

**Minutes  
State Board of Education  
Monday, December 6, 2010**

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 9:09 AM.

**Members Present:**

Dr. Vicki Balentine  
Mr. Jacob Moore  
Dr. John Haeger (Telephonically)  
Ms. Amy Hamilton  
Ms. Eileen Klein  
Mr. Gregory Miller  
Mr. Jaime Molera  
Ms. Diane Ortiz-Parsons  
Mr. Thomas Tyree  
Supt. Tom Horne

**Members Absent:**

Dr. James Horton

Pledge of allegiance and moment of silence

1. BUSINESS REPORTS

A. President's Report

1. Presentation of the nominating committee's slate of candidates for 2011 Board officers
2. Other items as necessary

Dr. Balentine stated the nominating committee met and the slate of candidates for 2011 are Mr. Molera as Board President and Mr. Thomas Tyree as Vice-president. The Board will vote at the January Board meeting.

The Teacher and Principal Evaluation Task Force continue to meet on a monthly basis. Dr. Balentine stated she will provide updates of the task force work.

B. Superintendent's Report

Supt. Horne recognized the following Department of Education units:

- Academic Achievement Division for hosting the Mega Conference. The conference served over 500 superintendents, federal program directors and teachers from throughout the state. Supt. Horne stated the conference featured technology demonstrations, joint sessions for federal programs and an expo highlighting non-profit Arts community partners for schools.
- Innovative and Exemplary Unit was also recognized for the Spotlight on Success Awards Luncheon where 12 schools, districts, and/or organizations were honored.
- Office of Indian Education held the annual Johnson-O'Malley (JOM) training for the subcontractors running Indian Education programs across the state. This training incorporated information on new JOM requirements and the application process. Additional information was also provided for JOM coordinators on services to Native American homeless students and those qualifying under the McKinney Vento Act.
- Exceptional Student Services conducted the 10<sup>th</sup> Annual Transition Conference and over 825 participants attended. The conference included 88 sessions, 18 national speakers and many local trainers. Youth and young adults with disabilities were able to participate.

- The Career and Technical Education Section was awarded a four year grant for approximately one million dollars by the US Department of Education. The award was for promoting rigorous career and technical education programs of study. The model developed by Arizona will be used by other states for developing programs of study for the education career cluster and the Arizona model involves working with community colleges and universities for advanced placement and credit for courses form level to level in the total education system.

Supt. Horne stated he is pleased with the success of the Board throughout his 8 years in office as superintendent and looks forward to assisting the Board as Attorney General.

C. Board Member Reports

No Board member reports.

D. Director's Report

1. June 2011 standards setting for AIMS writing
2. Update regarding selection of Board Examination Systems

A timeline for the AIMS assessment was provided, and Mr. Yanez stated a special meeting would be required on June 10<sup>th</sup> to discuss AIMS writing standards setting.

Mr. Yanez stated the procurement process for the Board Examination Systems is not ready for the board to take action. A special meeting could be necessary before the January board meeting.

Mr. Yanez requested to remove 5C from general session.

Dr. Balentine asked to move to general session item 5G and asked for a motion to convene into executive session.

*Mr. Moore moved 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*

*Motion second by Mr. Tyree*

*Motion Passes*

Board convened in executive session at 9:20 AM

*Ms. Ortiz-Parsons moved to re-convene from executive session*

*Motion second by Mr. Miller*

*Motion Passes*

Board re-convened at 10:01 AM and took action on item 5G.

2. ADJOURN AS THE STATE BOARD OF EDUCATION AND RECONVENE AS THE STATE BOARD FOR VOCATIONAL AND TECHNOLOGICAL EDUCATION

*Dr. Balentine moved to adjourn as the State Board of Education and convene as the State Board for Vocational and Technological Education.*

*Motion second by Mr. Molera*

*Motion passes*

- A. Presentation, discussion and consideration to approve the 2012

CTE program list and the 2011-2012 CTE program courses sequences

Ms. Barbara Border provided an overview of the 2012 CTE program list and the CTE 2011-2012 program course sequences. The Board was provided a detailed presentation of this information at the October 25, 2010 Board meeting. Ms. Border requested approval of the information presented.

*Mr. Miller moved to approve the 2010 CTE program list and the 2011-2012 CTE program course sequences, as presented.*

*Motion second by Mr. Moore*

*Motion Passes*

- B. Presentation, discussion and consideration to accept the grant award for Promoting Rigorous CTE Programs of Study, pursuant to the Carl D. Perkins Career and Technical Education Act of 2006

Ms. Border stated Arizona was one of six states who received this award and recognized Ms. Jan Brite, Mr. Peter Laing and Ms. Helen Bootsma for their hard work. Ms. Border said the grant received would be disbursed over a three year period and the purpose of the grant is to promote and improve state and local development implementation of CTE programs of study in areas of education and early childhood education. In order to comply with the grant application requirements the following school districts were submitted and are identified in the grant:

- Education Profession – Tuba City USD, Peoria USD and Phoenix UHSD
- Early Childhood Profession – White River USD, Lake Havasu USD and Phoenix UHSD

The amount for each year is as follows:

- October 1, 2011 – September 30, 2012 \$249,878
- October 1, 2012 – September 30, 2013 \$249,878
- October 1, 2013 – September 30, 2014 \$249,168

Ms. Border requested the acceptance of the grant award.

*Mr. Tyree moved to accept the grant funds for Promoting Rigorous CTE Programs of Study, pursuant to the Carl D. Perkins Career and Technical Education Act of 2006*

*Motion second by Mr. Miller*

*Motion Passes*

ADJOURN AS THE STATE BOARD FOR VOCATIONAL AND TECHNOLOGICAL EDUCATION AND RECONVENE AS THE STATE BOARD OF EDUCATION

*Ms. Ortiz-Parsons moved to adjourn as the State Board for Vocational and Technological Education and reconvene as the State Board of Education*

*Motion second by Mr. Tyree*

*Motion Passes*

3. CONSENT AGENDA

- A. Consideration to approve State Board of Education minutes:
1. October 25, 2010
  2. October 25, 2010 – Executive Session
- B. Consideration to Approve Contract Abstracts:
1. Mathematics and Science Partnerships Sub-grant awards
  2. Arizona Ready for TIF Project
  3. Safe and Supportive Schools Grantees

- C. Consideration to accept funds from USDOE for the Enhanced Assessment Grant and authorize the expenditure of these funds in accordance with the award criteria
- D. Consideration to accept funds from the State Administration of Child Nutrition Programs and Summer Food Services Program
- E. Consideration to appoint the following individuals to the Special Education Advisory Panel:
  - 1. Ronald L. Clanton
  - 2. Lora J. Hogan
  - 3. Angela D. Levin
  - 4. Valerie A. VanAuker
  - 5. Sharon Lynch
  - 6. Lisa Aaroe
  - 7. Dr. Ida Malian
  - 8. Laura Schweers
  - 9. Lisa Bernier
  - 10. Dr. Gail Jacobs
- F. Consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and grant the teacher certification application for Randall Houk
- G. Consideration to accept the voluntary surrender of the teaching credentials held by Vickey Stevens
- H. Consideration to revoke the teaching certificates for the following individuals, pursuant to A.R.S. § 15-550:
  - 1. Adrian Noriega
  - 2. Ryan Robert Rasmussen
- I. Consideration to approve qualified receivers, pursuant to A.R.S. § 15-103
- J. Consideration to appoint members to the K-3 Reading Assessment Task Force

*Mr. Moore moved to approve the consent agenda*

*Motion second by Mr. Tyree*

*Motion Passes*

#### 4. CALL TO THE PUBLIC

No requests to speak.

#### 5. GENERAL SESSION

- A. Presentation, discussion and consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and dismiss the complaint against Miguel Chavez

Mr. Easaw provided an overview of the case and stated Mr. Chavez and his attorney Mr. William Holder were present. Mr. Easaw stated allegations of misconduct were dismissed and as to the incorrect answer on the application for teacher certification submitted by Mr. Chavez it was found that the applicant has relied upon poor advice. Mr. Chavez did not intend to deceive the Board.

The Professional Practices Advisory Committee by a vote of 4 to 0, recommended dismissing the complaint against Mr. Chavez.

Mr. Holder said Mr. Chavez continues to be employed in the Gadsden Elementary School District and provided an additional evidence documents for Mr. Chavez's case. The additional pleading states the charges against Mr. Chavez were dismissed by the grand jury and information from the school district investigator which concluded allegations were false.

Ms. Klein asked if the Board should have confidence on Mr. Chavez's independent judgment. Mr. Holder stated Mr. Chavez has not been involved in other allegations of misconduct.

Mr. Moore asked Mr. Easaw if the letters of recommendation are standard request from each applicant. Mr. Easaw stated nothing in specific is requested from the respondents as to letters of recommendation and the information submitted is at their discrepancy. Mr. Holder stated he did not advise his client to include letters of recommendation.

*Mr. Moore moved to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and dismiss the complaint against Miguel Chavez*

*Motion second by Mr. Miller*

*Motion Passes*

- B. Consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and grant the teacher certification application for Drew Ammon

Mr. Easaw provided an overview of the case and stated Mr. Ammon was present. The Board considered Mr. Ammon's case at the October 25, 2010 Board meeting and the matter was continued due to a tie vote.

Mr. Molera asked for clarification on the PPAC's reference to Mr. Ammon's conduct. Mr. Easaw stated the PPAC found the actions could not be an aggravating factor. Mr. Easaw said aggravating factors would be further inappropriate actions after the initial misconduct.

Mr. Ammon apologized for not attending the October Board meeting. Mr. Ammon stated he has reflected and learned from his actions and does not put himself in situations that could be misconstrued. Mr. Ammon said his is actions and wrong decisions have had many consequences such as not allowing him to apply for other teaching positions.

Ms. Klein asked Mr. Easaw what the Boards choices are. Mr. Easaw referred to Ms. Pollock for legal advice. Ms. Pollock sated the Board may accept, reject, modify or amend the findings of fact, conclusions of law and recommendations made by the PPAC.

Dr. Balentine asked if provisions were an option. Ms. Pollock stated the Board could direct staff to work with legal counsel to draft a settlement agreement that would contain disciplinary action and make the approval of the teaching certificate contingent upon the issuance of the disciplinary action.

Mr. Tyree asked if the disciplinary action could be presented to the Board before taking action. Ms. Pollock stated the Board would be provided a copy of the settlement agreement before taking action.

*Motion Tyree moved to advise staff to work with legal counsel and draft a settlement agreement. No letter of censure would be necessary. The proposed settlement agreement would be reviewed at the January State Board meeting.*

*Motion second by Mr. Moore*

*Motion Passes*

- C. Consideration to accept the findings of fact, conclusions of law and recommendation of the Professional Practices Advisory Committee and revoke the substitute teaching certificate for James M. Houston

Item removed.

- D. Presentation, discussion and consideration to open rulemaking procedures for proposed rule R7-2-615 (Q) regarding the Drivers Education Endorsement

Ms. Jan Amator provided an overview of the proposed amendments. The amendments would allow applicants to obtain the training necessary.

Ms. Amator stated the department will approve the courses to guarantee the quality of instruction and an educational service agency has volunteered to develop the lab experience course by using certified instructors currently teaching drivers education.

*Mr. Moore moved to initiate rulemaking procedures for proposed rule R7-2-615 (Q) regarding the Drivers Education Endorsement.*

*Motion second by Mr. Tyree*

*Motion Passes*

- E. Presentation, discussion and consideration to terminate the receivership for Saddle Mountain Unified School District, pursuant to A.R.S § 15-103(J)

Mr. Yanez stated Saddle Mountain Unified School District (SMUSD) was placed in receivership on June 25, 2007 by the State Board. SMUSD had for consecutive years exceeded its revenue control limit and budget capacity. Mr. Yanez provided an overview of the circumstances that led to the receivership of SMUSD.

Mr. Yanez stated the Board selected Veriti Consulting, LLC as the receiver for SMUSD and introduced Mr. John White and Ms. Elizabeth Monty.

Mr. White provided an overview of the various actions taken by the district and district board in order to be in compliance. Mr. White stated the district was now taking actions in the best interest of students and facilities were now safe and secure. The district is now operating within their budget and there are ample funds to continue to operate. Mr. White said all pending issues have been resolved. A complete report from Veriti Consulting, LLC was provided.

Mr. White stated the SMUSD was currently in compliance pursuant to A.R.S. § 15-103 (J) and requested to terminate the receivership. The following criteria have been met by the district:

- Auditor general certifies the district has been financially solvent for one fiscal year
- Auditor general certifies the district's financial records are in compliance with the USFR and generally accepted accounting principles
- The receiver certifies the district is no longer engaged in gross mismanagement
- The Board has determined the district is able to pay its debts as those debts become due

Mr. Molera asked Dr. Mark Joranstad, Superintendent of SMUSD what key points helped the district become compliant. Dr. Joranstad stated having the district in a receivership was necessary and district administration had to make changes to many areas and cut positions in order to decrease resources. The receivership also provided the district the necessary support to regain the trust of the community and local governing board. Dr. Joranstad said critical choices were made and now students are priority. Dr. Joranstad thanked the

department for their support throughout the receivership and thanked the Board.

Mr. Tyree asked if Mr. Joranstad was under interim basis. Mr. Joranstad stated he is under contract for two more years.

*Mr. Molera moved to terminate the receivership for Saddle Mountain Unified School District, pursuant to A.R.S. § 15-103 (J)*

*Motion second by Ms. Klein*

Mr. Miller asked for information on the re-payment plan the district has established. Dr. Joranstad referred to Mr. White.

Mr. White stated legislation gave the district the option to start making payments after their first year in compliance. The district as a measure of good faith and to demonstrate commitment opted to reduce their budget by 5% in the first year even if they were not required to.

Mr. Moore commended the Governing Board, District Administration, and Receiver for their work. Mr. Moore also thanked Mr. Joranstad for serving on the PPAC.

*Motion passes*

- F. Presentation, discussion and consideration to initiate rulemaking procedures for proposed rules R7-2-314, R7-2-315 and R7-2-315.01, regarding the “Move on When Ready Initiative” and the Grand Canyon Diploma

Mr. Yanez stated a draft of the rule package was presented to the Board at the October 25, 2010 Board meeting and provided an overview of the changes made to the draft. Mr. Yanez said Rep. Crandall has convened a series of working groups that will be reviewing the different aspects of the Move on When Ready Initiative. The working groups charge is to insure the law work as intended and provide recommendations to Rep. Crandall for legislative changes or possible rule changes.

*Mr. Molera moved to initiate rulemaking procedures for proposed rules R7-2-314, R7-2-315 and R7-2-315.01, regarding the “Move on When Ready Initiative” and the Grand Canyon Diploma*

*Motion second by Mr. Tyree*

*Motion Passes*

- G. 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. Molera move to instruct legal counsel to incorporate and consolidate the defense of the State Board with the defense of the Superintendent of Public Instruction in the case of Flores v. The State of Arizona.*

*Motion second by Mr. Tyree*

Dr. Balentine stated she has not changed her opinion in this court case but it is fiscally prudent for the Board and would be voting yes.

Mr. Moore stated his concerns are related to the initial process of the four hours block time for ELL students.

Mr. Moore said he would like to see more policy take place through the Board rather than through the legislature in order for the Board to maintain and fully express its role as a policy body.

*Mr. Moore – Nay*

*Motion passes*

Supt. Horne left the meeting at 10:04 AM

Board continued with item 2.

## 6. PLANNING SESSION

Presentation, discussion and consideration of the Board's strategic priorities. Discussion may include, but is not limited to, critical issue planning and identification of Board policy initiatives.

Dr. Haeger left the meeting at 11:18 AM

Mr. Yanez stated the Board requested a having a planning session and a possible retreat style strategic planning session early next year. The following are the main points to be accomplished:

- Review the State Board Critical Issues document, intended to provide the Board with context of the main K-12 policy initiatives.
- Prepare for upcoming legislative session
- Operational issues in terms of the Board by-laws

Mr. Yanez highlighted the section titled Struggling Schools in the Board Critical Issues document. Mr. Yanez stated a proposed initiative for the current legislative session is not to undo the changes made to the AZ LEARNS formula but simply allow the Board some latitude to introduce the PLA definition.

Mr. Yanez stated he will work with Ms. Susie Cannata and contact the members of the legislature to move the proposal forward.

Mr. Molera stated he would like to establish certain priorities such as study committees or special sessions and for Board meetings to focus on critical priorities. Dr. Balentine agreed with Mr. Molera as to having informational items.

Mr. Tyree asked if the Board could have a process to reach out to other groups such as legislation once the goals and priorities are set.

Ms. Klein stated being mindful in the legislative deadlines and assigning a team to contact legislators would be beneficial.

Mr. Moore asked Mr. Yanez what the sequence of events would be in the next two months.

Mr. Yanez stated an adjustment time is expected and re-organization could be a possibility. Mr. Yanez said he has met with Supt.-Elect Houpenenthal to discuss the initial Board meetings. As to the department's legislative agenda a list of items has been created and it will be up to Supt. Huppenthal as to how to proceed.

Mr. Miller stated another direct impact to the education field is the start of each school year and suggest a legislative timeline in late August.

Mr. Moore suggested a review of the Board's delegation of duties between the Department and the Board.

Mr. Tyree stated a review of the previous legislative session would be helpful to new Board members and in order to assist with the transition.

Mr. Molera asked for a review of the Executive Director position in order to compensate properly. Dr. Balentine agreed with Mr. Molera and stated Mr. Yanez's role has been crucial.

Mr. Yanez said the Board Belief Statements were amended in January 2010 and the document will be presented for consideration of approval at the January 24, 2011 meeting. Information was provided for the 2010 legislative priorities and Mr. Yanez stated the section for Race to the Top would be modified and the



updated document would also be presented to the Board in January.

Ms. Klein stated despite the uncertainty of funding the focus on education priorities must continue and the Belief Statement could reflect those priorities and common commitments. Ms. Klein said the Board could reinforce its commitment to measurement of outcomes and progress.

Mr. Molera stated as the Board could design what areas should be priorities for the field. Data collection system should be priority.

Dr. Balentine said mandates such as surveys and how inconsequential many of the surveys are becomes an issue. The Board should know how many surveys are requested before they are sent to the field. Dr. Balentine asked if it would be a possibility to hold a regular meeting with the Superintendent and department in order to review the required mandates in place.

Mr. Molera stated Board involvement is necessary and would be beneficial long term.

7. ADJOURN

*Mr. Tyree moved to adjourn*  
*Motion second by Mr. Moore*  
*Motion passes*

Meeting adjourned at 12:02 PM