

**Minutes
State Board of Education
Monday, December 4, 2006**

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 9:03AM.

Members Present

Mr. Jesse Ary
Dr. Vicki Balentine
Ms. JoAnne Hilde
Superintendent Tom Horne
Ms. Joanne Kramer
Mr. Larry Lucero
Ms. Anita Mendoza
Dr. Karen Nicodemus (via telephone)

Members Absent

Dr. Michael Crow
Mr. Bill Estes
Ms. Cecilia Owen

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

1. BUSINESS REPORTS

A. President's Report

Ms. JoAnne Hilde stated that as the SBE transitions she has recommended that the original committees that were set up in June be re-aligned in January to include the new incoming members. Ms. Hilde noted that this will make it easier to comply with open meeting laws and will pave the way for the committees to accomplish their duties.

B. Superintendent's Report

Superintendent Horne recognized the following divisions' activities:

- Educational Services and Resources
 - Third annual adult education joint institute in Chandler
- Academic Achievement
 - First conference devoted solely to arts education
- School Effectiveness
 - School Safety Program presented to the Legislative Review Committee, Committee of Reference

C. Board Member Reports

Ms. Mendoza stated that she attended the Breaking Ranks conference in Washington, D.C. and was excited to see that many of the things that are research-based and demonstrating effectiveness throughout the country are being implemented in Arizona.

Ms. Mendoza also attended ADE's Mega Conference and stated that it was very well done with good sessions. Ms. Mendoza noted that conversations with people who attended were that they felt they were being treated as professional educators.

Mr. Ary stated that he sat in on the school re-districting commission hearing at the Legislature on November 15. He noted that these issues do not have specific implications for the SBE and provided a copy of the FAQ regarding this issue which the Legislature publishes.

Ms. Hilde recognized the new art displayed in the Board room provided by students at Ironwood High School in the Peoria USD.

D. Director's Report

1. FY 2005-2006 TAPBI Report

Mr. Vince Yanez, Executive Director, State Board of Education, noted that on November 15 of each year, the State Board for Charter Schools, the State Board of Education and the Joint Legislative Budget Committee (JLBC) are required to submit the TAPBI Annual Report to the Governor, Speaker of the House and the President of the Senate regarding the previous year's activities. Mr. Yanez stated that this year's report was completed and submitted on time. He noted that the reporting format has been revised to compile a more comprehensive data report. Mr. Yanez provided copies of the Executive Summary and highlighted the following areas:

- Total enrollment
 - Approximately 15, 000
- Test results on Terra Nova
 - Students are performing at or above the state average in Reading and Language
 - Students are performing slightly below the state average in Math
- Test results on AIMS
 - Students are at or above the state average in Reading
 - Students are below the state average in Math and Writing
- It is not a fair measure of program performance to look strictly at test scores as those students are all concurrently enrolled
 - Some students might be in just one or two TAPBI classes and the rest of their classes may be in a traditional classroom setting

Mr. Yanez noted that Mr. Lee McIlroy, Research Analyst, State Board for Charter Schools, was a tremendous help in compiling the data for the report.

Dr. Balentine asked about the revenue generated by students in these programs and Mr. Yanez explained that schools need to divide ADM appropriately to engage the amount of revenue being used in each student's program.

Mr. Yanez pointed out that this is the first attempt with the new reporting format that includes all data pulled by the Department and Charter Board staff. Mr. Yanez noted that they are trying to make data collections easier which will accurately reflect the TAPBI program and that more exact data will be available in the ensuing years.

Dr. Balentine noted that this is a challenge for public district schools as it is not generating ADM for participants and charters.

2. Update Regarding Legislative Liaison

Mr. Vince Yanez, Executive Director, reported that the RFP process for a Legislative Liaison was completed and that Ms. Susan Cannata and Mr. Jack LaSota have been contracted as the SBE's Legislative Liaison.

Mr. Yanez also introduced the SBE's new Chief Investigator, Mr. Charles Easaw.

3. Other Items as Necessary

Mr. Lucero arrived at 9:17AM during the previous discussion.

2. SPECIAL PRESENTATIONS

Presentations and Discussion of Education Organizations' 2007 Legislative Agendas, Including But Not Limited To:

A. Arizona Department of Education

Mr. Art Harding, Director of Legislative Affairs, Arizona Department of Education, reported the Superintendent's agenda provided in the materials packet. Following are the highlights and comments/questions raised in the presentation:

- Mandatory school board training for new school board members
 - Dispute resolution, school finance, policy making, employment laws, etc.

- Why ADE training required and not ASBA training?
 - ASBA already provides training/orientation for public board members through state government
 - ADE will concentrate training specific to administrators, teachers and board members
- ADE has not yet looked at sanctions if board members did not attend this training
- ASBA, ASBO and other organizations also provide excellent training and should be considered before bill is carried further
- ADE is contacted often regarding school finance, open meeting laws, etc., and this is to provide a basic understanding of board member responsibilities
 - Superintendent Horne stated that he has seen examples of school board members who don't have a clear understanding of their responsibilities and may need this training
- Redefine rapid decline in ADM
 - If student count has a rapid decline, funding should be limited to the current year needs
 - Need to consider already signed contracts
- End of course tests
 - NCLB calls for testing in Reading and Math
 - Science asks for certain performance objectives in all courses
 - Suggesting further testing
 - It was not understood that end of course tests would be designed by ADE
 - Individual schools/districts have their own curriculum and state-designed tests would tend to dictate curriculum
 - Cost of test development: proposal to legislature is \$7M
 - Envision task forces sharing test design
 - this is not a high stakes test so it won't be as costly
 - All tests developed by ADE are approved by the SBE with the exception of the AZELLA test
 - These tests would all be standards-based in addition to the current AIMS tests, but they are not high stakes tests
 - Would count in the school profile
- Fix FDK loophole
 - After full-day Kindergarten has been provided schools can offer a supplemental program
 - Solely to stop complaints on this issue
 - Weighted funding part of formula is still a statewide concern
 - Correcting the funding may eliminate complaints that exist in random places
- High school nutrition
- District compliance
 - SBE approval required to withhold funds
 - Education Senate has new personnel so hopefully this will be more successful than in the past
- District receivership
 - If academics are also grossly mismanaged school/district would be subject to SBE-appointed receiver
- SAIS/IDEAL data collection
 - Budget request is approximately \$1M and is part of the request from the Auditor General that includes increased security, data collection and stability of data

- Teacher data to be collected and tied to student and school data
- Dollars may go to ADE but some may flow to districts; to be clarified
- Looking at form of penalty if districts don't submit data in a timely manner
 - Would have to be approved by the SBE
- ADE Star program, approximately 8 staff, assisting districts in complying with these requirements
- Seems to be a low amount of dollars to develop the information systems
- Schools have issues regarding the capacity of SAIS and customizing SAIS to individual programs
- High school program requirements
 - At least 5 hours of instruction; encourage students to take advantage
 - Generalized emphasis in raising standard of rigor
 - Seniors should have full days of instruction in line with the current movement of organizations
 - Encourage ADM correction for students in TAPBI programs to assist in district funding
 - Community college issues-not involved in this discussion
 - From the community college perspective debate regarding double-funding will continue to surface
 - As a courtesy to community colleges this will be discussed prior to bringing this to the Legislature
 - There are several charters based on the 4-hour program and should be looked at prior to Legislative requests
 - Look at what it costs a school to add hours of instruction including an increase in
 - staffing
 - class offerings
 - funding level per student, etc.
- District and charter funding equalization
 - Remove privatization from charters
 - Many people are concerned but this only deals with giving same amount per pupil in district and charter schools
 - Ownership of private property is not part of this bill
 - Understanding that part of this is based on bonding and publicly approved funding and creates an unfairness in terms of funding
 - Not opposed to equalization of funding but if districts have to ask the public for increased funding, then charters should have the same responsibility
 - This is to maximize academic benefit and should be for everyone
 - Intent is not to hurt the already poor districts
 - need to make sure those districts would not have to struggle even more
- Local board delegation of duties
 - Worked with Roosevelt and recommended that they establish a more professional system of hiring/firing with a 3-year term contract for the superintendent
 - This will clarify existing law but not establish new law
- International school
 - Focused on global economy
 - Learning multiple languages
 - May be single pilot school
 - Working on establishing cost
 - Working in conjunction with Representative Mark Anderson, still in the conceptual

stages

- Proposing possibly 100 schools
- Last year \$150M was proposed to include a \$2500 raise for every teacher
 - Legislature and Governor settled on \$100M
- ADE will ask for more this year
 - Last year some districts did not use the money for teacher raises
- Modify definition of small school in statute; working with Research & Evaluation
- Unified K-12 school profile; working with Research & Evaluation
 - Creates less confusion for parents
- Adult education provider fees
 - Allows providers to establish a reasonable fee and expand capacity to provide additional opportunities thus reducing the waiting list
 - Not necessarily be a charge to everyone but lets providers make this decision
- Educator performance assessment fees (Academic Achievement)
 - Covers all current assessments
- IDEA Alignment (ESS)

B. Arizona Education Association

Ms. Jennifer Daily, representing over 34,000 classified and certified members, addressed the SBE and highlighted the following:

- Governmental relations task force makes suggestions/priorities
 - Thoughts/ideas are forwarded to AEA Board of Directors
 - Group elected at annual delegate assembly
 - Represents regions across the state
- AEA Board of Directors reviews recommendations of task force and lists the following agenda items
 - Increase funding for school employees, classified and certified
 - Get closer to national average
 - Make sure school vouchers and corporate tax credits for private schools are no longer furthered
 - Privatizing school employees
 - Decrease burden on the state retirement system
 - May want to give districts an option of hiring back employees
 - Creation of professional standards board
 - Arizona is one of a few states that does not have this board
 - Membership made up of teachers, administrators, school board members, possibly a representative from the SBE and a few lay members
 - Would look at issues regarding professional development, any disciplinary actions, and certification issues
 - Hope to free up SBE's time
 - Would have people in the profession looking at all teacher quality issues
 - Certification issues would be dealt with in terms of having people in the profession looking at the professional standards regarding certification

Superintendent Horne stated that he supported the idea of individual discipline being done separately and the SBE being able to focus on policy items which he has fought for four years. He noted that a professional standards board would take away approximately half of the SBE duties. He added that it has been expressed that the SBE should deal with issues regarding students and a professional standards board should deal with issues regarding teachers. He added that he has been

fighting this on behalf of the SBE. He said that if the SBE decides that it wanted to let go of approximately half of its duties it would affect his view but he guessed that the majority of the SBE would not want to do this. Ms. Hilde clarified that the SBE has not taken a vote on this issue and urged the Superintendent not to speak on behalf of the SBE as the SBE has not taken an official stand on this issue. Mr. Horne noted that he has never represented that he was speaking on behalf of the SBE but that he was fighting against the issue and in doing so he was protecting the jurisdiction of the SBE from losing half of its jurisdiction to a standards board. Ms. Hilde added that this was a matter of going on record that the SBE has not taken a vote and that she has supported a professional standards board.

Mr. Ary responded that he was pleased to hear about the discussion of the proposed issues with other groups and he voiced concern that all four organizations presenting today continue to work together and not work independently on the same issues.

C. Arizona School Administrators

Mr. Mike Smith highlighted the ASA's agenda and noted that the final package will be formally adopted on December 15, 2006 at the ASBA/ASA Joint Conference:

- School Facilities Board
 - Construction cost index and timeline
 - Decisions as to when a school should come on line
- Utility funding
 - Voters approved eliminating funding for excess utilities to occur in 2009
 - Mechanism must be found to fund utilities
- Teacher quality
 - Minimum base salary statewide
 - Professional development
 - Particular interest in focusing on pay incentive programs
 - Need to equalize resources to choose programs which best meets needs of staff
- Educational Leadership
 - Time to recognize that excellent leadership is equally as important as high quality teachers
- Elimination of voucher and tax credits

Additional items of interest:

- State budget process
 - Full discussion and debate did not take place in the previous budget processes
- AZ LEARNS vs. AYP
 - From a practitioner/school perspective this is getting more and more aggravating
 - School must decide which one they have to violate
 - Distressing in the extreme from a citizen and practitioner point of view
 - Public does not know what to believe
 - Decide what kind of accountability is best

Superintendent Horne noted that the SBE has created a fair and accurate system of measuring schools but the federal system is terrible. He encouraged school officers to lobby Congress. He noted that the state system looks at the schools comprehensively and the federal system needs to delegate some of the measurement processes. He urged people to look at the state evaluation and not worry as much about the AYP/federal evaluation as it is an utterly irrational system.

Dr. Balentine noted that adjusting the formula right before a report comes out is counter productive.

Dr. Nicodemus commented that the SFB was going to become more functional and square footage

was going to be considered rather than the number of students and asked if the 21st century learning was going to move in this direction.

Mr. Smith noted that they have had numerous discussions with SFB and efforts are being made to solve these questions.

D. Arizona School Boards Association

Ms. Janice Palmer, Director Governmental Relations, Arizona School Boards Association, which represents over 260 governing bodies, pointed out their priorities:

- Excess utilities
- Treasurer's Office and State Land Trust
 - Looking at ways to privatize for better investment returns
 - Could assist in increasing teacher salaries
- Ability for districts to form charter school districts
- School finance parameters
- Vouchers and tax credits
 - Will fight to make sure this doesn't happen until the court cases are decided
- Will continue to fight local control issues
- Other issues they support but won't take the lead on include raising the maximum age of kids to be in school from 16 to 18
- Continue providing training for governing board members

Dr. Nicodemus asked about the bonding issue for districts that form a charter school and what the focus of the initiative would be. Ms. Palmer noted that voters could decide if all schools in the district could be part of a charter system and then they would gain the teacher certification flexibility with charter school status.

Ms. Hilde noted that these issues will need to be discussed further by the SBE in future meetings and that the SBE will be able to be more involved now with the Legislative Liaison on board.

Dr. Nicodemus asked about the issue of AIMS Augmentation and it was noted that this issue sunsets on January 31, 2008.

Ms. Hilde asked if any items on the Consent Agenda needed to be pulled and requested that Item 5F be pulled for further discussion. Ms. Hilde also noted that Item 3G will be moved to the first item of the General Session to accommodate members of the public who have requested to speak.

3. GENERAL SESSION

- A. Presentation, Discussion and Consideration to Accept the Recommendations of the Professional Practices Advisory Committee to Approve the Proposed Negotiated Settlement Agreement and Place a Letter of Censure in the Permanent file of Mary Christensen, Case # C-2004-180

Mr. Vince Yanez, Executive Director, State Board of Education, presented the information provided in the materials packet.

Mr. William Holder, legal counsel for Ms. Christensen, reiterated the information provided and introduced others in the audience who were present in support of Ms. Christensen. Mr. Holder noted that the settlement agreement was entered into after a thorough investigation by the State Board of Education's Investigative Unit noting that the PPAC voted unanimously to accept the agreement.

Ms. Christensen addressed the SBE explaining the situation and the steps she has taken to prevent any future circumstances of this nature.

Motion by Ms. Kramer and seconded by Dr. Balentine to accept the proposed negotiated settlement agreement and place a letter of censure in the permanent certification file of Mary

Christensen. *Motion passes.*

- B. Presentation Discussion and Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Grant the Application for Teacher Certification for Russell Earl Kendall, Case # C-2006-067 R

Mr. Charles Easaw, Chief Investigator, State Board of Education, presented the information provided in the materials packet. Mr. Yanez noted that Mr. Kendall asked the SBE to consider this case in his absence.

Motion by Dr. Balentine and seconded by Ms. Kramer to accept the findings of fact, conclusions of law and recommendation of the PPAC and grant the application for certification for Russell Earl Kendall. Roll call vote was 5 yes votes and 3 no votes, resulting in no decision due to a lack of a quorum. Mr. Yanez noted that this case will be brought back at the January 2007 meeting for re-consideration.

- C. Presentation, Discussion and Consideration to Accept the Recommendations of the Professional Practices Advisory Committee and Deny the Application for Certification for Carolyn Zarsky, Case # C-2005-166 R

Mr. Charles Easaw, Chief Investigator, State Board of Education, presented the information provided in the materials packet.

Motion by Mr. Lucero and seconded by Ms. Mendoza to accept the findings of fact, conclusions of law and recommendation of the PPAC and deny Carolyn Zarsky's application for certification for being substantively incomplete pursuant to A.R.S. § 15-534.01. *Motion passes.*

- D. Presentation, Discussion and Consideration to Determine Non-Compliance with the USFR and to Withhold State Funds Pursuant to A.R.S. §15-272(B) for the Following Districts:

1. Clifton Unified School District No. 3

Mr. Chad Sampson, Assistant Attorney General, Attorney General's Office, presented information provided in the materials packet and clarified the two-year audit report requirement.

Ms. Hilde clarified that three years ago her firm participated in the search for a superintendent for the Clifton USD but that this would not impact her decision in this matter.

Ms. Maria Barquin, Business Manager, Clifton USD, noted that the district has been in transition, that the audit is now ready to submit with the assistance of their auditors and asked the SBE not to withhold funds at this time.

Motion by Dr. Balentine and seconded by Mr. Ary to table this item until a later date if the Auditor General determines that the district is still out of compliance. *Motion passes.*

2. Coolidge Unified School District No. 21

Ms. Hilde recused herself from this case as her firm will be working with Coolidge USD in a superintendent search in the near future.

Mr. Chad Sampson, Assistant Attorney General, Attorney General's Office, presented information provided in the materials packet.

Dr. Darlene White, Superintendent, Coolidge USD, presented the district's compliance review report which was added to the materials packet.

Mr. Sampson clarified that the district's non-compliance is due to items in the 2004 questionnaire and the 2005 status review as reported by the Auditor General's Office.

Mr. Jerry Strom, Auditor General's Office, stated that the district received a 90-day letter in October 2004 and that their office received the 2005 report before the on-site status review. He added that the report is based on the status review of August 2006.

Ms. Juli Kelly, President, Coolidge USD Governing Board, noted that the compliance issue was being addressed by the district, but that in the transitioning of several superintendents, the district was given the impression that they were going to be in compliance.

Dr. White added that the district's efforts are going to bring the district into compliance as well as increase the district's ability to continue to improve strategies that have been put into place as an ongoing tool to improve the district's accounting processes.

Mr. Sampson noted that the focus should ultimately be on the governing board that is elected to make sure these kinds of issues don't happen.

Ms. Kelly introduced the district's governing board members:

- Frank Ashford, Vice President
- Irma Murieta
- Steve Bolin
- Tina Moore

Ms. Kelly read a statement to the SBE noting that they regret the past mistakes but have now hired auditors, developed a plan and are on track to come into compliance. Ms. Kelly asked the SBE to recognize the district's current situation and for consideration in making their decision. Mr. Ary noted that it is unusual for an entire board to come to this meeting and made a motion to table this matter until after the Auditor General's review. Seconded by Superintendent Horne. *Motion passes.*

3. Fredonia-Moccasin Unified School District No. 6

Mr. Chad Sampson, Assistant Attorney General, Attorney General's Office, presented information provided in the materials packet.

Motion by Dr. Balentine and seconded by Ms. Kramer to determine that Fredonia-Moccasin Unified School District No. 6 is out of compliance with the USFR and to direct the Superintendent of Public Instruction to withhold 10% of state funds from the district until the Auditor General reports that the district has achieved compliance. *Motion passes.*

4. Sterling Academy of Mathematics and Science DBA Bright Ideas Charter School

Mr. Chad Sampson, Assistant Attorney General, Attorney General's Office, noted that Bright Ideas charter School has ceased to exist and that Peach Springs USD has revoked the charter. Mr. Sampson requested that this item be removed from the agenda.

E. Presentation, Discussion and Consideration to Grant Highly Qualified Teacher Reciprocity to Fully Certified, Out-of-State Teachers

Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, presented the information provided in the materials packet, clarifying that a veteran teacher is one who has taught for at least one year.

Motion by Ms. Mendoza and seconded by Ms. Kramer to accept the ADE's recommendation to grant Highly Qualified Teacher reciprocity to fully certified, out-of-state teachers. *Motion passes.*

F. Presentation, Discussion and Consideration of Non-Compliance with Charter Contracts, or Federal State or Local Laws and to Withhold State Funds for Failure to Submit Annual Financial Audits and/or Reports, in Accordance with A.R.S. §§ 15-183 (E)(6), 15-185(H) and 15-914:

1. Developing Innovations in Navajo Education (DINE)
2. Precision Academy Systems, Inc.

Ms. Kristen Jordison, Executive Director, Arizona State Board for Charter Schools, presented the information provided in the materials packet. She clarified that Developing Innovations in Navajo

Education, Inc. (DINE) and Precision Academy Systems, Inc. are the only schools whose reports are still outstanding and to be considered in today's decision.

Motion by Ms. Mendoza and seconded by Mr. Ary that Developing Innovations in Navajo Education, Inc. (DINE) is in non-compliance with the annual financial audit requirements and approve withholding 10% of their monthly apportionment of state aid and to require a corrective action plan. *Motion passes.*

Motion by Dr. Balentine and seconded by Mr. Kramer that Precision Academy Systems, Inc. is in non-compliance with the annual financial audit requirements and approve withholding 10% of their monthly apportionment of state aid and to require a corrective action plan. *Motion passes.*

G. Presentation and Discussion Regarding the Use of Calculators on the AIMS test for Students with Appropriate Individualized Education Programs

Ms. Roberta Alley, Deputy Associate Superintendent, Assessment Division, Arizona Department of Education, presented the information provided in the materials packet via PowerPoint Presentation.

Dr. Balentine noted that it is ludicrous to think that we are instructing at the high school level without a calculator focus.

Superintendent Horne clarified that the federal rule states that something can't be provided if it enhances the students' performance and that a number of states have prohibited the use of non-standard accommodations. He added that states have this ability without violating civil rights laws.

Ms. Alley noted that 7 states consider the calculator to be a standard accommodation and some base it on the type of calculator.

Ms. Mendoza stated the following:

- we are making some assumptions without having done studies
- we need to look at some of the issues before a decision is made
 - find out how many use calculators now in instruction
- we are making generalizations without sufficient background information/data to support decisions

Ms. Hilde noted that there are several issues on the table:

- AYP Issue
- belief that an IEP is in the best interest of the student's needs
- use of assistance to enhance the student learning process
- this is not a magic issue that can be decided on a single vote

Ms. Mendoza asked if other states are facing this same issue and Ms. Alley noted that other states are looking at calculators and making decisions in this area as it affects their local/federal reports.

Ms. Alley added that the feds are going to be giving additional guidance on a modified assessment.

Mr. Horne noted that AIMS is a statewide 10th grade level test and NAEP uses calculators so it is important for students to know how to use calculators. However, it is noted that if students don't know how to work out the problems on paper, they may not know if the answer on the calculator is correct. He clarified that Delaware said that non-standard is not counted as proficient but not counted as not taking the test. He noted that more and more states seem to be moving toward not allowing calculators and the feds are saying to allow the calculator in instruction but not in testing. In addition, Ms. Alley pointed out that we did not allow calculators on the Stanford 9 test four years ago.

Dr. Balentine noted that we should find a way of determining whether a calculator makes a difference for each student and then make the decision based on that outcome.

Mr. Yanez discussed the possibility of a study with Ms. Alley and noted that she has talked with Dr. D'Agostino regarding this, but there could be additional costs for this study.

Members of the public who addressed the SBE Comment:

Bonnie Segal, Catalina Foothills High School Student, Tucson, AZ

Beth Haas, mother of 17 year old junior, Catalina Foothills High School, Tucson, AZ

Lore Ludwig, parent of two sons in Catalina Foothills High School, Tucson, AZ

Kay Turner and Teri Rademacher. Special Education Director in Humboldt USD and Co-Chair Special Education Advisory Panel, respectively.

Clifford Altfeld, member Catalina Foothills USD Board

Dr. Mary Kamarzell, Superintendent, Catalina Foothills USD

MaryLou Richerson, President, Catalina Foothills USD Governing Board

Denton Santanelli, Deputy Superintendent, Peoria USD

Joe O'Reilly, Mesa Public Schools

Mr. Horne noted that the feds caused the problems this year with new impositions in this regard and this is a matter of battling with the feds.

Dr. Russell Sgro, Principal, Thunder Mountain School, Apache Junction, AZ

Dr. Nicodemus asked for clarification regarding what a calculator means in terms of a student receiving a score. Superintendent Horne explained:

- prior to last year they were counted as non-proficient but counted as taking the test and since the percentage of students needing to be proficient at this stage is much lower than 95% the schools were not hurt by that
- last year feds said if student uses non-standard accommodation they have to be counted as not taking the test, which means it is easy to not make the 95% rule of test takers
- With only a few kids not counted as taking the test it is easy for a school to make AYP
- Adults in Washington pass rules that make no sense
- Mr. Horne has publicly stated that this is child abuse and that he thinks the rule should be repealed
- The real problem is at the federal level
- Members of the public need to contact their congressmen and legislators on this issue
- Mr. Horne offered a copy of his letter that people can utilize in writing their own letters

Ms. Alley added that a student was considered non-proficient for AYP calculations but each student received a report with their actual score which is also reported to the parent and teacher.

Mr. Horne added that for the high stakes AIMS test, the IEP can provide for the ability to graduate without necessarily meeting all the requirements of the other students. Ms. Mendoza pointed out that as the passing rate is escalated per government standards, the issue may be compounded.

Mr. Ary asked for clarification regarding the responsibility of the SBE and Mr. Horne responded that if we adopt a rule that differs from the feds, Arizona would be in violation of federal law. He added that the ADE will do a study, which must be a valid test, to see if the end result can justify a different decision/justification. Mr. Horne added that if a decision was made to give all students a calculator, a justifying study would not be necessary, but the test would have to be changed after the required field testing is done, which takes time. He added that if calculators were to be made a standard accommodation only for special education students who have it in their IEP, the test would not have to be re-designed but it would be necessary to conduct a study showing that it does not enhance the score, which is what California was unable to do in its study. Ms. Mendoza asked about the minimum number of students to be tested to make this determination and Ms. Alley noted that this is still under discussion and would be a design of the research model.

Ms. Hilde asked about the timeline for SBE to make a decision, have the process in place, and move this forward quickly enough to impact testing this Spring and Mr. Yanez responded:

- The SBE can take action on any item on the agenda
- Changes implemented by this spring depend on the study results

- If the current test still yields valid results for special education students using calculators, the change would be simple
- If the study says it does not yield valid results then the change can't be made by this spring
- If the SBE wants to continue to make that change the math portion of the AIMS test would have to be re-developed
 - Testing vendor would have to inform the SBE as to what needs to happen

Mr. Horne noted that they will immediately ask Dr. D'Agostino to do a study for the fee he is already receiving and if he will, the ADE will proceed immediately. If Dr. D'Agostino would ask for additional funding, Mr. Horned stated that they will ask the university consortium to do the study at no cost. If this is not possible, Mr. Horne stated that the ADE will discuss the costs with the SBE.

Ms. Alley added that the study could be designed and presented to the national advisory committee meeting in the first part of February.

Dr. Balentine asked if a meta analysis of current data and students using calculators could be used to assist in the decision making.

Ms. Hilde clarified that this discussion needs to cover the K-12 grades with priority at the high school level.

Ms. Hilde recapped the discussion as follows:

- Ms. Alley will pursue having the study done
 - If Ms. Alley has to come back for further funding this will be brought to the SBE
 - SBE should be flexible for an early January meeting to begin this process
 - SBE needs to go on record with a resolution regarding its concerns around the formulation of AYP as well as the frustration around the manipulation of special populations in terms of identifying success and failure within school districts
 - Will work on a framework for a resolution
 - Work on lobbying efforts around re-authorization of NCLB

Ms. Jennifer Pollock, Assistant Attorney General, noted that the SBE has the ability to take action on any item on the agenda as posted.

Mr. Lucero commented that he is very interested in a more simple solution than spending 3-4 months of staff time and expense to determine the plan. He emphasized that if a provision is in a student's plan, that is the way it should be, which is consistent with his vision as a board member, which includes getting away from the school's ranking and getting down to paying attention to the individual. Mr. Lucero added that this should be acted on quickly in an accelerated manner.

Mr. Horne responded that the ADE took that approach and the feds came down on them. He said that the temptation is to not follow fed guidelines but they have the power to impose sanctions.

Dr. Nicodemus noted that the public comments received were appreciated and Mr. Yanez stated that all public comments received prior to today's meeting were forwarded to all SBE members.

Ms. Hilde added that this kind of input is critical to the decision making process.

Dr. Nicodemus asked whether the end of course assessments would have the same issues related to standard and non-standard accommodations and Mr. Horne responded that they are not mandated by the federal government. Dr. Nicodemus asked if there was a benefit to accelerating review of Math at end of course and Mr. Horne responded that there is an interstate coalition developing a standard intermediate Algebra test which may make sense for the ADE to join if funded by Legislature.

Ms. Hilde reiterated that the SBE is interested in moving this process quickly for K-12 while maintaining the sanctity of the IEP process for special education students. Mr. Yanez noted that since high school is a priority, it may be quicker to do separate studies for K-12 and then one for primary grades with the understanding that one is going to be done faster than the other.

The Board broke for lunch at 12:28PM and reconvened at 1:11PM with Item 3A

H. Presentation and Discussion Regarding the Special Education Advisory Panel (SEAP) FY 2006 Annual Report

Ms. Lynn Busenbark, Director, Program Support, Exceptional Student Services, Arizona Department of Education, presented the information provided in the materials packet and outlined the panel as set forth by the SBE.

Ms. Kay Turner and Teri Rademacher, outlined the aspects of the report and the responsibilities of the panel. They also provided a copy of a letter to Ms. Joanne C. Phillips from the Co-Chairs and Vice Chair of the SEAP.

I. Presentation and Discussion Regarding AZ LEARNS State Intervention Schools

Ms. Phyllis Schwartz, Associate Superintendent, School Effectiveness Division, Arizona Department of Education, introduced Ms. Kim Allen, Director, AZ LEARNS, State Intervention, Arizona Department of Education. Ms. Schwartz noted that State Intervention sends out teams to work with schools when they have been labeled failing and noted that because of the support offered by this division only 11 schools were failing.

Ms. Tommie Miel, Education Program Administrator, State Intervention Section, Arizona Department of Education, presented an update of the division's work via PowerPoint Presentation, which is included in the materials packet.

Ms. Kristen Jordison, Executive Director, also outlined the substance of the improvement plan which includes a high stakes consent agreement that requires a school to come back to the SBE if all requirements are not met.

J. Presentation and Discussion Regarding Implementation of A.R.S. §15-244 to Establish the Office of Indian Education

Ms. Maxine Daly, Deputy Associate Superintendent, Innovative and Exemplary Programs, Academic Achievement Division, Arizona Department of Education, stated that they have always provided services for Indian education and introduced Ms. Deborah Norris, Director, Office for Indian Education, who presented the information provided in the materials packet. Ms. Norris added that statute has given their office additional responsibilities but has not allocated additional funding for those responsibilities, so they are being creative to meet the requirements.

4. CALL TO THE PUBLIC

There were no additional requests received at this time.

5. CONSENT AGENDA

A. Consideration to Approve State Board Minutes

1. October 23, 2006
2. November 14, 2006 Special Session

B. Consideration to Accept the Recommendation of the Professional Practices Advisory Committee and Grant the Application for Teacher Certification for Charles Gutierrez, Case # C-2006-075 R

C. Consideration to Approve Contract Abstracts

1. Part B-Individuals with Disabilities Education Improvement Act of 2004
2. The Workforce Investment Act of 1998 Allows State Leadership Funds to be used For collaboration building
3. No Child Left Behind Act of 2001 (NCLB), Public Law 107-110, Section 1117

D. Consideration to Approve Requests to Budget and Accumulate in the Unrestricted Capital Section for FY 06-07 for the Following School Districts:

1. Chinle USD
 2. Kayenta USD
- E. Consideration to Approve the Recommendations for Full Structured English Immersion Curricular Framework
- F. Consideration to Accept Funds For the Purpose of Advancing National Board Teacher Certification In Arizona

Ms. Hilde requested Item 5F to be pulled from the Consent Agenda for further discussion and/or clarification.

Motion by Ms. Mendoza and seconded by Ms. Kramer to approve the consent agenda with the exception of Item 5F. *Motion passes.*

Item 5F

Ms. Jan Amator, Deputy Associate Superintendent for Highly Qualified Professionals, Academic Achievement, Arizona Department of Education, presented the information provided in the materials packet and provided a report from the Network Liaison Local Engagement Action Plan (LEAP) which was included in the materials packet. Ms. Amator noted that funds from State Farm, Chicanos Por La Causa and other organizations will be coming in and a “flow-through” account needs to be set up through which the funds can be deposited and distributed. Ms. Amator noted that State Farm and others are spear-heading the “key partners”: ADE, K-12 Center, university representatives and others.

Ms. Penny Kotterman, Associate Director, Programs and Policy, Arizona K-12 Center, addressed the SBE noting that they are in touch with State Farm and the National Board to set up the partnership and encouraged the SBE’s involvement in this activity.

Motion by Mr. Ary and seconded by Dr. Balentine to approve acceptance of funds to be placed in an appropriate account, for the purpose of National Board Teacher Certification in Arizona, *Motion passes.*

6. ADJOURN

Motion by Dr .Balentine and seconded by Ms. Mendoza to adjourn. *Motion passes.*
The Board adjourned at 3:22PM.