

**Minutes
State Board of Education
Monday, January 26, 2009**

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 9:05 AM.

Members Present:

Dr. Vicki Balentine, President
Mr. Jacob Moore, Vice President
Superintendent Tom Horne
Ms. Bonnie Kasey
Mr. Larry Lucero (Telephonically)
Mr. Jaime Molera
Ms. Cecilia Owen
Mr. Jesse Ary
Ms. Anita Mendoza
Dr. Karen Nicodemus

Members Absent:

Dr. John Haeger

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

**1. PRESENTATION OF CANDIDATES AND ELECTION OF
STATE BOARD OF EDUCATION OFFICERS FOR 2009**

Mr. Yanez announced Dr. Vicki Balentine as the new Vice-President and Mr. Jacob Moore as the new president for Arizona State Board of Education for 2009 by a unanimous vote.

Mr. Lucero did not vote.

Mr. Moore expressed his appreciation to the Board and the Department for the opportunity. Mr. Moore stated that it was important to recognize that there is a commitment to resolve and continue the work out in the field and continue the work of as the Board in order to continue to protect the future generations and find a way to get through this time of change. Mr. Moore thanked everyone and said he commits to do his part this coming year to help move forward in a positive direction. Mr. Moore thanked Dr. Balentine for her guidance and mentorship. Mr. Moore said Dr. Balentine help guide the Board through difficult times and he looked forward to continue work with her.

Dr. Balentine thanked the Board members for what has been a very cooperative effort in moving forward while addressing serious challenges in K-12 education.

2. BUSINESS REPORTS

A. President's Report

Mr. Moore stated he had three items to share:

- Special Board Meeting held January 7, 2009 to discuss the AZ Education Proficiency Assessments pertaining to cut scores for the Elementary Education and Social Studies tests.
- The Leadership Team for College and Career Readiness Institute also met on January 7th. This project was instituted through the P-20 council in effort to create improved articulation from high school to college.
- The AZ Indian Education Association held a meeting on January 16, 2008.

B. Superintendent's Report

Supt. Horne recognized Dr. Karen Butterfield and Ms. Nancy Konitzer for coordinating the 2008 Mega Conference; this is an annual professional development event for district and charter schools that receive federal funds. There were more than 450 attendees; more than 75% of the sessions for this conference were presented solely or jointly by ADE staff.

Supt. Horne also recognized Lynn Tuttle, Director of Arts Education for receiving the Raymond Van Dist Arts Advocacy Award presented January 9th at the Arizona Music Educators Annual Conference. Ms. Tuttle was also awarded the 2008 Outstanding Service Award from the ASU Music Education Faculty.

Supt. Horne handed certificates of special recognition to:

- Lily Beth Brazones
- Jeff Hall
- Blair Liddicoat
- Jim Lively
- Tina Luffman
- Lynn Reed
- Vanda Salls

The following people were also recognized but were not in attendance to receive their certificate:

- Connie Armstrong
- Rhonda Boales
- Regina Suitt
- Debbie Tinajero

Supt. Horne acknowledged the dedication and hard work of these individuals in receiving their national certification in Adult Education Program Administration and commended them for their leadership, vision, and commitment to excellence.

C. Board Member Reports

Dr. Nicodemus congratulated the individual awarded from Cochise Community College and commended the work of the Adult Education Section.

Dr. Nicodemus also recognized Ms. Cheryl Lebo for being an asset to the College and Career Readiness Policy Institute. Dr. Nicodemus stated that she hopes this is an effort that can be continued under the Governor Brewer's new leadership.

D. Director's Report

Mr. Yanez stated that the AIMS Task Force has dedicated the last two meetings to data regarding high-stakes testing. There appears to be some consensus around the AIMS 10th grade test and that it is necessary to add another test above the 10th grade - this test would not be a high-stakes. The next AIMS Task Force meeting will be held Wednesday, January 28th and the Task Force will review the current state of affairs and the current assessment system. Mr. Yanez also stated that Dr. Balentine has been attending the meetings all of the AIMS Task Force meetings.

Mr. Moore said he is pleased with the work the Task Force has achieved and asked if Dr. Balentine would continue to be the Boards liaison by attending future Task Force meetings. Dr. Balentine thanked Mr. Moore and said she would be very pleased to continue attending the meetings because she believes it is critical to have a consistent Board representation.

Dr. Nicodemus asked that at some point the AIMS Task Force consider the input of the higher-education community.

Mr. Yanez asked to pull the following items from the Consent Agenda:

- I1- Application for Ms. Fontenot
- K- Program approval for ASU (Tempe Campus)

Items requested to be pulled from General Session:

- F-Speech and Language Pathologist and Speech and Language Technicians
- 7- Career and Technical Education teaching certificates

The request to pull these two items is due to the directive from Governor Brewer's office for state agencies to seize all rule making.

Mr. Molera asked what the repercussions would be by pulling item 7, Mr. Yanez said the this rule package does include changes to federal guidelines and that for the most part the importance to have this process move forward is to streamline the hiring process for the next school year.

Supt. Horne stated the transition team for the Governor's office has been contacted to express the importance to move with the CTE rule package. Supt. Horne stated he was hopeful to have response soon and at that time have a special meeting to approve the items that have been pulled.

3. SPECIAL PRESENTATION: PREVIEW OF PUBLIC RELATIONS CAMPAIGN "EXPECT MORE ARIZONA"

Ms. Nichole Magnesen, representative from Expect More Arizona presented the public relations campaign and listed the main priorities of the project. The campaign covers education K-12 through post-secondary education. Some of the key points of the campaign are:

- Provide community members more opportunities to get involved

- Ensure student graduation
- Improve quality of life
- Developing partnerships

This project was created through Governor Napolitano's P-20 Council but it is now an independent non-political, non-partisan partnership that is housed under the Arizona Community Foundation.

Supt. Horne stated he has attended the meetings for Expect More Arizona for the last two years and Dr. Balentine thanked Ms. Magnuson and stated she supports the efforts of the campaign.

Ms. Owen asked if Ms. Magnuson could attend the next County Superintendent's meeting Ms. Magnuson said they would.

Dr. Nicodemus stated she would like to have this item on a future agenda for motion to support the efforts of the Expect More Arizona campaign.

Ms. Kasey stated that she has seen the impact in the classroom and how parents are becoming more involved.

A copy of the presentation can be provided by the State Board office.

4. CONSENT AGENDA

- A. Consideration to approve minutes
 - 1. December 8, 2008
 - 2. January 7, 2009
- B. Consideration to Approve Contract Abstracts
 - 1. The Library of Congress Teaching with Primary Sources Program
 - 2. Title I- Distinguished Schools Recognition Grant
- C. Consideration to extend intergovernmental agreement with the Arizona Education Policy Initiative
- D. Consideration to approve trainers for the Structured English Immersion Provisional and Full Endorsements
- E. Consideration to accept gift from Great American Title Agency, Inc. for the purpose of providing financial assistance to ADE's Character Education & Development Division, pursuant to A.R.S. § 15-204
- F. Consideration to approve request from the following school districts to budget and accumulate in the unrestricted capital section for fiscal year 2008-2009
 - 1. Ft. Thomas Unified School District
 - 2. Kayenta Unified School District

- G. Consideration to approve request from the Ft. Huachuca Accommodation School District to budget and accumulate in the unrestricted capital section for fiscal years 2007-2008 and 2008-2009
- H. Consideration to revoke the teaching credentials held by Kenneth Phillip Patch, pursuant to A.R.S. § 15-550
- I. Consideration to accept the recommendation of the Professional Practices Advisory Committee and deny the applications for the following individuals, pursuant to A.R.S. § 15-534.01:
 - 1. Helena M. Fontenot
 - 2. Kim Ordway
 - 3. Tina Moser
- J. Consideration to accept the recommendations of the Professional Practices Advisory Committee and grant the teacher certification applications for the following individuals:
 - 1. Tamara G. Robinson
 - 2. Eric M. Casper
- K. Consideration to grant teacher preparation program approval for the following Arizona State University (Tempe Campus) programs:
 - 1. Special Education Master's Specialized Program
 - 2. Special Education Master's Cross-Categorical
- L. Consideration to accept the recommendations of the Career Ladder Advisory Committee and grant fiscal year 2009-2010 approval for the following programs:
 - 1. Agua Fria Union High School District
 - 2. Amphitheater Unified School District
 - 3. Apache Junction Unified School District
 - 4. Catalina Foothills Unified School District
 - 5. Cave Creek Unified School District
 - 6. Crane Elementary School District
 - 7. Dysart Unified School District
 - 8. Flagstaff Unified School District
 - 9. Flowing Wells Unified School District
 - 10. Litchfield Park Elementary School District
 - 11. Mesa Unified School District
 - 12. Patagonia Union High School District
 - 13. Peoria Unified School District
 - 14. Safford Unified School District
 - 15. Santa Cruz Unified School District
 - 16. Show Low Unified School District

17. Sunnyside Unified School District
18. Tanque Verde School District
19. Payson Unified School District

- M. Consideration to accept report from the Career Ladder Advisory Committee regarding the status of the 2008 – 2009 program application for the East Valley Institute of Technology
- N. Consideration to approve charter school contract amendments for the following:
 1. Avondale Learning
 2. Salt River Pima-Maricopa Community Schools

Dr. Balentine abstained from voting.

*Dr. Nicodemus moved to approve the consent agenda items with the exception of items II and K.
Motion seconded by Mr. Ary
Motion passes*

5. CALL TO THE PUBLIC

No requests to speak.

6. GENERAL SESSION

- A. Presentation and discussion regarding the Arizona Board of Regents High Honors Tuition Endorsement Scholarship

Dr. Karen Butterfield stated that the ADE has been administering the ABOR High Honors Tuition endorsement scholarship since 2004. Students that exceed on AIMS and meet other scholarship criteria are eligible for this opportunity. Dr. Butterfield recognized the efforts of Deputy Associate Maxine Daly and Project Specialist Shannon Tucker for the successful implementation and administration of the program.

Ms. Daly presented the program overview and the process to obtain the scholarship.

The following is the program criteria:

- Students must be legal residents
- Complete all 16 competency core courses
- Meet 3.50gpa or class rank in top 5%
- Exceed standards on all 3 of the AIMS tests

The scholarship is not a tuition waiver and the cost of tuition for ASU, NAU and U of A was presented. Ms. Daly provided scholarship data from the first class in 2006 to the class of 2008. Some students who have received the scholarship have chosen to enroll in community colleges or attend school out of state. Data for HHT Tuition renewal rates was also presented. AIMS scores

are an indicator of college success. Ms. Daly stated trainings have been provided around the state and on average 75 applications are received per week. Ms. Daly thanked the Board for the opportunity to present.

Dr. Nicodemus commended Supt. Horne and the efforts of the ADE staff for the success of this program. Dr. Nicodemus stated she would like discuss the possibility of having students have the option of joint admission.

Mr. Ary said he recently met with two separate boards that would like to participate and would like to receive more information from Ms. Shannon Tucker.

Ms. Mendoza stated that the charter school community has begun to see some of the barriers come down for students and has also experienced the motivator factor increase for students and their families. Alternative routes for families are making a difference in students' lives.

A copy of the Power Point presentation can be provided by the State Board Office.

Mr. Moore asked to move General Session Item G if there were no objections.

Meeting reconvened from lunch break at 12:15

Mr. Yanez requested to move to item 6E regarding non-compliance for Bouse Elementary School District and Clifton Unified School District due to the travel for representatives from both districts. Mr. Yanez stated Mr. Sampson would be presenting these items after the presentation of Item B.

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

Mr. Yanez stated the legislative session is underway and there are very few bills that are moving forward due to focus on the 2009 budget. The Senate has held all committee meetings and the House Education Committee met once.

Mr. Yanez provided a summary handout of the significant legislative proposals as of January 23, 2009. Mr. Yanez also provided a brief update of the items the Board specifically had opinions. Mr. Yanez stated that the proposed fix the academic receivership for legislation; the language for this has been drafted and Sen. Huppenthal has agreed to sponsor this bill. Sen. Huppenthal asked to add to the bill taking in to consideration the academic progress of the school district. House bill 2240 had been dropped and this bill pertained to the request for a two year moratorium on all rule making statewide. Mr. Yanez said he would be meeting with Mr. Tobin to discuss this particular piece of legislation.

Mr. Molera stated there is Bill Rep. Crandall is going to work on this Bill would be sponsored by Steve Court; the Bill pertains to the core K-12 Education needs in this time of budget cuts. Mr. Molera suggested that Mr. Yanez speak to Rep. Crandall and Mr. Court to obtain more information and offer assistance on this Bill on behalf of the Board. Mr. Yanez said he has had initial conversations in regards to this Bill with Rep. Crandall and would continue to collaborate.

Mr. Moore asked to move to item E

Public request to speak:

- Mr. Andrew Morrill, President of AEA. Mr. Morrill asked to present to the Board and update on professional standards topic at a future Board meeting.

C. Presentation and discussion regarding the status of the Arizona Department of Education's data warehouse.

Deputy Superintendent, Margaret Garcia-Dugan introduced Mr. Donald Houde and shared his many professional achievements. The Technology Unit was also introduced and recognized for their hard work and achievement.

Mr. Houde thanked the Board members for the opportunity to provide and update of the ADE Data warehouse objectives. Mr. Houde stated he would like to keep the presentation as an open dialog.

M. Houde stated that the main topics of the presentation would be the following:

- Statewide Education Data Supply Chain
- Information Technology's Strategic Initiatives
- AEDW Status and Future Deliverables
- Data Quality Campaign (DQC) Update
- AEDW Demonstrations

Dr. Nicodemus asked what rewriting the SAIS systems involves. Mr. Houde stated this means rewriting the business requirements. Also establishing various new sets of requirements and the school districts would have to improve their systems as well.

Mr. Houde presented the major phases for the Status and Future Deliverables:

- Phase 1: Student Membership and AIMS /Terranova Results, Enterprise (Schools)
- Phase 2: Student- Needs, Programs/Service Participation, Program Assessments, Enterprise (Program/Service)
- Phase 3: Student- Attendance & Absence, Concurrency & FTE, Payer Factors
- Phase 4: School- Finances, Performance Measures & Indicators, School Level Statistics
- Phase 5: Teachers
- Phase 6: Auxiliary Programs & Provisions

People will be able to access data warehouse information through IDEAL and the first phase of the application will be available in March.

Mr. Houde presented some of the data information that will be available once the Data Warehouse is complete. Mr. Houde stated he will continue meeting with the SEDC and community colleges to continue the development of this project.

Dr. Balentine asked what percentage of the project is complete, Mr. Houde stated that 60% will be complete as of next month and this includes budget used for the project. Dr. Balentine requested a copy of the Power Point presentation and asked when the next meeting would be for the external

user group advising. Mr. Houde said the next committee meeting will be in February.

Dr. Balentine asked how the IT Unit know what data will be part of the warehouse information and

Mr. Houde stated that input is being received from all levels of staff at schools and districts in order to make sure that the information provided is effective.

Ms. Kasey asked if the only one form would need to file for all the pieces of data collected. Mr. Houde said that was correct.

A system is being designed to that SAIS is available on line. Supt. Horne stated this is one of the ways the Data Warehouse is making a mechanism easier for districts.

Dr. Nicodemus asked if the dates for the timeline could be provided to her for College and Career Readiness purposes.

Mr. Ary asked if this was similar to the financial system used by schools and districts. Mr. Ary asked if there is hard copy data that would validate the information that will be available on Data Warehouse system. Mr. Houde said there is a secure way to recover, it would take time but there is a way to recover.

Ms. Mendoza ask what the cost would be this project. Mr. Houde stated that the path chosen was to sustain within the agency and not through outside vendors. Ms. Mendoza asked if there was a way to send information out to the field and they can have time to plan for budget adjustments.

Supt. Horne stated that is was important to have internal capacity for this project.

Public request to speak:

Mr. Andrew Morrill, AEA Vice –President, asked to clarify previous statements regarding the characterization of the AEA’s position on the legislation enhancing the state’s ability to access teacher-level data. Mr. Morrill stated that the AEA is behind the use of this data at the district level for evaluation purposes. He added that AEA’s concerns pertained to the use of this data for teacher evaluations at the state-level only.

Superintendent Horne stated that he believes this is contrary to the AEA’s position last year and has received the language from the previous bill. He stated that the previous language supports his contention regarding the use of teacher-level data.

A copy of the ADE Data Management Update presentation can be provided by the State Board Office.

D. Presentation and discussion regarding the Arizona Education Technology Plan

Ms. Poplin stated that the last update to the Board was in October and introduced the team who has been working on the changes made.

Ms. Poplin presented the specific recommendation and goals and stated there are four components and introduced Dr. Johnson to elaborate on each component.

- Student Learning
- Leadership
- Preparation and Development of Educators
- Infrastructure

Dr. Johnson made a demonstration on how each piece will work for the objective of student learning.

Ms. Poplin said reviewed the 2008 Tech Plan Revision Timeline and said the goal is to bring this item for State Board approval in April or May 2009.

Ms. Poplin stated that the handout provided to the members has the list the student and leadership goals and what the leaning goals are. Ms. Poplin reviewed the infrastructure goals in order to have an effective outcome.

Dr. Balentine asked if the report was expected from the field to be about 45 pages long and Ms. Poplin stated that it is not and that the goal is to create a template and provide the report on-line process and it will be simplified and made as user friendly as possible.

A copy of the Arizona Education technology Plan Update Power Point presentation can be provided by the State Board office.

- E. Presentation, discussion and consideration to determine non-compliance with the USFR for failing to correct deficiencies and to withhold state funds pursuant to A.R.S. §15-272(B) from the following districts:
1. Bouse Elementary School District No. 26
 2. Clifton Unified School District No. 3

Mr. Chad Sampson stated there was a change in the law in the last legislative session and this change makes an impact on the USFR violations. The law allows the Board to make permanent reductions to Districts who do not comply within the current or following fiscal year. Mr. Sampson also said that under the Arizona revised statutes small schools can adjust their budget limits to what they feel is necessary pertaining to property tax.

Mr. Sampson stated Bouse Elementary School District is not in compliance as of July 2007 for the following reasons:

- Failed to ensure the accuracy of its student attendance records.
- Needs to strengthen its controls over competitive purchasing and expenditures.
- Failed to maintain an accurate and complete capital assets list.
- Needs to strengthen controls over student activity monies.
- Needs to strengthen controls over cash and accounting records.

Mr. Sampson said that this District has had no contact with the Auditor General's office since the

last status review and this District does not have an amount withheld for previous USFR violations.

Mr. Kent Smith, Supt. of Bouse Elementary School District stated that he feels confident that the district has rectified the issues listed by the Auditor General's office. Mr. Smith said the district hired assistance to conduct an internal audit and take action to make any necessary changes in order to be in compliance.

Dr. Balentine asked if the Mr. Smith has asked if the District has asked the AG's office for a review. Mr. Smith responded he was under the assumption the district had to come to the Board before requesting a review.

Dr. Nicodemus asked if that was standard procedure; Mr. Sampson responded it was no necessary and a follow up review could be conducted 6 to 9 days after the District requests the review.

Mr. Yanez reviewed the standard procedure for a District in non-compliance to request a review.

Dr. Balentine motioned to table item EI and allow the Bouse Elementary School District to contact Mr. Yanez to request a compliance review.

Motion second by Mr. Ary

Motion passes

Mr. Sampson presented the reasons for the non-compliance of Clifton Unified School District.

- Failure to accurately record and report student attendance.
- Failure to maintain an accurate and complete capital assets list.
- Need to improve its controls over cash transactions.
- Need to improve control over credit card purchases and other expenditures.
- Failure to ensure the accuracy of its accounting records.

Mr. Sampson stated that the new business manager for the district has been in constant contact with the Auditor General's office to rectify the matters listed.

Mr. Terry Bently, Supt. of Clifton Unified School District stated he feels the district has complied with all of the recommendations made by the Auditor General's office with the assistance of conducting a private audit.

Ms. Temple Yardis, Business Manager for Clifton Unified School District. Ms. Yardis stated the district would be submitting their request for a review within the current week.

Ms. Owen asked if the district has now a system in place for student attendance; Ms. Yardis and Mr. Bently stated they do and explained the process.

Mr. Moore asked what the impact would be on the district if the Board withheld 10% of the budget; Mr. Bently stated this would impact the position of a teacher.

Dr. Nicodemus motion to table item E2 until a new review from the Auditor General's office.

Motion second by Ms. Owen

Motion Passes

Mr. Moore stated there was a call to the public request for Item 6B.

- F. Presentation, discussion and consideration to initiate rulemaking procedures for proposed rules R7-2-601 and R7-2-617, relating to Speech and Language Pathologists and Speech and Language Technicians Mr. Yanez
- 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

Ms. Susan Segal, Assistant Attorney General and Ms. Mary O'Grady, Solicitor General in the Attorney General office provided the update.

Ms. Segal stated that she had previously discussed with Mr. Yanez the need to consult with the Board in executive session regarding the U.S. Supreme Court's determination to grant 'cert.' in the Flores matter. Ms. Segal stated that she had concerns regarding Superintendent Horne's decision to attend any executive session, given his adverse position in this matter. Ms. Segal said she would like to discuss the posture of the case in public and give the Board information on the dates that are approaching.

Ms. Segal stated that the Board could ask to move to Executive Session however legal advice would be constrained with Mr. Horne's presence there.

Ms. O'Grady provided the Board with an update of the schedule and the issues that have been accepted for review.

- The petitioners' briefs will be due on February 19, 2009
- The respondents' briefs will be due on March 18, 2009
- Schedule for argument will most likely be in late April
- A decision is expected by June 30, 2009 from the Supreme Court

Ms. O'Grady stated that the two petitions that were granted are:

- Modification of the judgment in the case
- Compliance with the No Child Left Behind Act satisfies the requirement for appropriate action under the EEOA.

More updates will be provided to the Board at the February 23rd meeting.

Dr. Nicodemus if Supt. Horne would explain his rationale for attending any executive session.

Supt. Horne stated that per legal advice from his attorney he was informed that as a member of the

State Board he has a duty and part of that duty is to contribute any information that might save the Board from errors and also maintain a level of confidentiality when attending Executive Session meetings. He stated that he does not take his responsibilities as a Board member lightly.

Members continued to debate whether to convene in executive session with the understanding that Superintendent Horne would be present.

Mr. Lucero left the meeting at 11:02 AM

Mr. Molera motioned to move to Executive Session.

Motion second by Mr. Ary

Motion Passes

11: 06 AM Board convenes in Executive Session

Ms. Mendoza moved to reconvene from Executive Session at 11:35 AM

Motion second by Ms. Owen

Motion passes

Mr. Moore stated that the Governor has decided to allow the Board to continue with the rule making for the Career and Technical Education teaching certificate and therefore he asked to move to item 7.

Mr. Molera motioned to adjourn as State Board of Education and reconvene as the State Board for Vocational and Technological Education.

Motion second by Supt. Horne

Motion Passes

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

Presentation, discussion and consideration to initiate rulemaking procedures for proposed rules R7-2-607, R7-2-612 and R7-2-619, relating to career and technical education teaching certificates

Dr. Balentine stated that the Board is familiar with the item and suggests that the presentation is skipped if all of the members agree.

Dr. Balentine moved to initiate rulemaking prodedures for proposed rules R7-2-607, R7-2-612, and R7-2-619, relating to career and technical education teaching certificates.

Motion second by Mr. Molera

Motion passes

Mr. Moore asked to convey the Boards appreciation to the Governor's office for allowing the flexibility to move forward on items that are important to education.

Dr. Nicodemus moved to adjourn as the State Board for Vocational and Technological Education and reconvene as the State Board of Education.

Motion second by Mr. Molera

Motion passes.

Board breaks for lunch at 11:53AM

8. ADJOURN

Moved to adjourn Dr. Balentine

Second by Ms. Kasey

Motion passes

Meeting adjourned at 2:24 PM