

**Minutes
State Board of Education
Monday, August 27, 2007**

The Arizona State Board of Education held its regular meeting at the Arizona Department of Education, 1535 West Jefferson, Room 417, Phoenix, Arizona. The meeting was called to order at 9:05AM.

Members Present

Mr. Jesse Ary
Dr. Vicki Balentine
Dr. John Haeger
Ms. Martha Harmon
Superintendent Tom Horne
Ms. Joanne Kramer
Mr. Larry Lucero
Ms. Anita Mendoza
Mr. Jacob Moore
Dr. Karen Nicodemus
Ms. Cecilia Owen

Members Absent

1. BUSINESS REPORTS

A. President's Report

Dr. Karen Nicodemus provided members a document which outlined information about work being done regarding increasing graduation requirements. She added that the document is to solicit input from key stakeholders and the general public. She thanked Dr. Balentine, Ms. Harmon, Mr. Yanez and Superintendent Horne for their assistance in crafting the document, adding that the intent is to have a cover letter and to begin outreach efforts. She noted that an online site will also be provided where individuals can provide input. Dr. Nicodemus noted that document provides the rationale behind the proposed changes and that it contains information regarding the proposed personal curriculum option. She asked members to confer with Mr. Yanez if they find any errors.

B. Superintendent's Report

Superintendent Horne noted the following information regarding ADE divisions:

- Exceptional Student Services
 - Response to Intervention training for new teams
- Special Populations
 - 39th annual Migrant Education Conference
- Career and Technical Education
 - Superintendent Horne and Mr. Dennis Fiscus, Director of Student Organizations, CTE, presented various CTE awards to members of the CTE student organizations

C. Board Member Reports

Dr. Haeger shared that he has updated the Arizona Board of Regents on the Board's efforts to increase graduation requirements. Dr. Haeger indicated that he expects the Arizona Board of Regents to continue to track this issue.

Mr. Moore reported that he attended the National Association of State Boards of Education (NASBE) training conference for new board members. He said that it was helpful because they discussed issues not only in Arizona but issues related to education throughout the United States. He noted that “how to” sessions dealing with state business were included and that discussions included how NASBE could assist state boards. He stated that the conference was helpful because there were 40 other new board members in attendance from around the country that he had opportunity to dialogue with. He also mentioned that there are two former Arizona State Board of Education members that helped with the training process and he found that very helpful.

Ms. Owen and Mr. Lucero arrived at 9:15 AM.

D. Director’s Report

1. Presentation of the 2006-2007 Annual Parent Survey

Mr. Vince Yanez, Executive Director, Arizona State Board of Education, updated members regarding the 2006-2007 Annual Parent Survey, which the Board is required to conduct each year, pursuant to legislation. Mr. Yanez noted that the SBE contracts with AEPI, Arizona State University, for this project, overseen by Dr. David Garcia. Mr. Yanez provided a copy of the survey for members and clarified that the questions are mandated by the Legislature, including: “How do parents rate the school their oldest child attends” and “How do they rate other schools.” Mr. Yanez added that this survey has been conducted by the SBE since 1999 with consistent results. He stated that this year’s results indicate that 77% of parents rate the school that their oldest child attends as an ‘A’ or a ‘B’, 34% of parents say that all schools rate as an ‘A’ or a ‘B’. Mr. Yanez added that these are the exact numbers as in the 1999 survey and that over the years additional questions have been added to the survey. He noted that the survey is conducted late in the school year which gives the SBE an opportunity to ask additional questions. Mr. Yanez suggested that members may suggest any additional questions they wish to add to the survey by December.

Dr. Nicodemus encouraged members to think of additional questions that would benefit the SBE. She asked Mr. Yanez to re-visit this issue in October.

Mr. Lucero observed that the 2007 survey indicated that the Hispanic/Latino population responded to the survey at 16%, and commented that he found this number to be a little low based on the overall makeup of the population. He asked for it to be reviewed.

Mr. Yanez responded that he would address this issue with Dr. Garcia and that he believes that Dr. Garcia does choose a sample that accurately represents the Arizona demographics. Mr. Yanez added that the responses that come back from the parents vary from time to time.

Dr. Nicodemus mentioned the demographics and stated that she wanted to compare with the contrast of the school population. She also noted that she thought it was excellent to see the number of people who had access to the internet.

Mr. Moore stated his concern, wanting to make sure that they were getting enough information from the other populations, such as rural schools.

2. ADJOURN AS THE STATE BOARD OF EDUCATION AND CONVENE AS THE STATE BOARD FOR VOCATIONAL AND TECHNICAL EDUCATION.

Motion by Mr. Ary and seconded by Mr. Lucero to adjourn as the State Board of Education and Convene as the State Board for Vocational and Technical Education. *Motion Passes*

Presentation and Discussion Regarding the Joint Career and Technological Education District (JTED) Course and Program Appeal Process.

Ms. Barbara Border, Interim Deputy Associate Superintendent, Career and Technical Education, Arizona Department of Education, presented the information included in the materials packet. Dr. Balentine asked if the item would be proposed for action at the next meeting and Mr. Yanez replied yes.

Mr. Ary expressed his concerns regarding what would happen if a JTED wanted to elevate their appeal directly to the SBE, and how the SBE would be expected to react to that. He asked if there was a Board for Career and Technological Education. Ms. Border clarified that the SBE is the State Board for Career and Technology Education. Mr. Yanez the terminology changes but that it does refer to the State Board.

Dr. Nicodemus expressed her concern regarding the timeline for the appeal process as it would apply to the district and how long they have to respond to the application after it is submitted.

Ms. Border indicated that they have 120 days to respond to an application once it has been submitted and that would be the end of March or beginning of April for this timeline.

Dr. Nicodemus asked if they had 30 days to appeal the decision of the application and Ms. Border confirmed that this was correct.

Dr. Nicodemus asked what the value of the different appeal levels are and Ms. Border explained that the levels of the appeal process are to take care of some of the issues at a lower level. She noted that the hope is that the appeal process would be done by July 1st.

Dr. Nicodemus asked what the value of the advisory committee would be and Ms. Border explained that the advisory committee would hear the cases and then bring the information to the SBE in such a way that they would have all of the information presented to them, saving time for the SBE.

Dr. Nicodemus asked if there would be a timeline stipulated so that this process would move in a timely manner and Ms. Border said that language could be added so that the process would be completed before July 1st.

Dr. Balentine clarified that if an application is submitted by December 31st it must be returned by February and Ms. Border confirmed that the JTEDs will submit the applications by December 31st and that, by law, the ADE has 120 days to respond. She added that the unit received over 6,000 applications and it took them until about mid-March to return them all.

Dr. Balentine stated that she understands the ADE's constraints and suggested that language be included regarding the timeline of the appeal process including that they may not be able to install courses in the following school year but that that it may be a multi-year process.

Ms. Border stated that she thought this process would only bring the appeals to the SBE when they need to be and that some of them can be resolved below the SBE level. She added that putting in the language of having these completed by July 1st would help make it available to be used the next year.

Dr. Balentine stated that from her perspective that would certainly be beneficial, however, she added that she was not sure if the process would meet that timeline.

Dr. Nicodemus asked if there might be curriculum models for the SBE to review and Ms. Border said there will be and pledged that they will be available by Spring.

Dr. Haeger asked if they have brought the universities and the people responsible for mathematics and science into this conversation and Ms. Border said yes, they are involved in the

process along with others as they look at the mathematics base along with other members of the ADE.

Mr. Ary stated that he supported the comments Ms. Border made, principally because at the last special meeting where the minimum requirements were discussed, he noted that a few people told him to keep pushing the CTE piece because it will become a significant part of the four years of math and would translate into “other options” that might be available. He noted that he believes they need to move this on the same track as they are moving their other discussions on the state graduation requirements.

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

Motion by Dr. Balentine and seconded by Ms. Harmon to adjourn as the State Board for Vocational and Technical Education and reconvene as the State Board of Education. *Motion passes. The Arizona State Board of Education re-convened at 9:44am*

3. CONSENT AGENDA

- A. Consideration to Approve State Board Minutes
 - 1. June 25, 2007
 - 2. July 18, 2007 – Special Meeting
 - 3. July 19, 2007 – Special Meeting
 - 4. July 26, 2007 – Special Meeting
 - 5. August 10, 2007 – Special Meeting
- B. Consideration to Approve Contract Abstracts
 - 1. Arizona Family Literacy Continuation Funding 7/1/07-6/30/08
 - 2. Title I Even Start Continuation Funds for YR08
 - 3. 2008 IDEA Paraprofessional Training Grant
 - 4. 2008 IDEA Paraprofessional Tuition Assistance Grant
 - 5. 2008 IDEA School-wide Positive Behavior Supports Grant
 - 6. List of Eligible LEAs with Technical Review Scores High Enough to Receive Mathematics and Science Partnerships Sub Grant Awards
 - 7. 2008 Title I-Part-C Migrant Education Program
 - 8. AZ ESA Professional Development Project Contract Abstract
- C. Consideration to Approve Disbursement of Grant Funds to the Arizona K-12 Center Related to the Master Teacher Initiative
- D. Consideration to Accept Monies Relating to the 2008 Refugee School Impact Grant and to Distribute Funds to Local Education Agencies
- E. Consideration to Approve Structured English Immersion (SEI) Training for the Provisional and Full Endorsements
- F. Consideration to Budget and Accumulate in the Unrestricted Capital Section for Ft. Thomas Unified School District for FY 2007-08
- G. Consideration to Approve Additional Monies for Teacher Compensation for the Fiscal Year 2007-2008 Relating to A.R.S. § 15-952 and 15-537
- H. Consideration to Appoint Members to the Arizona Performance-Based Compensation System Task Force Member
- I. Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Grant the Applications for Certification for the Following Individuals:

1. Dean Erickson, Case # C-2007-070 R (DUI)
 2. Philip Schutte, Case # C-2006-111 R
- J. Consideration to Approve FY 2008 AZ READS Grant Awards

Ms. Owen recused herself from the Consent Agenda.

The following items were removed from the Consent Agenda for further discussion and/or clarification:

- Item 3B
- Item 3D

Motion by Dr. Balentine and seconded by Mr. Moore to approve the Consent Agenda with the exception of Items 3B and 3D. *Motion passes.*

Item 3B

Motion by Mr. Moore and seconded by Ms. Harmon to approve the item as presented. *Dr. Nicodemus abstained from voting on this item. Motion passes.*

Item 3D

Motion by Mr. Ary and seconded by Ms. Harmon to approve this item as presented. *Dr. Balentine abstained from voting on this item. Motion passes.*

4. CALL TO THE PUBLIC

Ms. Susan Fischbein, Math Specialist, Scottsdale Unified School District, with responsibilities that include improving teaching quality, increasing rigor and relevance for all students, began her teaching career in 1971 and has seen many changes over the years. Ms. Fischbein stated that in 1971 students could decide they could never learn Algebra or could take an alternative path toward graduation, whereas now there are standards and teachers continue to work with students through their “math hiccups”. She pointed out the following factors:

- raising the math requirements for graduation is easy to support, especially in a district such as Scottsdale where demographics are in their favor and alternatives to second year Algebra are being considered
- alternate courses need to stress mathematical thinking and reasoning and not be blow-off courses to meet the mathematical requirements
- the four math credit requirements for graduation is a concern if the implication is that students can earn high school credits for courses taken in middle school in working toward transitioning into the Governor’s P-20 recommendation that Algebra be the normal math course in 8th grade
- huge differences in various approaches to middle and high school teaching and learning and that the effective domain is very important in middle school
- grades are frequently based on effort instead of a measurement of actual learning, and that middle school students can have less time on tasks, as assemblies and field trips are more frequent
- a middle school teacher, with a K-8 certificate, only needs to pass the middle level AEPA test to be highly qualified to teach math in middle school
 - this is a great test but it only covers Algebra I and Geometry
 - none of the high level thinking learned through taking a variety of college math courses needs to be in place to teach Algebra I in middle school

- depth of information, instruction, and thinking might not be available to all students and that finding additional math teachers to staff additional classes is going to be tough
- finding secondary math teachers to ensure quality of middle school instruction will be even more difficult
- teaching math is using a set of learned standards to teach thinking
- if students are allowed to receive high school credit for courses taken in middle school toward the goal of four math credits for graduation we might be sacrificing quality for quantity

Mr. Bill Stuart, Executive Director, Arizona Small and/or Rural School Association, and former superintendent, stated that he represents about 125 rural school districts, and that his background is in mathematics. He stated that he is in favor of the discussion to increase the math requirements for graduation but only marginally, based on the following:

- there is a chronic need for more math
- SBE is working from the wrong end
- when students take Algebra they are unable to manipulate fractions and will not be successful with Algebra
- As a superintendent he created a sample test using simple arithmetic for his students and if they could not pass they could not take math classes for high school credit
 - found that 50% of the students could not pass the 5th grade level arithmetic test and therefore would not pass Algebra
 - gave those students summer school with a basic arithmetic review and they had to pass the test again
 - had some success
- suggested an extended study to find out where the students are lacking to get to the Algebra level
- elementary teachers do not have a solid background in mathematics

Dr. Nicodemus asked if it was possible, in looking at the AIMS test, to extract information from a student population specific to AIMS questions that might reflect the assessment Mr. Stuart was using and Mr. Horne responded that they do report results by concept and added that he will check as to whether the way those concepts are defined will meet this issue.

Dr. Nicodemus asked if Mr. Stuart had a copy of the assessment he wrote and Mr. Stuart said he no longer had a copy of that assessment.

Ms. Mendoza stated that she believes they can get that information by looking at the meets and exceeds at the fifth grade level, when they begin to see that fall-off, and then again at the eighth grade.

Mr. Stuart stated that if a student cannot do the simple manipulation, and if the SBE only looks at the AIMS test, it may show the student doing well in other subjects.

(The Board moved to Item 5C2 at this point, 11:30AM)

5. GENERAL SESSION

- A. Presentation and Discussion Regarding the Special Populations Unit of the Arizona Department of Education. Discussion will Include Updates of the Migrant Education, Homeless Education and Refugee Education Programs.

Mr. Ralph Romero, Deputy Associate Superintendent, Policy Articulation and Special Populations, Academic Achievement, Arizona Department of Education, presented the information included in the materials packet.

Mr. Ary asked Mr. Romero to explain the percentages for the allowable set-aside funding for administrative costs and Mr. Romero explained that this is 1% of the individual grant.

Mr. Ary asked what involvement ADE had with the Katrina victims with regard to special populations and Mr. Romero responded that after the Katrina hurricane, the federal Government gave ADE funding to support students that moved here from the hurricane areas. He noted that those funds were appropriated to the homeless education program, which was distributed to the schools that had students from the displaced areas and that ADE's involvement was identifying the students and distributing funds.

Dr. Balentine asked Mr. Romero to describe the difficulties with the homeless children, foster children etc., which the SBE and public may not realize, citing an example of a transportation issue that school districts may have. Mr. Romero stated that the federal law for homeless education is clear, that the best environment for a homeless child is to receive education in their original school. He added that the parent requests the child remain in his/her original school and the school district is responsible for providing transportation for the student. He noted that this creates a burden for the school districts as transportation is an unfunded mandate. He added that there are a number of school districts that are looking for remedial action beginning with our state legislature.

Superintendent Horne stated that this issue was discussed with the chief school officer in Washington, D.C. and that they figured it would be cheaper to buy a car for the family as they now send taxis. Dr. Balentine commented that they cannot trust taxi drivers.

Dr. Nicodemus noted that she was part of a panel that received testimony from children in foster care, and that one of the concerns raised was being forced to move to another school. She stated that she found it interesting to hear the administrative perspective but was surprised that some of the foster children just wanted to be normal kids and not be identified as being a part of a special population. Dr. Nicodemus asked Mr. Romero whether they conduct focus interviews with students that are part of the system, as part of their assessment of the programs, and whether they can assess the value of the programs from the students' perspective. Mr. Romero said they do when they meet with their special population groups and that they take them on expeditions. He added that they have a lot of time to sit down and talk to their students about what works, what doesn't work, about the assistance they need and about the modification to their support that would be available to them. He noted that the unit factors in changes that can be made to the programs, noting that their programs have been very successful. He added that he does not believe the programs will always be successful as the climate and population shifts, but that student needs will always change.

Dr. Nicodemus asked if they extract information for the special populations from AIMS, such as graduation rates and Mr. Romero stated that they do, and gave examples of student achievement and examples from each special population. He added that they see a lot of students that are here and then they leave for various reasons, noting that they may be in different schools and/or different states from year to year. He added that it is very difficult for the special population students to achieve at the rate of regular students.

Ms. Mendoza asked if they have a cross reference for the percentage of those special populations that also qualify in other demographics and in other identified areas such as special education and ELL. Mr. Romero stated that it is possible to identify the students and that many of the

migrant students are ELLs, and many are qualified for Title I. He described the funding surrounding these programs.

Ms. Mendoza mentioned that in October, in Tucson, there will be a conference to bring together members from foster care, social services, the judicial system, and educational facilities, because of all the crossover issues.

B. Presentation, Discussion and Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Deny the Applications for Certification for the Following Individuals:

Dr. Nicodemus asked Mr. Yanez if each case would need its own motion and Mr. Yanez clarified that they would.

1. Bill Montoya, Case # 2006-099 R

Dr. Nicodemus asked if there was any further information on Mr. Montoya and Mr. Charles Easaw, Chief Investigator, Investigative Unit, Arizona State Board of Education, stated that there was no further information, that Mr. Montoya was not present, and that notice has been provided. Motion by Dr. Balentine and seconded by Mr. Lucero to accept the recommendation of the Professional Practices Advisory Committee and deny the application for certification for Bill Montoya for being substantively incomplete. *Motion Passes.*

2. Michael Mooneyham, Case # C-2007-007 R.

Mr. Charles Easaw, Chief Investigator, Investigative Unit, Arizona State Board of Education, stated that there was no further information on Mr. Mooneyham, that Mr. Mooneyham was not present, and that notice has been provided.

Motion by Ms. Kramer and seconded by Ms. Mendoza to accept the recommendations of the Professional Practices Advisory Committee and deny the application for certification for Michael Mooneyham for being substantively incomplete. *Motion Passes.*

3. Rhonda Payne, Case # C-2006-044 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, Arizona State Board of Education, asked that Ms. Payne's case be tabled as there was not indication that she was properly served with notice. Dr. Nicodemus asked if this matter had been tabled previously and Mr. Easaw confirmed that Ms. Payne had previously been on the agenda and that she had requested the matter be tabled. Mr. Easaw clarified that the Investigative Unit is asking that this matter be tabled today.

Motion by Ms. Kramer and seconded by Dr. Haeger to table the matter of Ms. Rhonda Payne. *Motion Passes.*

4. Alex Rodriguez, Case # C-2007-009 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, Arizona State Board of Education, stated that there is no further information on Mr. Rodriguez, that Mr. Rodriguez is not present, and that notice has been served.

Motion by Mr. Ary and seconded by Ms. Owen to accept the recommendation of the Professional Practices Advisory Committee and deny the application for certification for Alex Rodriguez for being substantively incomplete. *Motion Passes.*

5. Nadine Sanchez, Case # C-2005-085 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, Arizona State Board of Education, stated that there is no further information on Ms. Sanchez, that Ms. Sanchez is not present, and that notice has been served.

Motion by Ms. Owen and seconded by Ms. Harmon to accept the recommendation of the Professional Practices Advisory Committee and deny the application for certification for Nadine Sanchez for being substantively incomplete. *Motion Passes.*

6. Alma Stosius, Case # C-2007-003 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, Arizona State Board of Education, stated that there is no further information on Ms. Stosius, that Ms. Stosius is not present, and that notice has been served.

Motion by Ms. Harmon and seconded by Mr. Moore to accept the recommendation of the Professional Practices Advisory Committee and deny the application for certification for Alma Stosius for being substantively incomplete. *Motion Passes.*

C. Presentation, Discussion and Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Approve the Applications for Certification for the Following Individuals:

1. William Ballesteros, Case # C-2006-078 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, Arizona State Board of Education, stated that Mr. William Holder, Attorney, will be representing Mr. Ballesteros. Members reviewed new documentation presented to them and Dr. Nicodemus asked if there was further information for the Board. Mr. Easaw confirmed that there was nothing further.

Mr. Holder stated that with regard to the materials that the SBE received there were two inadvertent mistakes:

- the agenda summary should state that Mr. Ballesteros applied for a substitute certificate on September 1st, which is verified by item ten on the Findings of Fact
- the agenda summary should state that the PPAC concluded that the conduct of Mr. Ballesteros on May 14, 2004 does not constitute unprofessional conduct

Mr. Holder pointed out that in paragraph eight of the Findings of Fact the graphic language that the student used against Mr. Ballesteros during the incident is stated. Mr. Holder explained why he believed the PPAC came to the opposite conclusion at the re-hearing:

- PPAC heard the review testimony from Mr. Ballesteros in November 2006 and voted 7-0 to deny Mr. Ballesteros' application for certification
- Mr. John Trotter, Principal, San Carlos, testified in May 2004 including the following
 - Dr. Steven Cullen, Vice Principal, San Carlos, reported to him that Mr. Ballesteros did not hit the student
 - the only reason Mr. Ballesteros was suspended was because it was the school Board's policy to impose a suspension upon an allegation from a student striking them
 - Dr. Cullen investigated the incident and concluded that there was not evidence of the student being struck by the teacher based on the following
 - there was only an argument
 - there was no evidence that Mr. Ballesteros behaved unprofessionally in his interaction with the student
 - disciplinary action was not recommended

- the only touching that occurred was by Mr. Ballesteros tapping the student on the chest with a pencil while reprimanding the student for the foul language
- testimony from Officer Lemke, San Carlos Tribal Police Officer
 - he believed Mr. Ballesteros was a very good teacher and that he was not trying to hurt the student, but was trying to get the student to behave properly.
 - he did not believe that Mr. Ballesteros' actions were inappropriate at the time
 - confirmed that the most contact Mr. Ballesteros had with the student was poking him in the chest with the eraser end of the pencil
 - contradictory to his police report, he concluded that Mr. Ballesteros did not hit the student in the stomach
- Mr. Ballesteros' testimony:
 - that he rushed to get his application for certification in
 - that he and his wife filled out the application in the car with her filling it out while he drove
 - that he did not answer the crime question correctly
 - when he arrived at the certification counter, Ms. Lauren Buhrow, Investigator, Investigative Unit, Arizona State Board of Education, reminded him that he needed to answer those questions correctly
 - that he disclosed the incident that happened in Texas
 - that he did not disclose the San Carlos incident
 - that later that night Mrs. Ballesteros suggested to Mr. Ballesteros that he may need to disclose the San Carlos incident
 - that he then disclosed that incident in a new statement
- The PPAC believed that Mr. Ballesteros did not intentionally try to deceive them with regard to the crime questions

Ms. Harmon asked Ms. Jennifer Pollock, Assistant Attorney General, Arizona Attorney General's Office, if she can consider all information presented to her and not just the information regarding the May 2004 incident and Ms. Pollock confirmed that this was correct.

Ms. Harmon asked relating to the 2000 incident, whether in retrospect he would have acted the same way and Mr. Ballesteros said he believed what he should have done was make a u-turn and ask another teacher to come along with him. He stated that it was really early, about 7:00AM, and no one was supposed to be there, which is when he questioned the student about being there.

Ms. Harmon asked in regards to Mr. Ballesteros' own testimony where he stated that he was reacting on his instinct, as to how she could be assured that he wouldn't react the same way in a similar situation. Mr. Ballesteros responded that he didn't know if he could have avoided something like that as the student had him by his necktie and was pulling him. Mr. Ballesteros stated that he felt as though he was going to pass out and that was when he hit the student with a plastic cup. He added that if it happened again he would react the same way.

Mr. Holder stated that the PPAC believed that Mr. Ballesteros did learn his lesson from the incident in 2000 and that the two incidents were similar, but that Mr. Ballesteros did hit the student in the 2000 incident. Mr. Holder noted that all Mr. Ballesteros did was tap the student with the pencil and that Mr. Ballesteros did learn the lesson.

Ms. Harmon stated that she was more interested in the applicant's comments.

Mr. Ary asked Ms. Pollock if the Findings of Fact given to the SBE nullify the content given earlier and Ms. Pollock stated that the transcript showed the PPAC's deliberations with regard to the Findings of Fact, which contain the Findings of Fact and Conclusions of Law delineated in a separate document for clarity.

Mr. Ary asked if these findings superseded the findings from the prior review and Ms. Pollock explained that Mr. Ballesteros appealed the previous decision by the SBE and that the new transcripts show additional findings, and for clarification, the appeal did change the results from the previous review.

Mr. Ary expressed his concern that many of the members took action on this issue at an earlier review and he had asked Mr. Yanez to provide a copy of the minutes from that review. He then read the minutes and stated that he needed clarification that they have new information that might reverse the earlier decision.

Mr. Yanez described the processes used by the PPAC, SBE and the appeal process with regard to Mr. Ballesteros' case.

Ms. Owen asked for clarification on what certificate this proceeding applied to and Dr. Nicodemus described the proceedings that occurred when the SBE heard the review. She stated that the PPAC is now recommending that the SBE approve Mr. Ballesteros' application. Ms. Owen asked if it was a different certificate and Ms. Pollock clarified that it was the same certificate and described the review and appeal processes.

Ms. Mendoza said to Mr. Ballesteros, with regard to becoming a substitute teacher, that where the students are often challenging, she was concerned with Mr. Ballesteros's reaction and instincts. She noted her concern that in a similar situation he may respond in the same way and asked him to address that issue.

Mr. Ballesteros stated that he doesn't believe he would be in a similar situation again, but if it did happen again he would ask the student 3-4 times to let go and if he found himself in the same situation where the student wouldn't let go of his tie he would probably react the same way.

Mr. Holder said that Mr. Ballesteros testified that he has worked as a substitute teacher during the '05-'06 school year without incident.

Mr. Moore confirmed the sequence of events:

- Mr. Ballesteros was seen by the PPAC in February 2003 which was follow-up to the incident in Texas
- SBE approved the application
- second time Mr. Ballesteros appeared before the PPAC was January of 2006
- PPAC recommended denying the application which the SBE upheld based on the incident that occurred in 2004
- Appealed

Mr. Moore asked for clarification of the date and Mr. Holder stated that the PPAC saw Mr. Ballesteros in November of 2006 and the SBE upheld that decision in January 2007 and that the appeal hearing was held in July of 2007.

Mr. Moore asked to see the testimony regarding the vote of the PPAC members and Ms. Pollock stated that the review process is informal and that they receive a summary of how each PPAC member voted. She noted that for this process, the SBE has the transcripts which contain the entire deliberation. She then pointed out that location in the transcript that members can find the information.

Dr. Haeger asked if there was any disputing of the facts that the student grabbed Mr. Ballesteros by his tie and held him in that position.

Mr. Easaw responded that the incident regarding the necktie was in Texas and that he did not have information regarding a police report, however the PPAC reviewed the matter in 2003 and the SBE accepted the recommendation of the PPAC and approved Mr. Ballesteros' application. Mr. Holder stated that there was not a hearing in Texas and therefore there was no testimony contradicting Mr. Ballesteros' statement.

Ms. Pollock referenced the earlier question regarding the findings and conclusions stating that there are two separate votes on pg. 227. She noted that there was a unanimous adoption by the PPAC of the Findings and that page 228 is the beginning of the adoption of the conclusions and that the vote was 4-1.

Dr. Nicodemus asked Mr. Ballesteros, in terms of applying for his certification for the state of Arizona, whether on his initial application where it asks if there is any cause for him to believe he had not answered the questions correctly and whether there was an issue about him answering the questions appropriately. Mr. Ballesteros responded that the SBE that he had left a question out.

Dr. Nicodemus asked if he recalled which question that was and Mr. Ballesteros stated that he didn't recall.

Dr. Nicodemus asked if there was an error on the application he submitted on September 1st and Mr. Ballesteros said yes.

Dr. Nicodemus asked if it was an oversight and not his intention to deceive and Mr. Ballesteros said that was true.

Mr. Yanez asked Ms. Pollock to make a correction to the Conclusions of Law section and Ms. Pollock recommended that they add the following language after paragraph one as part of paragraph one:

“In addition, pursuant to A.R.S. 15-534 (D) the Arizona State Board of Education may deny a certificate of a person on a finding that the certificated person engaged in conduct that is immoral or unprofessional or engaged in conduct that would warrant disciplinary action if the person had been certified at the time the alleged conduct occurred.”

Mr. Holder said that it is important to note conclusion number two states that Mr. Ballesteros did not engage in unprofessional conduct.

Ms. Pollock stated that the language she stated is not to suggest any conclusion.

Dr. Nicodemus confirmed that they should not be referencing disciplinary action and Ms. Pollock confirmed that that is correct.

Motion by Dr. Balentine and seconded by Ms. Harmon to accept the Findings of Fact, Conclusions of Law and recommendation of the PPAC and approve the application for certification for William Ballesteros, including the amendment as described by counsel.

Roll Call Vote:

Dr. Balentine: Yes

Superintendent Horne: Yes

Mr. Ary: No

Dr. Haeger: Yes

Ms. Harmon: No

Ms. Kramer: Yes

Mr. Lucero: No

Ms. Mendoza: No

Mr. Moore: No

Ms. Owen: No

Dr. Nicodemus: Yes

Motion Failed.

Mr. Yanez notified the members that a substitute motion would need to be made and Ms.

Harmon asked Ms. Pollock for help regarding a new motion.

Ms. Pollock stated that since the original motion failed the SBE needed to determine if it is going to accept any of the Findings of Fact, propose findings of their own, or with regard to the Conclusion of Law whether they are going to modify or propose their own Conclusions of Law related to Mr. Ballesteros' case.

Ms. Mendoza asked if there are options for disciplinary action and Ms. Pollock stated that this came forward as an application for certification so the options are to take action on the certificate, or if the parties are interested they may choose to negotiate a settlement agreement for disciplinary action, if appropriate, transferring it from a certification action to a disciplinary action. She added that this decision is up to the parties involved.

Dr. Nicodemus asked if that would involve the SBE asking for counseling, anger management, meaning there can be certain stipulation by which the applicant chooses to engage and the certification is brought forward again.

Ms. Pollock confirmed that this is correct and that there are several options for disciplinary action.

Ms. Harmon clarified the working of the Conclusions of Law and what can be changed and Ms. Pollock clarified that if the Board is going to conclude that based on the statutory authority that determines that Mr. Ballesteros engaged in unprofessional conduct, they have to cite what the unprofessional conduct was.

Ms. Harmon clarified that striking a student is considered unprofessional conduct and Ms. Pollock stated that it would be appropriate to hand out the rules for the SBE to review in determining where the conduct would fall under law.

Ms. Mendoza asked if the issue can be tabled to find out if Mr. Ballesteros is interested in a possible settlement agreement and Dr. Nicodemus asked that this discussion be suspended.

Mr. Moore stated that that was fine but that he wanted to ask Mr. Ballesteros why he didn't appeal the decision of the nine day suspension. Mr. Ballesteros explained that he wasn't sure what was going on at the time and that all he knew was that they suspended him for nine days.

Mr. Moore asked if he was offered an appeal process and Mr. Ballesteros said no.

Mr. Holder said that he advised Mr. Ballesteros that there was an internal administrative hearing, if he appealed, within the district. Mr. Holder stated that at the time he believed that Mr. Ballesteros had no chance of winning the appeal based on the Superintendent's attitude.

Discussion suspended at 11:15AM and the Board moved to Item 5E

Discussion returned to the above item at 11:45am as stated in 5C2

Mr. Chad Sampson, Assistant Attorney General, Arizona Attorney General's Office, discussed some of the options with opposing counsel and stated that they would like to take the next month to enter into an agreement with counsel and Mr. Ballesteros, which will include some sort of anger management, and then bring the proposal back to the SBE.

Ms. Owen noted that she would like classroom management, effective strategies, substitute teacher training, etc. to be added to the requirements in the settlement agreement, as she feels there are additional training issues that need to be addressed.

Dr. Nicodemus mentioned that the reference to anger management was an example that may not reflect the concern of the SBE.

Mr. Sampson stated that he will review the case and the minutes, and use that in the settlement agreement.

Motion by Ms. Owen and seconded by Ms. Kramer to table the matter regarding Mr. Ballesteros. *Motion passes.*

2. Nabeel Mounla, Case # C-2005-041 R

Mr. Charles Easaw, Chief Investigator, Investigative Unit, Arizona State Board of Education, stated that there was no further information in regard to Mr. Mounla's case and that Mr. Mounla is present.

Mr. Mounla stated that he has been teaching for the last three years and that there have been no other incidents. He noted that he stood in front of the PPAC and that they went through what happened and that the PPAC found that he did not engage in unprofessional or immoral conduct.

Motion by Dr. Balentine and seconded by Ms. Kramer to accept the recommendation of the Professional Practices Advisory Committee and approve the application for certification for Nabeel Mounla. *Motion Passes.*

The Board recessed at 11:34AM and reconvened at 11:45AM continuing with Item 5C

D. Presentation, Discussion and Consideration to Approve Request for Suspension of Operations for Enterprise Academy Charter School

Ms. DeAnna Rowe, Executive Director, Arizona State Board for Charter Schools, presented the request for Enterprise Academy to have a temporary suspension for one school year. Additional information regarding the request is included in the materials packet.

Ms. Harmon asked if Enterprise Academy complied with the original terms of their charter and Ms. Rowe referenced the documentation provided to the Board, and pointed out that they do a compliance check for each school when they come before the Charter Board and that Enterprise Academy is in compliance.

Ms. Harmon asked for information regarding the original charter, as far as leadership, academic performance, etc., and Ms. Rowe responded that the original letter asking for a suspension speaks specifically to the intent of the charter, mission and the programs they want to put in place. She noted that as they are reflecting back on their programs, they decided they may not be where they would like to be, but their intent is to look again at the documentation they have and determine whether or not they can appropriately implement it. She noted that Enterprise Academy will then submit the amendment request to the Charter Board office.

Ms. Harmon stated her concerns about what the effect of putting this charter on hold will have on the students and asked if the organization comes up with a new concept and/or a new way to implement the concept, would they be able to re-apply for the next cycle with the State Board for Charter Schools.

Ms. Rowe said yes and as part of the discussions with the school given the direction of the revisions, the evaluation of their programs, and the identification of the things that might be reviewed and revised, it might be better to surrender their charter contract and then apply for a new contract under the State Board for Charter Schools. Ms. Rowe noted that the discussion regarding consideration of cycles began in June, but that the deadline to submit an application to open in this cycle, 2008-2009, is August. She added that the school did not have ample time to do the work they had intended to do but would be required to submit an application.

Ms. Owen stated that she would like to understand the financial impacts and Ms. Rowe responded that the schools get paid for each fiscal year that they are in operation and the school did provide academic services throughout the school year. She added that the school has not received financial assistance for the 07-08 school year.

Ms. Mendoza asked Mr. Bleu, Enterprise Academy Charter representative, about the decrease in student enrollment specifically asking what areas of concern they have and Mr. Bleu stated that the areas of concern were outlined in the materials, but that they are not satisfied with their performance in relation to AIMS and the pre- and post- tests that they administer. He noted that they plan to take a thorough review of the mission, the objectives of the school, and curriculum, and then come back with a plan that will enable them to achieve a high enrollment, performing status, and a much higher level of qualifications.

Ms. Mendoza asked if there were any specific problems they could point out and Mr. Bleu stated that there were several areas such as staff qualifications and commitment to excellence in education.

Ms. Mendoza mentioned that she admired their honesty and the timeliness in dealing with the issues in moving forward to make changes.

Mr. Ary expressed a commendation to Mr. Bleu and his agency for taking the initiative to step up and recognize the areas that need to be worked on.

Motion by Mr. Ary and seconded by Mr. Lucero to approve the request for suspension of operations for Enterprise Academy Charter School. *Motion passes. Ms. Harmon voted no.*

Motion by Dr. Balentine and seconded by Mr. Moore to move into Executive Session to discuss Item 5J. *Motion passes.*

- E. Presentation, Discussion and Consideration to Approve the Proposed Consent Agreement and Place the Peach Springs Unified School District into Receivership, Pursuant to A.R.S. § 15-103

Mr. Vince Yanez, Executive Director, Arizona State Board of Education, advised members that legal counsel will be provided by Mr. Christopher Munns, Assistant Attorney General, Arizona Solicitor General's Office.

Ms. Pollock presented a consent agreement and joint motion to enter a consent order and the attached, Exhibit A consent order related to the Peach Springs Unified School District. She noted that the proposed agreement was presented on behalf of Mr. Yanez and Superintendent Horne, representing the Arizona State Board of Education. Ms. Pollock stated that this item requests that this body adopt the agreement and order, placing the Peach Springs Unified School District in receivership on the grounds of the school district's current financial situation. She stated that they believe the school district is insolvent under the statutory definition of A.R.S. 15-103 and that it is appropriate to place the district in receivership at this time. She noted that the district's governing body has agreed to the action and that the district is represented by Ms. Michelle D'Andrea, attorney for the Peach Springs Unified School District.

Dr. Balentine asked who the receiver is and Mr. Yanez stated that the receiver is Verity Consulting, per the agreement.

Dr. Nicodemus asked if the district has received special consideration through legislative action and Mr. Yanez stated that that is not the case.

Dr. Balentine asked, in terms of a two-year payback, if there is a plan for a pay back. She added that in looking at the numbers, she doesn't see how that would be possible. Ms. D'Andrea stated that while she is not their business manager, she can say that there have been some dramatic cuts, including hiring a new superintendent, discussion of reducing administrative expenses and closing down one building. She noted that the student population is not huge, that there is not a lot of money to go around, but that she is not able to address specifics.

Motion by Dr. Balentine and seconded by Ms. Mendoza to approve the proposed consent agreement and place the Peach Springs Unified School District into receivership, pursuant to A.R.S. § 15-103. *Motion passes.*

Discussion then moved to Call to the Public at 11:20AM

F. Presentation, Discussion and Consideration to Extend the Alternative Paths to Teacher Certification Pilot Program

Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, stated that this is an action item to extend the pilot that was approved in 2005. She added the following:

- there are other pathways available
- the advantage of this one is that districts can design the program to fit their needs
- it is a partnership with districts, higher education, and the County Superintendent's office
- allows them to customize the preparation for their needs
- requires that the mentor training be given by the new teacher center in Santa Cruz, the pinnacle of mentor training in the United States
 - Federal Department of Education recognizes it as the premier
- application process for a district partnership to be considered for the alternative pathway

Ms. Amator provided copies of the application for review noting that the service partners are identified in the application. In addition, Ms. Amator pointed out that applicants must:

- talk about how they are going to recruit candidates into the program and how they will select participants
- explain their mentoring and supervising of the candidates
- outline the costs
- have assurances
 - assurances talk about the training
 - assurance that the summer training, prior to them entering the classroom, evolves around academic standards
 - discusses learning climates, classroom management, offers videos of effective teaching, training in school law and district policies, procedures, curriculum
- maintain intern certificate
- have a degree in the major that they are teaching
- have a GPA of at least 3.0
 - purpose is to make sure teaching is going to be a career choice with someone that will be well prepared in their content

Ms. Amator stated that they monitor the program very closely adding the following information:

- by the time they got the program up and running districts were already in their hiring process
- districts would rather get an emergency certificate than go through this process when they are already in the hiring process
- learned that consortiums are good, that they can pay through transition to teaching and for a facilitator to work with the districts and higher education to develop the application
- have limited the number of emergency teaching certificates an individual can obtain, which has helped
- started out with 2-3 in the program and going into year two they had 18

- this year they have processed over 300 intern certificates
- not sure yet which ones will go to ASPC and how many are part of the teacher preparatory alternatives
- will get that information to the SBE
- program is steadily growing
- have had a transition to teaching grant with a no-cost extension
- just received notification that another transition to teaching grant has been awarded
 - use these funds to teach districts how to recruit and retain
 - can also pay those teachers that are teaching core academic areas an extra \$5,00
- are gaining momentum on the pilot
- content in these areas is critical and this program will not take anyone who doesn't have the content

Dr. Nicodemus noted that she attended some of the presentations held by this unit regarding this program and that there were a lot of questions raised about the timelines and the alternative pathways. She asked if these issues would be incorporated into the model that moves forward and Ms. Amator said yes and that this is why they want to leave it as a pilot instead of coming to the SBE for rule.

Dr. Nicodemus asked if they would make adjustments with the pilot and Ms. Amator said absolutely.

Dr. Nicodemus asked if an engineer chose to go into teaching and they wanted to teach math, but they do not have a math major as their bachelor's degree, whether they would be eligible for the alternative pathway. Ms. Patty Hardy, Director, Title IIA, Arizona Department of Education, responded that they rely on the 24 hours that the SBE has set up as an equivalent to a major and that they also review the course descriptions. She added that they haven't had an engineer yet that didn't qualify. Ms. Hardy clarified that Arizona defines a major as 24 credit hours.

Dr. Nicodemus asked in terms of how it is conveyed to the public, what area a person would be teaching in if they have to have a major in those areas and Ms. Amator stated that is good information and that they are looking for 24 hours of college level courses. She noted that they also have to take and pass the AEPA content test.

Dr. Balentine stated that the challenge is the requirements for these people and that many districts have interns that don't make it through. She noted that this is too many units for someone to be taking and working at the same time. Dr. Balentine stated that her understanding is that NAU has dropped out of the program and asked if they were aware of that. Ms. Amator explained that there are different higher education entities and different applications.

Ms. Hardy explained that the NAU site in southern Arizona may have chosen not to participate but the Flagstaff campus runs the program. She added that there is a consortium in southern Arizona and the goal is to move into the arena where the districts work with the Institution for Higher Education (IHE) to design a program that meets their needs, but up to this point it has been IHE driven.

Dr. Balentine stated that she knows that this has been very intensive in terms of input and involvement on the district level as well. Ms. Hardy added that as timelines go they want to be strict with the SBE approved programs.

Dr. Nicodemus mentioned a report that was given to some SBE members, a summary of Arizona state teacher policy and progress on teacher quality, by the National Council for Teacher Quality and Mr. Horne stated that the report was incorrect. Ms. Amator added that they had submitted corrections to the report before the deadline but the changes were not made.

Mr. Horne stated that under the category of alternate routes to certification they had four categories:

- genuine or nearly genuine alternate route
- alternate route that needs significant revisions
- disingenuous route
- no alternate route

He noted that they were in the disingenuous category. He stated that some organizations have not given them credit for alternate route because it is still a pilot. He noted that a move should be made to a rule fairly quickly so they get credit. He added that six states got rated as genuinely alternate route and that finding out what they are doing could give us some ideas.

Dr. Balentine stated that one of the reasons Arizona's was rated disingenuous is because it requires too many units, and that they clarify that someone cannot work full time and take all of those units. Mr. Horne suggested that they take a look at that comparing it to a submarine captain who dropped out because he was overburdened. Ms. Amator stated that they will look at that.

Motion by Dr. Balentine and seconded by Ms. Harmon to extend the Alternative Paths to Teacher Certification Pilot Program. *Motion passes.*

Mr. Andrew Morrill, Vice President, Arizona Education Association, addressed the Alternative Path, Agenda Item 5F stating the following:

- AEA was involved when the pilot for the secondary alternative path was proposed
- intent of the alternative path is a good one
- results have been problematic in two areas
 - attracting people into the program
 - retention
- asked the SBE what numbers they will be using to judge the effectiveness of this program
- two year pilot is over and the SBE will need to make a decision for this particular pathway
- database decision would cast a skeptical eye on it
- target is for math, science and special education teachers
- Arizona has problems with these categories with regard to getting qualified teachers
- if there is a retention problem with this program and any doubt about the preparation programs for teachers in these areas, the program should be judged with a great deal of scrutiny
- effectiveness is very important
- if this goes forward what is plan going to be to use existing data to improve retention and support
- alternative path is not required by NCLB but is allowed

this pathway may not be what they need

Ms. Kim Tobey, Rio Salado College, spoke about the Alternative Pathway versus preparation programs that still come under the intern certificate, outlining the following:

- Rio Salado is able to offer the intern certificate in all three certification areas
- have learned so many things over the last three years
- institution was the first that was able to offer institutional recommendations this year

- out of the 80 that went through the two year program approximately 10 of them did not finish the program
- will now be able to put 60-70 students in the classroom that were able to follow the course work, the supervision by the IHE, and the ability to utilize the mentoring program
- comments from students are
 - I couldn't have done this if this wasn't available
 - engineer can't necessarily take off 9 weeks to intern to become a student teacher
 - are ready to get in the classroom and want to do that over the two year period while they are still employed and working full time
 - been beneficial to the students
- the timeline - two years may not be enough
- districts like that they know they have the candidate for at least two years
- have about 200-210 with internship certificates with many locations
- distance learning has allowed them to deliver this program

supports SBE's support for the program

G. Presentation and Discussion of Professional Preparation Program Review Team Recommendations for Arizona State University (West Campus)

Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, explained that recommendation for program approval for ASU West, the new preparation program approval process, went into affect in this round of approvals. Ms. Amator made the following points in this regard:

- it is a three step process
 - preliminary review
 - program review
 - site visit
- site visit for the ASU preparation programs was April 1, and 2, 2007
- programs for five years have to meet the certification requirements as defined in rule
 - all core program components need to be present
 - has to be sufficient evidence that the standards are being addressed in related course work, field work
 - have three years of data showing that the students have mastered those standards
- programs for three years have to meet the certification requirements as defined in rule
 - all core program components need to be present
 - has to be sufficient evidence that the standards are being addressed in related course work, field work
 - do not have data on the students
- programs for two years have to meet the certification requirements as defined in rule
 - may lack some program components that need to be present

Mr. Yanez explained that this item is presented for discussion this month and that next month there would be action.

Ms. Amator explained that all programs met at least the two-year requirements and that they are asking for an extension on the administrator preparation program through December 31, 2008. She noted that they are working with a group of stakeholders. Ms. Amator cited a book, Schools Can't Wait Accelerating the Redesign of University Principal Preparation Programs, from the Southern Regional Education Board, which is a how-to listing 13 critical success factors in the

administrative preparation program. She added that it has a rubric looking at the core concepts that will be utilized in AZ LEADS. She added that they are on track for the administrative preparation improvement.

Ms. Harmon asked if there was a problem with voting for this item at the next SBE meeting and Ms. Amator said there was no problem.

H. Presentation and Discussion Regarding the Impact of AIMS Augmentation for the Graduating Class of 2006

Mr. Brian O'Connell, Education Program Specialist, Research and Evaluation Section, Arizona Department of Education, presented information included in the materials packet.

Ms. Mendoza asked if this request was separate from what schools are required to report with regard to students graduating with augmentation and Mr. O'Connell said that it is required, and that their unit sent out an e-mail to all of the districts and charters in May and June.

Ms. Mendoza asked if those schools just didn't respond and Mr. O'Connell said that was correct. Mr. Ary stated that he had real concern that there were so many non-responses and added that the unit needs to find a way to get the LEAs to respond. He noted that he wasn't sure if they could rely on the data.

Mr. Yanez stated that the reporting requirement is part of rule and that the SBE felt it was important to know the impact of augmentation. He noted that there is no authority to impose sanctions.

Dr. Balentine gave a perspective from a district's point of view stating that they may have already provided the information in a different form and that there maybe some confusion regarding the augmentation issue. Mr. O'Connell stated that this could be the case and explained some of the unit's procedures.

Dr. Robert Franciosi, Deputy Associate Superintendent, Research and Evaluation Section, Arizona Department of Education, stated that this is the only way they get augmentation information from the schools and that there is no other way they can identify students, via SAIS, or other way.

Mr. Ary suggested calling the school districts that don't comply via e-mail and Mr. Horne responded that they do that on very high priority surveys and asked Ms. Lebo how many man-hours it took to do the survey for the graduation requirements. Mr. Lebo stated that the phone calls used 200-300 hours to get the schools to comply and was very time intensive.

Ms. Mendoza stated her concern with the accuracy of data, when it lacks data.

Ms. Kramer asked if the non-reporting is where the numbers are lost and Mr. O'Connell said that was correct for some of the numbers. Ms. Kramer asked where the other numbers are and Dr. Franciosi gave examples of students that can graduate without passing AIMS.

Mr. Ary expressed that he knew that they try but asked if there is another way and Dr. Franciosi assured them that they did what they could through repeated reminders and added that they would share the non-compliant schools with the SBE.

Dr. Nicodemus asked if the augmentation number was a duplicated number, i.e., students that were augmented in more than one subject as it may be an inflated number and Dr. Franciosi said it is an unduplicated number.

Mr. O'Connell stated that the numbers are individual accounts of each student and that students may be augmented in more than one area.

Dr. Nicodemus asked if they had access to how many of the 3,425 actually used augmentation in more than one subject and Mr. O'Connell said that the schools report total numbers and not individuals.

Mr. Horne asked how many had graduated in 2007 of the 66,000 students that started the 2006-2007 school year and Dr. Franciosi stated that he doesn't have that number at this time.

Mr. Horne said that there was some confusion regarding a comparison of the 66,000 that started the year with the 51,000 that passed and the 30% non-graduating category. He noted that ranging from 9th-12th grade, ultimately 20% will not graduate, and that we don't know what the number is, but it is in the 60,000 that actually graduated.

Dr. Franciosi confirmed that these are numbers of 12th graders that started in the 2006-2007 school year but it doesn't include dropouts in an overall graduation rate.

Mr. Moore mentioned that there will not be augmentation reporting next year and Mr. Horne stated that one big implication is that up until now the number of students taking the sixth AIMS test in July has been small and that next year it will probably be very large. He noted that they will need to seek money from the legislature for this.

Dr. Balentine stated that she knows they work very hard to get this information and that she recognizes the challenges of emailing blindly across the state. She suggested making the due dates more imminent as a district may not reply right away.

Dr. Nicodemus asked if there will be additional reports around AIMS results and Mr. Yanez stated that staff is preparing a report regarding statewide results for the next SBE meeting.

I. Presentation and Discussion of Possible Rule Language Related to Proposed Modifications to the Mathematics High School Graduation Requirement. Discussion will Include Language Clarifying those Courses Deemed Equivalent to Algebra II.

Mr. Vince Yanez, Executive Director, Arizona State Board of Education, stated that during the last special meeting the SBE requested staff to create proposed rule language around what courses would be deemed equivalent to Algebra II. Mr. Yanez noted that he worked with Ms. Pollock and staff members from ADE, Ms. Cheryl Lebo, Associate Superintendent of Standards & Assessment, Arizona Department of Education, and Ms. Mary Knuck, Standards/Mathematics Program Director, Academic Standards Unit, Arizona Department of Education, for the proposed language. He reiterated that this is not a complete rule package noting that they will not issue rules. The proposed language is included in the materials packet.

Superintendent Horne asked if the words "these courses" refer to the four years of courses rather than the substitute courses for Algebra II and Mr. Yanez said yes that was the intent.

Mr. Horne asked that it be changed to "courses over the next four years" and some members said "four credits".

Dr. Nicodemus asked if what was written does not reflect the current discussion around math standards and confirmed that it only reflects what is currently in statute and specific to Algebra I and Geometry.

Mr. Yanez stated that the language in the proposal is the existing standards and noted that he understands the standards may likely change but that they cannot proceed with rules that might be in place some point in the future. He added that it is possible that once the rule is established there may be an amendment to this section of the rule given the timeline.

Dr. Nicodemus asked if there are CTE courses that require Algebra I as a prerequisite and Mr. Yanez stated that he believed that was the case and that there was language in an earlier proposal that specifically cited CTE. He noted that it was removed because it seemed implicit as it is an area SBE can change.

Mr. Horne stated that if they don't have it now they will when the rule is adopted.

Dr. Nicodemus asked if one can assume that if Algebra I is a prerequisite, a class or course will be equal to Algebra II and Ms. Lebo said it cannot be guaranteed.

Mr. Horne stated that it didn't sound like it would make sense that a CTE course or any other course would include everything in Algebra II. Dr. Nicodemus asked Mr. Horne if they have looked at pilot testing the end of course Algebra II exam and Mr. Horne said yes.

Dr. Nicodemus stated that if that path is followed there would need to be some assurance that the students are being prepared, and that they will have to verify they received Algebra II.

Mr. Horne stated that the ADE has joined with a consortium of other states in developing a national Algebra II test and that he anticipates that the test would be given to students that are denominated as Algebra II and the test would not be required for all students.

Dr. Nicodemus stated that as she understands it, the ADE is looking at math standards and as part of that they would be looking at what the math standards would be across four years. Ms. Lebo said that is correct.

Dr. Nicodemus asked if they were doing that and if they were writing rule and if they were asked about any discussion for high school graduation requirements, whether the language imbedded in a rule would then cover all four years of those requirements. She also asked if it would move beyond Algebra II because this would be outlining and saying that within the standards here are the strands and here are the major areas covered. Ms. Lebo said you could.

Dr. Nicodemus stated that the language they are mending in the Spring will even incorporate strands that will go beyond Algebra II and Ms. Lebo stated that this was right or they would go beyond Algebra I but are not Algebra II. She noted that it could be a number of things depending on what they come up with.

Dr. Haeger asked the ADE whether they developed the four credits of math in terms of what they might look like and where people agree and disagree about what would happen with the fourth credit.

Ms. Knuck stated that they have determined that they have identified certain performance objectives within all five strands and that they have earmarked them as potential performance objectives that should be covered in grades 11 and 12. She noted that those have been identified as college and work-ready standards.

Dr. Haeger asked if they would have two, one that is college ready and one that is work ready and Ms. Knuck said those are together. She noted that all four years are under the heading of the same strands.

Mr. Moore asked for clarification for credits versus years and Mr. Horne stated that they would need to define them as one credit is equal to one year.

Ms. Mendoza asked if the performance objectives were related to the content, such as the title of the course as Algebra II, college and work ready objectives, or whether they are assigned to a year in the student's education. Ms. Knuck responded that right now in the process they have just identified the performance objectives that would be appropriate for higher level math and grades 11 and 12 but that they haven't actually targeted them to a certain course.

Ms. Mendoza stated that it says they may get Algebra credit in the 8th grade and if they do that, it could be possible for a student to take Geometry in the 9th grade and Algebra II or equivalent in the 10th grade. She noted that this would not fit in with the sequence of courses as suggested.

Ms. Knuck stated that they have developed a sequence of courses and that traditionally students take Algebra and then Geometry. Ms. Mendoza noted that she would like them to consider that.

Ms. Knuck stated that one of the pieces under discussion is to come up with a model course of studies.

Dr. Nicodemus asked for clarity in language regarding the use of the term “freshman class of 2008 – 2009”, noting that she did not want the graduating class of 2013 becoming confused as the freshman class of 2013. She noted that as a rule of perspective the language should be what has been appropriate in the past.

Mr. Yanez stated that the rules refer to the graduating class of, but that they do not refer to the freshman class of. He noted that the proposal is to keep it consistent with how it was written in the past.

Dr. Balentine offered a thought for discussion relating to the next to the last sentence, “courses taken in 8th grade...” and wondered if they might stay with middle school with the thinking that there could be a circumstance where it would be appropriate to divide Algebra I into three years. She noted that they could parcel it out and at the end of 8th grade they could have an Algebra I credit but that the current language would limit the possibility.

Dr. Nicodemus stated that she believes the standards committee will be of interest to the SBE at some point in the discussion.

Dr. Balentine asked if the language with regard to the 8th grade can be removed as it is district discretion to decide if they can get high school credit for courses taken in middle school. Mr. Horne responded that it needs to be clear that if they decide it does count.

Ms. Harmon asked to be clear that they are putting something together to float out to the field and if that is the case, she suggested that they say something regarding math in the senior year.

Dr. Nicodemus stated that it appeared that they do not have consensus and that they don’t want ambiguity, but that she feels it is better to be silent and see what the public input would suggest to the SBE.

Ms. Harmon asked that as they go out in the field there are some basic questions regarding 8th grade which is a policy issue. She asked if they could add an issue for consideration into the outreach effort.

Mr. Ary stated that if this was a suggested document that would go out into the field to help craft the language and would ultimately become the minimum course of study rule then agrees with Ms. Harmon in that they need to make a clear indication that CTE is a prominent part. He noted that silence could leave local school districts with consternation.

Mr. Horne stated that this was a good point and that the first draft had a reference to CTE, arts or other courses and that this is good language to include.

Dr. Nicodemus stated that there are two documents, one with general language and one that gives direction around rule, and clarified the language members were referring to.

Mr. Lucero stated that in order to be consistent with policy, they will get in a debate when they speak about electives and including it in language. He suggested changing the language to “courses taken prior to 9th grade”.

Mr. Yanez clarified that the language previously deleted would not be put back in and that his concern is that by saying a course designated by the SBE will get the SBE into approving courses and the SBE will be inundated with those kinds of requests.

Dr. Haeger stated that he is going back and forth on the initial draft of the rulemaking and that they should be clear as to the major changes they are proposing. He added that he liked Ms. Harmon’s suggestion of including a separate document of items to consider, making it clear that the SBE has not made up its mind regarding all of the issues.

Mr. Horne stated that the SBE has been given a rational paper on the Education and Career Action plan and that he would include it on other issues to be discussed.

Dr. Nicodemus stated that she believed that clarity in language would be important.

Mr. Yanez reviewed the amendments made by the SBE and Dr. Nicodemus clarified some of the amendments.

Dr. Balentine asked what the next process will be and Mr. Yanez stated that the next draft will include the entire package, which will be submitted in October.

Dr. Nicodemus stated that they will revisit this in September and that the SBE might want to consider a special session.

Discussion then moved to Item 5F

Dr. Haeger left at 1:55pm

- J. Update Regarding Basis School, Inc., et al. vs. Arizona State Board of Education. The Board May Take Action to Instruct Legal Counsel as to the Board's Position in this Matter. Pursuant to A.R.S. § 38-431.03(A)(3) and (4), the Board May Vote to Convene in Executive Session for Consultation and/or Legal Advice.

Dr. Nicodemus asked for a motion. Motion by Dr. Balentine and seconded by Ms. Owen that the Board convene in Executive Session for consultation and/or legal advice and to give legal direction to legal counsel as discussed in the executive session. *Motion passes. Ms. Mendoza voted no.*

Discussion then moved to Item 5I

Ms. Owen left 1:06 pm

- K. Consideration to Appoint a Nominating Committee to Recommend a Slate of Candidates for State Board of Education Officers for Discussion at the September 2007 Meeting

Dr. Nicodemus asked Mr. Ary and Ms. Kramer to serve on the committee and they accepted. Mr. Yanez clarified that no action is needed for them to serve.

Motion by Dr. Balentine and seconded by Mr. Ary to adjourn. *Motion passes. The Board adjourned at 2:49pm.*