoke regarding the Nomination Committee meeting and announced the nominated candidates. Mr. Tom Tyree has been nominated for President and Mr. Greg Miller for Vice President. Election of officers will be held at the January 28, 2013 Board meeting.

D. Director's Report

Mr. Yanez

1. Update on State Board of Education legislative priorities

Mr. Yanez spoke about two priorities the State Board will be working on during this legislative session. The first is the elimination of the norm reference test requirements related to the PARCC transition and the second is the issues related to schools that are identified as failing. Ms. Cannata and Mr. Yanez will be working on that language and have had some initial legislators and staff.

Mr. Yanez stated that the evaluations are still ongoing for the Innovative Education Grants have not yet been finalized. If possible, prior to the Board's next meeting it is likely that within the next couple of weeks there will be a Board meeting to make those announcements.

Mr. Yanez noted that staff is requesting that Item 4C1 be removed from the agenda.

2. Other items as necessary

2. CONSENT AGENDA

A. Consideration to approve Arizona State Board of Education minutes for September 24, 2102 and October 29, 2012

Mr. Yanez

B. Consideration to accept funds related to the Johnson O-Malley Grant, pursuant to A.R.S. § 15-204

Mr. Romero

Ms. Klein asked to understand more about this grant and how this is going to help in the Native American community and the graduation rate. Mr. Marv Lehmer spoke regarding this grant. The Johnson O-Malley funds are those that are really looking at a closer coordination with the Districts that receive them. Most of these funds go to elementary schools and are a bit removed from the graduation rates right now.

Ms. Klein asked that Item 2B be held from the consent agenda and presented separately. Ms. Klein made a motion to approve the consent agenda with the exception of Item 2B. Mr. Miller seconded the motion. Motion passed unanimously.

Item 2B was heard separately as requested by Member Klein. After discussion, Vice President Tyree made a motion to accept funds related to the Johnson O-Malley Grant pursuant to A.R.S. § 15-204. Ms. Ortiz-Parsons seconded the motion. Motion passed unanimously.

C. Consideration to accept funds related to the Migrant Education Program Consortium Incentive Grant, pursuant to A.R.S. § 15-206 and A.R.S. §15-207

Mr. Romero

D. Consideration to grant professional preparation program approval for the Bachelor of Arts in Education programs for Grand Canyon University, pursuant to A.A.C. R7-2-604 and R7-2-604.01

Dr. Butterfield

E. Consideration to appoint the following individuals to the Certification Advisory Committee (CAC):

Mr. Peterson

1. Lynn DeMuth
2. Anne Thiebeau
3. Frank Garcia
4. Tim Carter

F. Consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee to deny John VanFossen's application for teacher certification as being substantively incomplete, pursuant to A.R.S. § 15-534.01(B)

Mr. Easaw

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

Mr. Easaw

1. Alfredo H. Luna
2. Joshua J. Grenwalt
3. Laura Behnke
4. Makesha Mechan Thomas
- 5.

Ms. Klein made a motion to approve the consent agenda with the exception that of Item 2B be heard separately. Mr. Miller seconded the motion. Motion passed unanimously.

3. CALL TO THE PUBLIC

Mr. John Gordan addressed the Board representing the American Board which is a certification program for teacher excellence. The American Board is headed by Shawn McCullough. A proposal has been submitted to the Board for consideration and would like the Board to review that proposal in hopes of being able to provide services in the teacher certification area.

4. GENERAL SESSION

A. Presentation and discussion regarding implementation plans for the assessments related to the Partnership for Assessment of Readiness for College and Careers (PARCC)

Mr. Yanez
Ms. Alley

Mr. Yanez and Ms. Alley gave a follow-up presentation from the November Study Session. The main issues and decision points were framed around the Opportunity to Learn issue, what is the level of expectations going to be in terms of high school graduation requirements and the alternative methods for demonstrating proficiency.

Regarding the Opportunity to Learn issue, the Board seemed to favor suspending high stakes requirement for three cohorts to allow more time for students to be exposed to the Arizona Common Core Standards before the high stakes element is put in place. The second item is to amend the existing high stakes requirement to require the PARCC assessment scores to be included in grades specific to English Language Arts Mathematics and that would begin with Cohorts 2020. This does not in any way affect the graduation requirements that were established by this Board.

Due to the high-stakes nature of Arizona's high school assessment the Board and LEAs must ensure that students have had adequate opportunity to learn the material on which they are being tested. This makes a "clean" transition from AIMS to PARCC difficult. The question is what constitutes adequate exposure to the AZ Common Core Standards to support use of the PARCC assessments for high stakes purposes?

The Transition Plan is to suspend the high stakes requirement for cohorts 2017, 2018 and 2019 to afford students greater exposure to the AZ Common Core standards. Also, amend existing high stakes requirement to require PARCC assessment scores be included in grades for specific ELA and mathematics courses, beginning in 2020. Course requirements remain unchanged (R7-2-302.02)

A.R.S. § 15-701.01 states The State Board of Education shall: "develop and adopt competency tests...for the graduation of pupils from high school in at least the areas of reading, writing and mathematics and shall establish passing scores for each such test." The law is silent on the specific level of expectations:

- The Board has historically set this requirement at the 10th grade level
- This is consistent with the practice of most states with high stakes requirements
- Students must be afforded multiple opportunities to pass the high stakes exam

Alternative methods have been in place since the first year the AIMS requirement was enforced. AZ law currently establishes the following alternatives to meeting the AIMS graduation requirement: "AIMS Augmentation", Comparable score on another state's NCLB test, Minimum score on SAT or ACT, Passing score on approved Board Examination System test (Grand Canyon Diploma) IEP and 504 plans. All of these alternatives are statutorily mandated. If the high

stakes requirement is restructured in a way that requires PARCC scores to be incorporated into course grades these alternatives will no longer be necessary.

Mr. Yanez spoke about the positive and negatives implications. The positives are: Greatly mitigates any “opportunity to learn” issues, Avoids complicated retesting scenarios, Saves state resources (retesting and multiple assessments), Integrates graduation requirements (courses and state assessments). The negatives are: Perceived lack of accountability (cohorts 2017 – 2019), questionable impact on student motivation (cohorts 2017 – 2019), fairness for students meeting current high stakes requirement. Other considerations are: Impact on graduation rates is unknown (PARCC tests still being developed), Test results will have to be made available quickly to be included in course grades, Alternative methods for demonstrating proficiency will become obsolete.

President Molera stated there seems to be a sense of urgency in moving to Common Core and start to utilize the PARCC assessments. As we are asking the Governor and the legislator to endorse, we need to know the cost standpoint. President Molera stated he would like to see a framework in place no later than a month from now.

PRESENTATION AND DISCUSSION ONLY – NO ACTION

B. Presentation and discussion regarding possible future modifications to the
AZ LEARNS School Accountability System

Dr. Giovannone

Dr. Giovannone gave the Board a glimpse as to what R&E is working on for the upcoming year. For the ESEA Waiver ADE did agree to submit a recommendation to increase the graduation rate to 20% and this was one of the contingency to having our waiver approved. We also made the commitment to introduce a college and career ready index which would include the high school graduation rate. Mr. Yanez stated this is a significant change in how we would be calculating our school and district letter grades and is a huge increase over what the weight for graduation requirements are currently. Dr. Giovannone stated they are working with in-house groups, accountability advisory, gathering feedback and talking about possible indicators. R&E is also looking at the AIMS ACT equivalency scores which can be replaced with PARCC indicators as we move forward. The US Department of Education had a lengthy discussion on the 95% test criteria for A-F accountability. The ESEA Waiver is not contingent upon this but ADE did have a lengthy discussion regarding this.

Mr. Miller spoke about his concerns that the US Department of Education is having a discussion regarding the 95% test criteria. Superintendent Huppenthal stated that he would deal with this as a policy issue verses what the federal government is requiring them to do. Dr. Giovannone stated that only 6% of Arizona schools tested less than 95%. Mr. Yanez asked Dr. Giovannone to explain to the Board what USDOE has said their problem is with the way ADE is using the 95%. Dr. Giovannone stated their concern is a school can test 85% and still receive a B. She will be happy to go back to them and relay any messages from the State Board regarding this issue. Dr. Giovannone showed the data for small schools and alternative schools and have a decision to make in regard to is gathering feedback and will have that information in January. In regard to the Arizona Online Schools, we saw a problem with these schools in regard to unique FAY marker considering AOI calendars do not match brick and mortar school calendars and we are currently working on a solution.

Ms. Klein asked about graduation rates, if the rates address people that are graduating in four years vs. five years, how the rates are calculated now and if they are calculated separately. Ms. Giovannone stated they will be making one recommendation that the graduation rate be increased 20% of the overall model. We are looking to incorporate calculations rates for people who graduate in four years vs. five and we are possibly more so in the college and career index and possibly considering tiered college and career index if it's not too complicated. A five year graduation rate is included in our state accountability model, four year is used when reporting to our federal model.

Superintendent Huppenthal asked if we have four year graduation rate for 2011. Ms. Giovannone stated the four and five year graduation rate for 2011 is on the ADE website.

PRESENTATION AND DISCUSSION ONLY – NO ACTION

- C. Presentation, discussion and consideration of Non-Compliance with charter contracts, or federal state or local laws and to withhold state funds for failure to submit annual financial audits and/or reports, in accordance with A.R.S. §§ 15-183(E)(6), 15-185(H) and 15-914:

Ms. Rowe

1. Partnership with Parents, Inc.
2. Precision Academy System, Inc.

Deanna Rowe, Executive Director of the Arizona State Board for Charter Schools addressed the Board regarding this items. At the November meeting, the State Board for Charter Schools withheld 10% of the funding for any charter school that failed to submit their annual audit which was due November 15th. For schools that are still sponsored by the State Board of Education, we have one charter school that has failed to meet that deadline. Precision Academy Systems, Inc. operates Precisions Academy Systems Charter School. They have approximately 577 students and are located in south Phoenix. They had a letter grade of a D in the last letter grade evaluation. Last year they did submit their audit timely but the last 4 years they did not. Staff is recommending that you take similar action that the Charter School did and withhold 10% of their funding. If they do not submit the audit by December 20th, 10% of their withholding would take place with their January equalization payment. As soon as that audit is returned, then all money would be returned with the next equalization payment. Ms. Klein asked when they could expect the audit to be returned. The school stated they would be submitting their audit immediately but because they have submitted their audit late this year and for the last four years the recommendation is to withhold 10% until the audit is received.

Daniel P. Martinez, President of Precision Academy System, Inc. spoke to the Board and spoke to the auditor and was told the audit will be completed by the end of the day. This year the school followed the same schedule as last year which was submitted on time. On November 14th, the auditor called to say the draft of the financials were ready to be released. Upon review of the draft, four areas were of concern and additional information was provided to the auditor which resulted in significant changes in the final draft which resulted in a late filing of the audit.

Item C1 has been tabled and held for another time. Mr. Miller moved to find Precision Academy Systems, Inc. in noncompliance with state law and their charter contract for their failure to submit the annual financial statement and compliance audits and approve withholding 10% of the charter holder's monthly state aid apportionment until a complete fiscal year ending June 30, 2012 annual financial statement and compliance audit has been submitted. Vice President Tyree seconded the motion. Motion passed unanimously.

Mr. Moore left the meeting early.

- D. Presentation, discussion and consideration to accept the findings of fact, conclusions of law and recommendation of the Certification Appeals Advisory Committee (CAAC) to deny a cross categorical special education teaching certificate to Kent Warren.

Mr. Peterson

Mr. Todd Peterson, Deputy Associate Superintendent for Arizona Department of Education. Mr. Warren applied for a provisional cross categorical special education teaching certificate on April 25, 2012.

On April 27, 2012, an evaluation was completed indicating that Mr. Warren's application was substantively incomplete as he lacked the following: a bachelor's degree or more advanced degree, coursework required for certificate, student teaching or two years full time teaching experience in cross categorical special education, passing scores on elementary professional knowledge and cross categorical special education subject knowledge exams. A substantively incomplete letter was mailed to Mr. Warren informing him of the determination and giving him 60 days to submit documentation of the required coursework.

On July 2, 2012, Mr. Warren was notified by letter that his application for a cross categorical special education certificate was denied on the grounds that he failed to submit proper required degree, coursework, student teaching or two years full time teaching experience and passing scores on the required professional knowledge and subject knowledge exams to the Department within 60 days of the Department's notice dated April 27, 2012, as required by A.R.S. §15-534.01(B). This letter also notified Mr. Warren of his right to appeal this denial pursuant to A.R.S. §15-534.01(E) by filing a written

request for hearing within 15 days from the date of receipt of notice. Mr. Warren notified the Department by letter dated July 10, 2012 that he wished to proceed with the appeal process.

The Notice of Hearing for October 26, 2012 was mailed to Mr. Warren on September 20, 2012. On October 26th, the Certification Appeals Advisory Committee (CAAC) heard an appeal by Mr. Warren of his denial of a cross categorical special education teaching certificate. Mr. Warren provided an expert opinion evaluation of academics and work experience in lieu of an official transcript documenting a bachelor's degree from an accredited institution. By a unanimous vote, CAAC recommended that the State Board affirm the decision by ADE to deny Mr. Warren a cross categorical special education teaching certificate.

Mr. Warren was not present at the meeting but did receive notice of the meeting. Mr. Miller asked if Mr. Warren ever expressed what he intended to use the certification for. Debra Strawling, from the Attorney General's office and represented the State in this case stated that at one point Mr. Warren was living in Arizona and at one point wanted to be a teacher. Mr. Warren stated that because he worked 20 years as a personal care attendant that that gave him the requisite experience to be awarded an undergraduate degree from a university. When he was unsuccessful in getting an undergraduate degree from a university, he came to the state to get the Department of Education to award him a teaching certificate without an undergraduate degree. President Molera stated that as he read the documentation and it is clear that Mr. Warren does not have the required criteria and qualifications for the basic level of teaching.

Mr. Miller moved to accept the findings of fact, conclusions of law and recommendation of the Certification Appeals Advisory Committee (CAAC) to deny a cross categorical special education teaching certificate to Kent Warren. Ms. Ortiz-Parsons seconded the motion. Motion passed unanimously.

- E. Presentation, discussion and 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. Jeffries McRoberts
2. Elouise Patterson

Mr. Easaw spoke to the board regarding Mr. Jeffries McRoberts applying for an Elementary teaching certificate on August 10, 2012. On his Arizona application for certification, he answered "yes" to the following question: Have you ever received a reprimand or other disciplinary action involving any professional certification or license?

Mr. McRoberts disclosed that he received a Letter of Reprimand from the Washington State Office of the Superintendent of Public Instruction, (the "OSPI"), on August 18, 2008. The Letter of Reprimand arose from allegations which arose in October 2003 that he had used the school-owned computer to access inappropriate materials from his personal email account and on May 24, 2006. He received a complaint letter alleging a lack of personal fitness. *(This was not reported to NASDTEC by the Washington State Office of the Superintendent of Public Instruction.)*

Jeffries McRoberts was notified that his application required a review by the Professional Practices Advisory Committee ("PPAC") of the State Board of Education ("State Board"). On October 9, 2012, the PPAC conducted a review of Jeffries McRoberts application. During the review Mr. McRoberts disclosed that in 2003 he received an unsolicited e-mail which contained content that was deleted as soon as he saw it. Students did not have access to his computer. The PPAC found the following mitigating factors:

- Applicant did not lose his certification and is currently certified in Washington where the reprimand occurred.
- The reprimand was not reported to NASDTEC but was self-reported to the Investigative Unit.
- Numerous recommendations from two prior principals, three parents and a colleague.
- A detailed letter clarifying the circumstances surrounding the reprimand from his advocate.

The PPAC found no aggravating factors and by a vote of 4 to 0 the PPAC recommended that the State Board grant Jeffries McRoberts application for certification.

Mr. Miller moved 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 Jeffries McRoberts. Ms. Ortiz-Parsons seconded the motion. Motion passed unanimously.

Mr. Easaw addressed the Board regarding Ms. Elouise Patterson who applied for a Substitute Teaching Certificate on August 9, 2012. On her Arizona application for certification, she answered “yes” to the following questions: Have you ever had any professional certificate or license, revoked or suspended? Have you ever received a reprimand or other disciplinary action involving any professional certification or license? On January 7, 2002, the Arizona State Board of Education (“State Board”) revoked Ms. Patterson’s Arizona Teaching Certificate for breach of employment contract for the 2000-2001 school year. Ms. Patterson was notified that her application required a review by the Professional Practices Advisory Committee (“PPAC”) of the State Board. On October 9, 2012, the PPAC conducted a review of Ms. Patterson’s application. The PPAC found the following mitigating factors:

- The additional evidence in the form of the letter of recommendation written by Ms. Patterson’s principal on May 24, 2000, supports Ms. Patterson’s pursuit of another employment position for the 2000-2001 school year.
- The length of time since Ms. Patterson’s breach of employment contract.
- Ms. Patterson’s current letters of recommendation.

The PPAC found no aggravating factors and by a vote of 4 to 0, the PPAC recommended that the State Board grant Elouise Patterson’s application for certification.

Ms. Ortiz-Parsons moved 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 Elouise Patterson. Vice President Tyree seconded the motion. Motion passed unanimously.

- F. Board comments and future meeting dates. The executive director, Mr. Molera
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

President Molera addressed the Board regarding two items. The first item pertains to an item that Mr. Moore wanted addressed. He would like to include presentation on Indian Education and resources in light of the graduation rates. In thinking about the discussion that was held earlier, he stated if the Board received the language soon, within the next week or two, Mr. Molera believes the Board could nail down the PARCC transition. It is important that the Board have clarity going out to the field prior to January and more importantly for the legislatures and policy makers to understand that this is what the Board is wanting to do.

5. ADJOURN

Meeting adjourned at 11:40am