

**Minutes
State Board of Education
Monday, December 10, 2007**

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 9:02 AM.

Members Present

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

Members Absent

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Dr. Nicodemus

ROLL CALL

Mr. Yanez

1. BUSINESS REPORTS

A. President's Report

Dr. Nicodemus shared that the nominating committee comprised of herself, Ms. Kramer and Mr. Ary have nominated Dr. Vicki Balentine as President and Mr. Jacob Moore as Vice President for 2008. She explained that those nominees will be presented for a vote at the regular January meeting.

Dr. Nicodemus thanked Dr. Balentine, Superintendent Horne, the Board members, ADE staff, Governor's Office, P-20 Council, Ms. Pollock and Mr. Yanez for their cooperation and assistance throughout her year as Board president. She stated that it was an honor for her to serve in this capacity and looks forward to working under new leadership during the coming year.

Superintendent Horne and Ms. Owen arrived during the President's report.

B. Superintendent's Report

Superintendent Horne recognized ADE staff for their achievement over the last month. He specifically recognized Ms. Lillie Sly and Ms. Colette Chapman for the work they have done in organizing the recent Director's Institute of Accountability.

C. Board Member Reports

Dr. Balentine requested that the Board have a discussion at the January or February meeting regarding the new ELD models as developed by the ELL task force. She indicated that there is a great deal of confusion in the field regarding the models and specifically the teacher training as articulated by the task force.

D. Director's Report

Mr. Yanez explained that new legislation from last year regarding the requirements for fingerprint clearance has created a great deal of confusion in the field. The specific issue is whether the new law would require all classified employees to submit "identity verified fingerprint cards." Mr. Yanez stated that he has met with representatives from the Department of Public Safety and the Attorney General's Office to address the confusion and to ultimately provide guidance to all school districts and charter schools. Based upon these discussion DPS has agreed to defer to the Board's regulatory authority over the state's public schools. Mr. Yanez indicated that he has prepared a draft memo that would advise schools that the new legislation should apply only to certified individuals and charter school personnel, but not classified employees that are fingerprinted pursuant to A.R.S. 15-512. The Board noted no objections to the proposed guidance.

2. CONSENT AGENDA

- A. Consideration to Approve State Board Minutes
 - 1. October 22, 2007
- B. Consideration to Approve Contract Abstracts
 - 1. Title I – D, Part 2 Transition Grant
 - 2. 2008 IDEA Highly Qualified Paraprofessional Grant
 - 3. Title I – Distinguished Schools Recognition Grant
- C. Consideration to Approve Structured English Immersion (SEI) Training for the Provisional and Full Endorsements
- D. Consideration to Accept \$5,000 Donation, Pursuant to A.R.S. § 15-204, from the Arizona Community Foundation the Purpose of Completing the Maricopa County Public Schools Arts Education Survey
- E. Consideration to Accept the 2007-2008 Targeted High Needs Initiative Grant
- F. Consideration to Accept the 2007 Transition to Teaching

Motion by Ms. Owen and seconded by Mr. Lucero to approve the Consent Agenda with the exceptions of Items 2A1 which were pulled for further discussion and/or clarification. *Motion passes.*

Item 2A1 - Mr. Ary indicated that the draft minutes for 10/22/07 do no indicate that Mr. Ary was present at the meeting. Motion by Ms. Owen and seconded by Ms. Kramer to approve the minutes as amended. *Motion passes.*

3. SPECIAL PRESENTATIONS

Presentations and Discussion of 2008 Legislative Agendas:

A. Arizona Department of Education

Mr. Art Harding, ADE's Legislative Liaison, indicated that the members should have a copy of a document listing the ADE's priority bills. Items discussed include:

- End of course testing – primary push in grades 3, 6 and 8 history. Other areas could be addressed in the future.
- District compliance – create an enforcement mechanism in statute to ensure that schools and school districts comply with the requirements delineated in title 15. The proposal would give the SBE the authority to withhold from a district a portion of state funds upon a finding that the district has deliberately failed to comply with any portion of title 15.

- District “academic receivership” – would allow the Board to place an “academic receiver” in districts that are academically dysfunctional.
- Local school board training – would require local governing board members to receive training in the duties of school boards. Mr. Harding indicated that one focus of this training would be school finance.
- State data collection - This is a general attempt to improve overall data collection for schools statewide. The specific data elements to be collected and the uses of that data are not yet defined. Superintendent Horne indicated that the data could be used to improve professional development among teachers by allowing them to analyze student performance in specific content areas.
- Policy questions raised by the ADE – need to clarify the school personnel that are required to be fingerprinted, including student teachers and tutors.
- Classroom site fund – Performance Based Compensation System Task Force is not able to complete its statutory requirements due to the failure of districts to submit the required information. Legislative assistance may be necessary.
- Teacher Certification – align state law with federal law in terms of highly qualified requirements.
- ESS technical correction – state law allows students that turn 22 years of age to complete the current school year to potentially graduate.
- Summer food and breakfast – should there be a requirement for schools to offer these programs? The ADE has not yet determined whether to pursue legislation in this area.
- Foreign educational programs – should there be some statutory language to ensure that U.S. students that travel abroad to study are not penalized when they return due to their modified course of study? The ADE has not yet determined whether to pursue legislation in this area. Ms. Harmon asked whether this is a frequent occurrence. Mr. Harding said that he is only aware of a single occurrence. Ms. Harmon wondered whether it would be appropriate to allow districts to deal with this issue.
- Special Education Student Expulsions – how are schools and the ADE to calculate ADM for special education students that have been expelled? The ADE has not determined whether to pursue legislation to clarify this issue.
- Attendance / minutes – there is a need to clarify how are students that are homebound due to illness or injury to be reported for attendance purposes.
- State Funding for Foreign Exchange Students
- Academic Contest Fund – allowing charter schools to qualify for these funds.
- High School Program requirements – legislation to ensure that students attend at least 5 hours each day.

Ms. Harmon asked Supt. Horne if he could identify his top three legislative priorities. Mr. Horne indicated that the first five issues identified by Mr. Harding are his priorities. Ms. Harmon asked whether the ADE has identified resources to schools as top priorities, particularly given the potential increases in high school graduation requirements. Supt. Horne indicated that he has.

B. Arizona Education Association

Mr. Andrew Morrill, Vice President, Arizona Education Association presented their legislative agenda. Mr. Morrill indicated that at this time the AEA Board has not yet officially approved the association’s legislative agenda. Mr. Morrill continued by reviewing the process for how the AEA’s agenda is formed. Mr. Morrill explained that the AEA’s three primary goals are: 1) promote necessary and adequate funding for K-12

education; 2) advance sound education policy that meets high standards for teaching and learning ; 3) promote fairness and respect for public education and all employees of public education employees.

C. Arizona School Administrators

Mr. Mike Smith presented the legislative agenda for the Arizona Administrator's Association (ASA). Mr. Smith indicated that there is a need to complete a comprehensive reform of Arizona's school finance system. Mr. Smith continued and stated that the primary issues facing administrators surround resources. This includes a need to address school utility costs. Mr. Smith stated that this may be addressed by redirecting the county equalization tax, which is scheduled for reinstatement or termination. Mr. Smith stated that this tax could also be redirected to other education needs, including ELL costs.

D. Arizona School Boards Association

Ms. Janice Palmer presented the legislative agenda for the Arizona School Board's Association (ASBA). Ms. Palmer reviewed the process for how the ASBA's agenda is developed and approved. Mr. Palmer addressed two primary issues: 1) Schools are over the constitutional aggregate expenditure limit. Ms. Palmer stated that this should be a technical correction, but also indicated that due to the budget deficit everyone should be mindful that this issue is addressed. 2) Receivership. Ms. Palmer stated that this was originally intended to be a statute to address matters in Colorado City, but that recent events have caused the Board to exercise its authority under this statute in other districts, and that legislators are looking at the possibility of permitting some version of this law to continue. Ms. Palmer stated that the ASBA has taken steps to provide improved training for local school board members to cover several areas, including school finance.

4. CALL TO THE PUBLIC

There were no requests to speak during the call to the public.

5. GENERAL SESSION

A. Presentation, Discussion and Consideration to Close the Rulemaking Record and Adopt Proposed Rules: R7-2-302.01, R7-2-302.02, R7-2-302.03 and R7-2-302.04, Relating to the Minimum Course of Study and Competency Requirements for the Graduation of Pupils from High School

Mr. Yanez introduced the item. Mr. Yanez reviewed the statutory requirements for any amendments to the current minimum course of study. Mr. Yanez specifically cited the requirement that the Board complete a fiscal impact study related to the proposed amendments and stated that the statute prohibits the Board from making any changes to this rule that would impact school capital costs. Mr. Yanez indicated that this study was completed in cooperation with the Governor's Office of Strategic Planning and Budget and the School Facilities Board. The study consisted of a statewide survey of traditional public and charter schools. Mr. Yanez stated that due to the School Facilities Board's rules the survey was constructed in a way that concentrated almost exclusively on science courses. The reason for this is that with all other courses facilities costs are calculated on a square footage per student basis. There are specific provisions for science courses that allow for additional monies due to facilities and equipment requirements. Mr. Yanez stated that the survey results show that 73.4% currently operate with some lab classrooms/equipment and

24.7% have no laboratory lab space/equipment. He stated that this is significant because it shows that a significant portion of Arizona's schools are able to meet the current science requirement without classroom lab space or equipment. Mr. Yanez indicated that there currently are schools that provide lab sciences (including physics and biology) without any lab space. He stated that this is relevant to the proposed regents' diploma, which would specifically require these traditionally lab science courses. Mr. Yanez indicated that as required by the statute the results of the fiscal impact study have been provided to the directors of the JLBC and the School Facilities Board, respectively.

President Nicodemus stated that due to concerns raised by career and technical education, higher education and other stakeholders it is her recommendation to remove from the proposed rules any reference to the Regent's Diploma. She continued that additional conversation is needed with the universities and the institutions of higher education and potentially revisit the issue in a manner that better addresses the concerns of all parties.

Dr. Haeger indicated that he concurs with President Nicodemus', and stated that it will be important for those in the K-12 system to do a better job of communicating to students the requirements for entrance into Arizona's universities.

President Nicodemus indicated that if there are no further comments related to the proposed regents diploma, that she would assume that her recommendation to remove it from the proposed rules is accepted.

Mr. Yanez then continued by providing a review of the public comment received through the rulemaking process. He stated that in addition to the two public hearings the AEA and K-12 Center organized three separate forums designed to solicit input from teachers and administrators. Mr. Yanez indicated that he was able to attend all three forums and that generally there was support for increasing rigor in our high schools, but that there were concerns surrounding the resources available to help schools implement the new rules. Mr. Yanez indicated that the Board received approximately 400 emails relating to the proposed rules. He again indicated that generally the higher education and business communities expressed support for the proposed rules. He added that the K-12 community was split in terms of support/opposition to the proposed rules. Mr. Yanez indicated that the bulk of the comment over the past two weeks surrounded concerns with the proposed regent's diploma. These concerns also dominated the public hearings.

Mr. Yanez stated that he and Ms. Pollock, Board legal counsel, have thoroughly reviewed all public comment and that they do have some technical amendments to the proposed rules. Mr. Yanez asked for the President's permission to have Ms. Pollock review the proposed amendments.

Ms. Pollock reviewed the proposed changes by first stating that based upon the Board's discussion so far there appears to be a consensus among the members that the regent's diploma be stricken. This would have the effect of removing proposed rule R7-2-302.04 in its entirety. Ms. Pollock continued by reviewing several proposed technical amendments. A document highlighting each of the proposed technical amendments was provided to the members.

During the discussion of the proposed amendments Mr. Yanez presented a sample schedule of courses to highlight how students enrolled in career and technical education programs might use these courses to satisfy the mathematics or science requirements.

President Nicodemus indicated that a few individuals have requested to address the Board regarding this item. She called Mr. John Wright, President of the AEA to the podium. Mr. Wright introduced himself and began by expressing his appreciation to the Governor's Office and K-12 Center for sponsoring the three forums previously mentioned by Mr. Yanez. Mr. Wright indicated that the concerns surrounding the proposed requirements relate primarily to implementation. He acknowledged that these challenges are not necessarily areas that the Board can directly impact directly, but he did indicate the need for policy makers, including the Board and ADE, to work to address these issues. Mr. Wright indicated that he believed that the specific reference to courses in the proposed rules (Algebra II) is seen in some circles as a step backwards. He continued that it would be preferred to articulate the standards/competencies that should be addressed.

Penny Kotterman, Associate Director, Arizona K-12 Center, summarized the three forums that were held statewide. Ms. Kotterman stated that she was pleased that several Board members were able to attend these forums. She stated that the concerns that were raised at these forums primarily concentrated in anticipated difficulties with implementation. She specifically mentioned concerns relative to English Language Learners and how these students will be expected to meet the new requirements given the new instructional model. Ms. Kotterman also expressed concern regarding the possible displacement of elective and CTE teachers and the need to address overall K-12 resources.

Greg Donovan, Superintendent of Western Maricopa Education Center, addressed the Board on behalf 10 JTED's. Mr. Donovan agreed with the concerns previously mentioned regarding the proposed regents' diploma and offered his assistance, and the assistance of the JTED community, relating to any ongoing discussions with this effort.

John Mulcahey, President of Career and Technical Education Association, thanked the Board for its attention to the CTE community and for acknowledging concerns with the proposed regents' diploma. He stated that it would be better if the proposed requirements took a look at Arizona academic standards and articulated what students should know prior to graduation.

Peoria Unified School District, Associate Superintendent, addressed the Board. He thanked the Board for its due diligence in moving this matter forward.

Susan Carlson, Executive Director, Arizona Business and Education Association, stated that there will be many challenges at the school level that will need to be addressed as the state moves to implement these new requirements. She acknowledged the importance of CTE and the need to revisit this issue on a more regular basis.

Mildred Norman addressed the Board. She stated that she is a former school teacher and governing board member. She has also worked with an organization providing after school programs to students. She stated that she has learned that all students are different and have different needs. She expressed concerns with the additional math requirements and indicated that this will increase the drop-out rate.

Mary Wolk-Francis, Arizona Parent Teacher Association, indicated that the Arizona PTA supports the proposed requirements and will work with the Board to see that they are implemented.

Motion by Dr. Balentine to close the rulemaking record and adopt proposed rules R7-2-302.01, R7-2-302.02 and R7-2-302.03, as amended, relating to high school graduation requirements. Second by Dr. Haeger. Motion passes.

Mr. Yanez clarified that the motion does not include the language relating to the proposed regents' diploma.

The Board recessed for lunch at 12:16. The Board reconvened at 12:55, Dr. Haeger did not return following the lunch recess.

B. Presentation and Discussion Regarding the 2007 NAEP Reading and Mathematics Results

Tabled at the request of Superintendent Horne.

C. Presentation and Discussion Regarding Statewide AIMS Results for the Spring 2007 Test Administration

Tabled at the request of Superintendent Horne.

D. Presentation, Discussion, and Consideration to Extend Conditional Teacher Certification Program Approval for: University of Arizona South, Rio Salado, Southwestern College, Ottawa University, Prescott College, Grand Canyon University and Northern Arizona University-Yuma Campus

Ms. Amator, Deputy Associate Superintendent, presented the item. Ms. Amator explained that this is a request an extension of the current teacher preparation program approval period for the listed institutions. This request is being made by the ADE to allow more time for the review process.

Motion by Dr. Balentine to extend the conditional teacher certification program approval for the University of Arizona South, Rio Salado, Southwestern College, Ottawa University, Prescott College, Grand Canyon University and Northern Arizona University – Yuma Campus, as presented. Second by Ms. Owen. Motion passes.

E. Presentation, Discussion and Consideration of Teacher Certification Program Approval for the University of Arizona Bachelor of Science in Physical Education and Bachelor of Arts in Education – Cross Categorical

Ms. Amator, Deputy Associate Superintendent, indicated that these programs previously delayed their request for program approval after the ADE identified specific areas that needed to be addressed. Ms. Amator stated that the ADE has reviewed these programs and has verified that they have met the Board's requirements for program approval.

Motion by Ms. Owen to grant teacher certification program approval for the University of Arizona Bachelor of Science in Physical Education and Bachelor of Arts in Education – Cross Categorical, as presented. Second by Mr. Moore. Motion Passes.

→ F. Presentation, Discussion and Consideration to Initiate Rulemaking Procedures for Proposed Rule, R7-2-614, Relating to Administrator Certification

Mr. Yanez introduced the item. He indicated that this package has previously been before the Board and that at that time the Board tabled consideration of the rules and instructed its advisory committee to look at alternative requirements relating to superintendent certificates. Mr. Yanez indicated that the committee has conducted a survey of all states regarding their alternative requirements. Although the committee has not yet composed rule language for an alternative the committee has requested, due to input from the field, that the Board move forward with the rule package to assist schools in their efforts to certify and employ needed school administrators. The committee will continue to work toward the development of a proposed alternative.

Ms. Harmon asked when the Board could expect the committee to formulate a recommendation relating to any proposed alternative requirement. Mr. Morrill, Chairman of the Certification Advisory Committee, stated that the committee has conducted a study and is working on fashioning an alternative model. Further discussions are scheduled in the upcoming meetings, but that there are still several data points that the committee members would like to explore.

Ms. Amator commented that due to the permissive language of the statute there is essentially a very loose alternative already in place that schools may take advantage of. The committee understands this and is relying on it as they work to formulate a quality alternative.

Dr. Balentine suggested that the superintendent language should be modified to mirror the proposed requirements under the supervisor certificate. This would specifically add language that would accept three years of verified teaching experience or related education experience.

Motion by Dr. Balentine to initiate rulemaking procedures for proposed rules R7-2-614, as amended, relating to administrator certification. Second by Ms. Harmon. Motion passes.

G. Presentation and Discussion Regarding Proposal to Reconstitute the Certification Advisory Committee

Ms. Amator stated that staff has identified a need to move certification rule packages forward in a more expeditious manner. The proposed modifications to the composition of the Certification Advisory Committee would remove two lay members. This would make it easier for the committee to achieve a quorum so that it can meet on a more regular basis. Staff also requests that any member that misses more than three meetings in a year shall be replaced.

Superintendent Horne stated that he had also proposed a 60 day turnaround on proposed rules by the committee. He stated that Mr. Yanez objected to this timeframe and the after some discussion it was determined that a 90 day timeframe is more appropriate. Additionally, the committee could request more time from the Board if it deems necessary. It would be the Board's option to grant the additional time or to move forward with the proposed rule.

Mr. Morrill requested to address the Board. Mr. Morrill stated that, as highlighted by Mr. Yanez, the initial quorum issues with the committee had to deal with several vacant positions. He stated that this problem has been largely resolved and the committee has come to better understand its charge and has better formed its working procedures.

H. Presentation, Discussion and Consideration to Initiate Rulemaking Procedures for Proposed Rule A.A.C. R7-2-302.05, R7-2-302.06 and R7-2-302.07, Relating to Educator and Career Action Plans

Dr. Butterfield, Associate Superintendent, presented the item. Dr. Butterfield indicated that the name of the personalized learning plans has been changed to “education and career action plans.” ADE staff has worked on the language to ensure that it works for both traditional public and charter schools. Additionally, staff has formulated an implementation plan to assist schools with the roll-out of the ECAP requirement. Staff has also reviewed related current practices of school districts in Arizona, as well as in other states. The ECAPs must include the following components: Academic goals, career goals, post secondary goals and extra-curricular goals.

President Nicodemus indicated that there are several requests to speak to this item.

David Kurd, President of the International Commerce Institute, stated that they have a plan such as this in place. Mr. Kurd highlighted how these plans are used in their organization and indicated that he supports the passage of the proposed rule.

John Huran stated that he has built a virtual counseling center that has a component that is very similar to the proposed ECAP. This resource is available to all of Arizona.

Tina, representing Arizona GEAR UP stated that they use a model that is similar to the proposed ECAP. The project has been successful in stemming the drop-out rate. They credit part of their success on this front with the education plans they have in place.

Brian Mathison, Mesa Unified School District, spoke in favor of the proposed rules. Dr. Mathison stated that school counselors in Arizona already do this work and they are prepared for this type of state requirement.

Jason Moore, representing Jobs for Arizona’s Graduates spoke in favor of the proposed rules. He stated that his organization currently uses plans very similar to the proposed ECAPs with great success.

Gina Durbin, director of student services for the Cave Creek Unified School District spoke in favor of the proposed rules. The Cave Creek district uses a web-based electronic portfolio that allows the students to complete a plan very similar to the proposed ECAPs.

Ana Cicero, school counselor, Westwood High School, spoke in favor of ECAPs. She indicated that this is a job for school counselors, not teachers. ECAPs can provide comprehensive guidance for teachers, counselors and students.

A representative from Pinnacle Education (charter school), spoke in favor of the proposed rules. Pinnacle utilizes a plan similar to the proposed ECAP and has found that it is particularly relevant in the schools efforts toward drop-out prevention. The portability of these type of plans is extremely important.

Mark Francis, Arizona Charter School Association, spoke in favor of the proposed rules. ECAPs allow students “keep the end in mind.”

Mary Gifford, founder and director of Arizona Virtual Academy, spoke in favor of the proposed rules. She stated that in high school these types of plans are extremely useful in helping track student process, particularly in a mobile society like Arizona.

President Nicodemus suggested that the proposed language in section (B)(1) be amended to only state that the ECAP, shall at a minimum track the following information... The remainder of that sentence would be stricken. President Nicodemus asked staff to ensure that public input is included as part of the rule development and the development of the implementation plan. She further asked that the implementation plan, in its future iterations, be shared with the Board.

Mr. Yanez reviewed the proposed modifications to the rule as requested by President Nicodemus. Those changes should strike in section B “allow students to” and in section B1 “and pursue post secondary and career options.”

Motion by Dr. Balentine to initiate rulemaking procedures for proposed rules R7-2-302.05, R7-2-302.06 and R7-2-302.07, as amended, relating to education and career action plans. Second by Mr. Ary. Motion passes.

I. Presentation and Discussion of Annual TAPBI Report and Performance Audit for District TAPBI Programs

Mr. Yanez stated that per statute the Board, in cooperation with the State Board for Charter Schools and the Joint Legislative Budget Committee, is required to complete an annual report. The annual report is a summary of each of the fourteen TAPBI programs and includes data on enrollment, programming and performance. This report was completed and submitted to the legislature as required. Members were provided with a copy of this report in its entirety.

Mr. Yanez indicated that this past year the office of the Auditor General completed a performance audit of the TAPBI program. The audit looked at the duties and responsibilities of the Board, the Charter Board and the ADE, respectively. Mr. Yanez indicated that overall there were no major findings relating to the Boards duties and responsibilities. He stated that there were, however, several recommendations on how the Board could improve the format of the annual report. Mr. Yanez explained that he did provide a written response to the performance audit and that he had agreed to each of the AG’s findings pertaining to the Board and would work to see that they are implemented to the extent possible. Mr. Yanez acknowledge some of the data constraints relating to the district TAPBI’s. Specifically, he explained the difficulty in tracking TAPBI student performance due the fact that most of these students are concurrently enrolled in traditional classes.

Mr. Herb Dwyer, representing the seven district TAPBI programs, provided an overview of the TAPBI program and highlighted the growth of the program over the last several years. Mr. Dwyer indicated that the district TAPBI’s wanted to provide the Board with their response to the TAPBI audit. He then proposed some possible courses of action to address several of the AG’s findings. The first proposal was the creation of an oversight committee to include members of both district and charter TAPBI’s. This committee could help manage the reporting requirements and provide a means to improve communication between the schools and the state. Other recommendations include:

- All final exams be taken in person to help ensure quality instruction and accountability

- All students should be required to complete at least one online course during their k-12 experience
- Improve monitoring participation (seat time is not a fair measure)
- Consistent ADM practices

6. ADJOURN

Motion by Superintendent Horne to Adjourn. Second by Dr. Balentine . Meeting adjourned at 3:07 p.m.