

**Minutes
State Board of Education
Monday, March 22, 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 9:00 AM.

Members Present:

Dr. Vicki Balentine
Ms. Anita Mendoza
Dr. John Haeger
Supt. Tom Horne (Arrived at 9:07)
Mr. Larry Lucero
Mr. Jaime Molera (Arrived at 9:04)
Mr. Jacob Moore
Dr. Karen Nicodemus
Ms. Diane Ortiz-Parsons
Ms. Cecilia Owen (Arrived at 9:14)

Members Absent:

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ROLL CALL

1. BUSINESS REPORTS

A. President's Report

Dr. Balentine met with Ms. Karla Phillips, Gov. Brewer's K-12 Policy Advisor. The meeting was to discuss continued efforts for the Phase II Race to the Top (RTTT) application and the state's budget issues that impact public education.

Dr. Balentine thanked Mr. Molera for submitting a statement on behalf of the Board to support the sales tax increase referendum.

B. Superintendent's Report

Supt. Horne recognized Associate Superintendent, Cheryl Lebo and Social Studies Education Specialist, Carol Warren for receiving the John S. Morton Distinguished Services award from the Arizona Economics Council. The award was in recognition of the leadership in the creation of the Social Studies standard and for being core members of the team who successfully supported the addition of the .5 Economics requirement for Arizona students.

Ms. Roberta Alley, Mr. Frank Brashear and the AIMS Support Unit were also recognized for the development of the Sample Mathematics Test and Think-Thoughts for students grades 3 through high school. Supt. thanked and commended the ADE Print Shop staff for printing and shipping over 700,000 copies of the pamphlets to all districts and charters.

C. Board Member Reports

Dr. Haeger stated many of the meetings he has attended in the last 3 years have focused on the various challenges public education faces. Dr. Haeger said perhaps the State Board could be more involved with the major policy decisions and also University Presidents could take more political roles.

Mr. Molera arrived at 9:04 AM

Mr. Moore attended the USDOE focus group and they are going to use the title of ESEA in place of No Child Left Behind until the new federal process is determined. Mr. Moore agreed with Dr. Haeger to be more involved with policy making.

Supt. Horne arrived at 9:07 AM

D. Director's Report

Mr. Yanez said he would discuss the budget issues that would affect the State Board operations and other concerns as part of general session item B.

2. CONSENT AGENDA

- A. Consideration to approve State Board of Education minutes for:
 - 1. February 22, 2010
 - 2. February 22, 2010 Executive Session
- B. Consideration to Approve Contract Abstracts
 - 1. ARRA Title IID Discretionary Sub-Grantee approval for technology projects
 - 2. 2010 Migrant Education summer school
 - 3. Adult education integrated basic education and skills training Incentive grant initiative
- C. Consideration to approve trainers for the Structured English Immersion Provisional and Full Endorsements
- D. Consideration to approve the Head Start Collaboration grant
- E. Consideration to accept the voluntary surrender of the teaching credentials for the following individuals:
 - 1. Janet W. Thor
 - 2. Kawika Stant
 - 3. Phyllis A. Gray
- F. Consideration to accept the proposed settlement agreement and issue a professional letter of censure to Richard Hutchinson
- G. Consideration to accept the proposed settlement agreements and suspend the teaching certificates held by:
 - 1. Sarah A. Fisher
 - 2. Shanna E. Gray
- H. Consideration to approve the appointment to the Professional Practices Advisory Committee of the following individuals:
 - 1. Paula N. Wilk
 - 2. Dana G. Saar
 - 3. Sheila Rogers
 - 4. Byron L. Allen

- I. Consideration to approve additional monies for teacher compensation for fiscal year 2010-2011, pursuant to A.R.S. § 15-952 and 15-537
- J. Consideration to approve professional preparation program review team recommendations for the following institutions:
 1. Arizona State University
 2. Grand Canyon University
 3. University of Phoenix

Dr. Nicodemus moved to approve the consent agenda.

Motion second by Mr. Lucero

Motion Passes

3. CALL TO THE PUBLIC
4. ADJOURN AS THE STATE BOARD OF EDUCATION AND RECONVENE AS THE STATE BOARD FOR VOCATIONAL AND TECHNOLOGICAL EDUCATION

Mr. Lucero moved to adjourn as the State Board of Education and reconvene as the State Board for Vocational and Technological Education

Motion second by Mr. Moore

Motion Passes

Ms. Barbara Border provided information on revision for the state plan for Career and Technical Education to be submitted to the federal government. The update was in accordance with the requirements of the Carl D. Perkins Act and is part of periodic state plan revisions requested by the USDOE. Ms. Border stated the 2011 update had a due date of March 31, 2010 in order to be eligible for funding.

The state plan would ensure the following:

- Maintain effort for career and technical education in the assistance to schools as expended in FY 2010
- Will continue to match expenditures for state administrative expenditures to that of FY 2010

Ms. Border provided the Board with the FY 2010 Perkins IV budget format and stated the allocation for FY 2010 is \$26,927,570. USDOE requested to use the current allocations as the basis for the 2011 budget since the new allocations for the coming year have not been provided.

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

Ms. Mendoza moved to adjourn as the Board for Vocational and Technical Education and reconvene as the State Board of Education

Motion Second by Mr. Lucero

Motion Passes

5. GENERAL SESSION

A. Program update from the Arizona Department of Education Certification Unit

Dr. Butterfield stated the certification office has had significant budget cuts that have impacted the services the unit provides. The changes included realigning the services to rules and procedures, operations and certification outreach. Dr. Butterfield introduced Mark Anderson, Kasey Ohrns and Jan Pentek.

Ms. Pentek stated customer service is priority for the certification unit and provided an outline of the certification process. Job fairs throughout the state at school districts are conducted and Ms. Pentek stated the on-site visits scheduled are to places like Kayenta, Page, Tuba City. and recognized the people who collaborate with the on-site visits.

Ms. Jan Amator provided information on the positive feedback the field has provided and thanked the certification staff for their dedication and excellent job.

Dr. Nicodemus asked if there was availability on-line to re-new the certification applications. Ms. Amator said all of the forms needed are on-line but cannot be submitted electronically; the applications to be submitted on-line are being processed.

B. Presentation and discussion regarding fiscal year 2010 and 2011 budget adjustments. The Board may take action to modify state's assessment system as a result of budget reductions.

Deputy Superintendent Margaret Garcia-Dugan stated the general fund support for testing was eliminated and the full testing burden was placed on Proposition 301 administration funds. This uses up the full \$7 million of Proposition 301 monies that were previously used for Arizona Learns profiles, SAIS, solutions teams, coaches, school improvement, intervention in failing schools, academic standards and best practices. Ms. Garcia-Dugan stated unless there is a reduction in testing the states entire accountability, achievement profiles, SAIS, school improvement and intervention and development of standards would be eliminated.

Ms. Garcia-Dugan provided information on how the funds have been allocated in previous years and stated substantial portions of the funds are spent outside of the Department, such as supplementing salaries of turnaround principals, solutions teams, and mentor teachers and principals.

The department proposed to cut \$1.5 million out of the \$10 million testing budget by cutting the writing tests in grades 6, 10, 11, 12 and eliminating the norm reference test in grades 2 and 9. Ms. Garcia-Dugan said if the proposed cuts are not approved the state would need to consider suspending the entire Arizona Learns accountability system.

Dr. Balentine asked if other options were considered rather than reducing testing. Ms. Garcia-Dugan stated 301 funds are the only funds available to assist failing and underperforming schools.

Supt. Horne stated AIMS testing could not be reduced because these tests are federally mandated and the proposal presented was the only option the department could find.

Dr. Nicodemus asked which grades would be eliminated. Ms. Garcia-Dugan stated the grades would be 6th, 10th, 11th, and 12th. Dr. Nicodemus asked if the norm reference test is legislatively mandated and what would happen with the contract for the tutoring booklets.

Mr. Yanez stated there is a statute that requires the norm reference test from grades 2 through 12 and tutoring guides have been eliminated. Supt. Horne said the test is required to be administered through out grades 2 through 9 but not at every grade.

Ms. Mendoza asked if testing and accountability are reduced would the state continue to be in compliance with the information submitted on the RTTT application. Ms. Garcia-Dugan said the state would still be in conformity with federal requirements.

Mr. Molera asked what the impact would be on AZ LEARNS if these significant tests are eliminated. Supt. Horne stated AZ LEARNS is based on the AIMS test and the federal requirement is based on a standards based test and not the norm reference test. Mr. Molera asked if further discussions with the education field to discuss long term consequences due to the fiscal crisis.

Dr. Balentine asked if legal advice could be provided.

Dr. Nicodemus moved to convene into Executive Session for legal advice.

Motion second by Ms. Mendoza

Motion passes

Board moved into Executive Session at 10:03 AM

Ms. Ortiz-Parsons moved to reconvene

Motion second by Ms. Mendoza

Motion Passes

Board reconvenes at 10:16 AM

Ms. Mendoza asked how many people this action would be affecting and from which units in the department. Supt. Horne asked Ms. Cheryl Lebo and Kathy Hrabluk to provide the information. Ms. Lebo stated about 7 people would be affected in the Standards and Assessment Unit and Ms. Hrabluk said 6 full time employees from the School Improvement Section and 29 turnaround coaches, 4 turnaround principals, 12 mentor principals who responsible for monthly site visits and Solutions Team members which incorporates over 400 educators. Ms. Hrabluk stated the cadre of educators that have stepped up to assist has been exceptional.

Dr. Balentine asked if the reductions considered were the last options, if other areas were considered before the testing cuts were considered. Ms. Garcia-Dugan stated the ADE has gone through every possibility and they had to cut positions throughout the department. Supt. Horne said several programs have been eliminated including 7 positions being from Information Technology.

Dr. Nicodemus stated it would be helpful as a Board Member to have further information before making any decision.

Mr. Molera moved to table item until further information is provided in order to make a decision and offered to work with the Governor's office and Education Policy Leaders.

Motion second by Mr. Moore

Supt. Horne asked if this could be addressed at a special meeting before the regular April meeting.

Mr. Yanez stated a Special Meeting could be arranged within the next two weeks. Mr. Lucero asked for further information on 301 and any legal action due to the proposition. Motion amended for a Special Board Meeting at the discretion of the President within the next two weeks.

Motion passes

Mr. Yanez stated the Board with absorb about a 20% reduction and a list of the reductions was provided to the Board. Significant reductions were made and at the May meeting the Board will be provided with additional detailed information.

Mr. Lucero left the room at 10:43 AM

- C. Presentation and discussion regarding the Common Core State Standards Initiative and the development of associated summative assessments

Ms. Lebo stated the Common Core Stated Standards Initiative information has been posted on-line and is available for the public to provide input. Ms. Lebo walked the Board through the information posted on-line and encouraged the members to review the introduction posted.

Ms. Lebo said there were changes made to the CCSSI outline. On April 22nd the outline now reads: Present Common Core Standards English Language Arts and Mathematics to State Board of Education with request to adopt the Common Core Standards; share updated transition plan; request permission to post the approved Common Core Standards online for 30 days. During this time, the public will be invited to review the approved Common Core Standards and make recommendations on possible Arizona specific additions.

Ms. Lebo met with the Education Counsel from USDOE and provided informed on the on the importance of the standards at a time of budget crisis.

Dr. Nicodemus asked if post-secondary institutions have received information on the process of the assessments. Ms. Lebo stated no specific information has been sent to University Presidents but she can do so. Dr. Heager stated he would appreciate the information. Dr. Nicodemus asked if the information could also be sent to Community Colleges also.

Dr. Haeger left the room 11:00 AM

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

Ms. Susie Cannata stated if the sales tax did not pass education could be looking at another \$430 million dollar reduction. The fiscal year 2011 budget relies on the passage of two ballot propositions; one on First Things First and the other on Growing Smarter.

HB2235 – Would require the Board to provide information and records relating to the investigation of a certificate holder to districts that are employing or considering employing the certificate holder. Amendments to the bill clarify that the Board's obligation to provide information is only triggered by a request of the school district.

HB2281 – Prohibits schools from offering instruction that promotes the overthrow of the United States government. The bill requires the Board to direct the State Superintendent to notify the school district and if the district does not remedy the situation within 60 days there would be a withholding of up to 10% of the monthly funds.

Mr. Yanez stated HB2281 as well as other bills will have certain costs associated such as expenses for hearings. Mr. Molera

HB2298 – Would mandate that the Board allow a variety of teacher and administrator preparation programs and also for the Board to create application procedures that are less restrictive than those for traditional programs.

Mr. Lucero returned at 11:08 AM

HB2731- Creates the Grand Canyon high school diploma to be offered to students that demonstrate readiness for college level math and English.

HB2732 – Bill establishes reading competency requirements for the promotion of 3rd grade students and requires the Board to establish intervention and remedial measures. The bill also requires the Board to appoint a task force on reading assessment.

Dr. Haeger returned at 11:13 AM

Dr. Nicodemus moved to encourage the legislature to find an alternative decision for Fist Things First before eliminating the program.

Mr. Moore second the motion

Motion Passes

- E. Presentation, discussion and consideration to accept the findings of fact conclusions of law and recommendations the Professional Practices Advisory Committee and grant the application for teacher certification of Leroy Delos Santos

Mr. Charles Easaw stated the Board reviewed this case December 7, 2009. At the December meeting the Board requested further information and for Mr. Delos Santos to be present for questions.

Mr. Easaw addressed the additional question the Board had in December and stated Mr. Delos Santos was present to address additional questions.

Dr. Nicodemus moved to accept the Findings of Fact, Conclusions of Law and recommendation of the PPAC and grant the application for teacher certification of Leroy Delos Santos

Motion second by Ms. Owen

Motion Passes

- F. 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 Isaac Elementary School District

Mr. Chad Sampson stated the district has contacted the Auditor General's office to request a new audit and representatives from the district were present. Mr. Sampson also provided a summary of the Auditor General's findings.

- District failed to ensure the accuracy of its accounting records and needs to improve its financial reporting
- District needs to strengthen its controls over credit cards
- Strengthen controls over student monies
- District failed to accurately prepare and file its expenditure budget
- Improve controls to identify and document conflicts of interest

Mr. Sampson stated the district was not subject to any current funding withholding.

Mr. Carlos Bejarano, district superintendent stated the audit discrepancies originated in FY05-06 and 06-07. Since a new superintendent for business services and director of finance have been hired to assist with correcting the audit deficiencies. Mr. Bejarano stated the district is committed to make the corrections necessary to be in compliance by the next visit from the Auditor General's office.

Mr. Bejarano requested that the Board not withhold the recommended 3% of state aid and introduced Mr. Kevin Price, director of finance.

Mr. Kevin Price provided a presentation on the steps the district has taken and the corrective actions implemented and an outline of the audit progress since 2007. Mr. Price stated the district is ready for a new audit and would like to submit a request for an audit in May.

Dr. Nicodemus stated the circumstances for this district are similar to other districts that have been given additional time with the consent of a deadline for a new visit from the Auditor General's office. Ms. Owen asked if a new visit has been requested. Mr. Price stated a visit was requested but protocol required the presentation to the Board before a new visit could be scheduled.

Dr. Nicodemus moved to table any action contingent on a review from the Auditor General's office no later than July 1, 2010

Motion second by Mr. Lucero

Motion Passes

- G. Presentation, discussion and consideration to close rulemaking procedures and adopt proposed rule, R7-2-615(F), regarding reading endorsements

Ms. Amator requested to close the rulemaking process, adopt the proposed amendments and make the changes effective July 1st, 2011. A Public hearing was on March 16th and a summary of the public input was provided to the Board.

Ms. Mendoza moved to close the rulemaking record and adopt proposed rule R7-2-615, regarding reading endorsements

Motion second by Ms. Owen

Motion passes

- H. Presentation, discussion and consideration to close the rulemaking record and adopt proposed rules R7-2-604.03, R7-2-604.04 and R7-2-614, relating to Alternative Professional Preparation Programs and Intern Certificates

Mr. Yanez stated the rule would create a separate process for approval of organizations that wish to become alternative preparation programs. Mr. Yanez said one change that came as a result of the public hearing held March 16, 2010; grant program approval should not exceed 10 years has been changed to 7 years.

Mr. Yanez provided a summary of the input received the day of the public hearing and e-mails. Mr. Yanez requested to close the rule making process.

Mr. Molera moved to close the rulemaking record and adopt proposed rules R7-2-604.03, R7-2-604.04 and R7-2-614, relating to Alternative Professional Preparation Programs and Intern Certificates

Mr. Molera thanked the members and education organizations for all of the work to come to an agreement for the rule

Motion second by Ms. Ortiz-Parsons

Call to the public:

- Mr. Andrew Morrill from the AEA- Asked for clarification on the field experience stated in the rule. Mr. Yanez said the change came about organizations that may contract with teaching coaches or others to monitor field experience. Mr. Morrill stated providers should be considered carefully and the elements of quality.
- Ms. Karla Phillips Education Policy Advisor - Ms. Phillips thanked the Board on behalf of the Governor and stated their support and approval for the rule package and HB2298. Ms. Phillips also thanked Mr. Molera and Mr. Yanez for their diligent work on the rule package. Ms. Phillips said the changes align with the RTTT application and also said policy should be created based on the success expected and not the current budget crisis.

Motion Passes

Mr. Molera left the room at 11:51 AM

- I. Presentation, discussion and consideration to approve the application for the Arizona On-line Instruction Program, pursuant to A.R.S. § 15-808

Mr. Yanez presented the criteria of the application and stated if approved applications would be brought for Board review in June.

Dr. Balentine asked what the seat time would be, Mr. Yanez said seat time was the same but pupil funding would be at 95%. Mr. Yousef stated the seat time for high school was changed from 700 to 900 hours.

Mr. Molera returned at 11:54 AM

Ms. Ortiz-Parsons moved to approve the application and evaluation criteria for the Arizona On-line Instruction program, as presented.

Dr. Nicodemus second the motion

Motion passes

- J. Presentation, discussion and consideration to adopt the minimum scores on the ACT and/or SAT to meet the requirements of A.R.S. § 15-701.01

Mr. Yanez stated the legislature passed a bill that requires the Board to determine a minimum score on one or more nationally recognized college entrance examinations that may be substituted for a passing score on AIMS, if the pupil is in grade twelve and has previously taken the AIMS at each administration. Mr. Yanez and the ADE met with the State Assessment Advisory Committee to develop the possible scores.

In order to determine appropriate minimum score on the ACT and SAT, the committee considered the following:

- Scores used by other stated on the ACT/SAT for graduation decisions;
- Whether the cut score should reflect college entrance requirements, or what a 10th grade student would be expected to score (AIMS expectation);
- Data showing how student performance on ACT correlated with the student scores on AIMS; and
- Comparisons of SAT and ACT scores as related to their percentile ranks.

Mr. Yanez requested the adoption of the minimum scores for the purpose of complying with A.R.S. §15-701.01. The following are the minimum scores.

- 16 on each section of the ACT (writing, reading and mathematics)
- 420 on each section of the SAT (writing, reading, and mathematics)

Information was provided of states that have similar policy.

Ms. Mendoza moved to adopt the recommended minimum scores on the ACT and SAT to meet the requirements of A.R.S. §15-701.01

Motion second by Dr. Nicodemus

Motion passes

- K. Presentation and discussion regarding the proposed settlement submitted by James M. Houston. 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 the Board's position in this matter. 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.

Supt. Horne stated he did not feel the need to move into executive session and was ready to make a motion on the item.

Supt Horne moved to reject the settlement offer submitted by James Houston

Motion second by Mr. Molera

Dr. Haeger abstained from voting

Motion passes

Ms. Mamaluy stated Dr. Houston filed a motion for stay and evidentiary hearing and a trial at superior court. All motions have been denied.

Supt. Horne asked if depositions continue to be required. Mr. Bowen stated the depositions are still required and have been requested to be re-scheduled by Dr. Houston.

Mr. Yanez stated the Board was provided with copies of the letter Dr. Houston submitted dated March 8, 2010 and an additional letter received March 22, 2010.

6. ADJOURN

Mr. Lucero moved to adjourn

Motion second by Mr. Moore

Motion passes

Meeting adjourned at 12:07