

DRAFT Minutes

**AMPHITHEATER PUBLIC SCHOOLS
Tucson, Arizona**

MINUTES OF REGULAR PUBLIC MEETING OF THE GOVERNING BOARD

Place, Date and Time of Meeting

Wetmore Center, 701 West Wetmore Road, November 16 2010, 6:00 p.m.

Board Members Present

Mr. Jeff Grant, President
Mrs. Diana Boros, Vice President
Dr. Kent Paul Barrabee, Member
Mrs. Patricia Clymer, Member
Dr. Linda Loomis, Member

Central Administrators Present

Todd A. Jaeger, J.D., Associate to Superintendent and General Counsel
Mr. Patrick Nelson, Associate Superintendent
Mr. Scott Little, Chief Financial Officer

OPENING OF MEETING

Call to Order

Mr. Grant called the meeting to order at 6:01 p.m.

1. Executive Session

- A. Motion to Recess Open Meeting and Hold an Executive Session for Student Disciplinary Action:
 - 1. Determination of Whether to Hold an Expulsion Hearing and Designate a Hearing Officer to Hear Evidence, Prepare a Record and Bring a Recommendation to the Board, Pursuant to A.R.S. §15-843(F)(2), Regarding:
 - a. Student # 30034627;
 - b. Student # 30030452;
 - c. Student # 30037223;
 - d. Student # 11505698; and
 - e. Student # 30022752
 - 2. Consideration and Decision Upon Expulsion Hearing Officer's Recommendation, Pursuant to A.R.S. §15-843(F)(2), Regarding:
 - a. Student # 11506665;
 - b. Student # 30036940; and
 - c. Student # 30032941

A motion was made by Mrs. Clymer that the Board recess into Executive Session pursuant to A.R.S. §15-843(F)(2), as presented. Dr. Loomis seconded the motion and it passed unanimously, 5-0. Mr. Grant called a recess at 6:01 p.m. for the purpose of holding Executive Session for student disciplinary action.

Upon return to the Board Room, Dr. Loomis moved to reconvene the meeting into open session. Mrs. Boros seconded the motion and it passed, unanimously, 5-0. The time was 6:59 p.m. Mr. Grant declared the meeting in open session.

CONTINUATION OF OPEN MEETING

(Approximately 7:00 p.m.)

Call to Order and Signing of Visitors' Register

Following Executive Session, Mr. Grant reconvened the open meeting at 7:00 p.m. and invited members of the audience to sign the visitors' register. Procedures for addressing the Board were described.

Pledge of Allegiance

Mr. Andy Heinemann, Principal from Harelson Elementary School, introduced the following students: Kelly Kopyy, Casey Fetkenhour, Lily LaDuke, and Hayleigh Rockenback. The students led the Pledge of Allegiance and were presented with certificates of commendation.

Dr. Barrabee acknowledged the Art Display in the Board Room. He recognized the students and teacher, Kathleen Koopman, from Harelson Elementary School for their contributions.

PUBLIC COMMENT

Mrs. Mary Schuh addressed the Governing Board to express concerns about two issues; the first is in reference to traffic issues at Walker Elementary School; the Board of Supervisors' decided in October 2009 to address the re-design of Roller Coaster Road. She invites interested parties to witness the traffic struggles during the many times of the school day when busses and personal vehicles access the school to drop off and pick up students. She does not support any proposal in which the solution (for traffic management and parking) would intrude or take over current playground space. "There should be some way to devise a solution to re-organize and not give up the playground space or creating a road up through the school. Additionally, Mrs. Schuh spoke to item 4.B. (later in the agenda) regarding "recess" in which she stated that does not support any additional Board policy action mandating additional structured recess time for elementary schools.

Announcement of Date and Place of Next Special Governing Board Meeting

Mr. Grant announced the next special meeting of the Governing Board:
Tuesday, December 7, 2010, 7:00 p.m., Wetmore Center, 701 W. Wetmore Road.

2. INFORMATION AND RECOGNITION(S)

A. Status of Bond Projects

Mr. Louth, Bonds Project Manager, was introduced to present this month's (PowerPoint) status update on the current Bond-funded Projects (as provided with Board book materials). He noted that the reporting format is listed within the five categories as identified by the Blue Ribbon Committee as areas of need. *[A Bond-election initiative to fund capital improvement projects was voter-passed on November 6, 2007; this is the monthly update, which began at the 12/11/07 Governing Board meeting].*

I. Health, Safety, and Security

A. Facility Support Services Center: Construction is 35% complete. Utility connections and steel frame erection are complete. Metal sheathing and interior framing are underway. Interior and exterior MPE (mechanical, plumbing, and electrical) are ongoing. The new FSS drive is complete, and is being used as a construction drive for the site. This project is on schedule and on budget.

B. El Hogar / Land Lab: Procurement of the final phase of the security fence is under way.

II. Instructional Space / Portable Replacement

A. Ironwood Ridge High School Classroom Addition: Construction is 98% complete. The classrooms are in use. The certificate of occupancy was received October 28th, and the move to the new classrooms followed on October 29th and 30th. The first day of classes was Nov. 1st. Exterior fencing is being completed and punch list corrections are being made. This project was delivered on schedule and under budget. Final budget figures are being calculated now and will be reported at January's governing board meeting.

B. Coronado K-8 Classroom, Kitchen, and Fine Arts Addition / Remodel: Construction is 66% complete. Fine arts and classroom building are dried in. Interior MPE (mechanical plumbing electrical) and drywall are complete. Ceiling grid, casework, and flooring are being installed. New kitchen is dried in. Interior MPE and drywall installation is in process. Kitchen equipment installation will be started in late November. New IT (information technology) equipment installation and phone PBX relocation was completed during intersession break. The new MDF (main distribution frame) and IDF's (intermediate distribution frame) are

in use. Phase 3 construction – the remodel of the existing kitchen and the small gym restrooms and the install of the new fire alarm will begin after January 1, 2011. Portables will be removed during summer break 2011. This project is currently on schedule and on budget.

C. Rillito Center Addition: Construction is 7% complete. The 400 and 500 sections have completed footers, stem walls, underground utilities, and slab on grade. The 100, 200, 300, and 600 sections have completed footers and stem walls and are being prepped for underground utilities. The relocation plan for the TEP mainline is in place. The Bond Dept. is working with the Amphi Technology Dept. to coordinate the recabing of the existing campus during bond related construction. This project is on budget, and the baseline schedule is being reworked to account for the TEP mainline relocation.

D. CDO (Canyon del Oro High School) Theater Updates: Construction is 36% complete. Electrical rough-in work is continuing. Structural and concrete work is nearly completed. Interior framing in the lobby is complete. Painting of the lobby and auditorium is in process. This project is on schedule and on budget.

E. Nash Elementary Classroom Addition: Programming of the classroom addition at Nash Elementary is continuing. Design development drawings are complete. Construction documents are due to the District December 16th. Permitting and final pricing for a construction contract will take place at that time.

F. Walker Elementary Classroom Addition: Programming of the classroom addition and kitchen remodel at Walker Elementary is continuing. Design development drawings are complete and are being reviewed by Amphi facility support personnel for accuracy. Price refinement is ongoing.

Mr. Louth responded to Board member questions. Mrs. Boros inquired about whether any county representatives were invited to attend the meeting at Walker about traffic issues on Wednesday, November 17th at 6:00 p.m.; she added that she would do so. Mrs. Boros also expressed appreciation to the project manager and staff for the continued adherence to timelines and budget constraints.

Mr. Aho introduced the new Energy Coordinator, Mr. Anthony Young; Mr. Young will be charged with identify a system and District-wide efficiencies and cost-savings program(s).

B. Introduction of Ironwood Ridge High School Student Advisory Council Members

Board Book information: *The Superintendent would like to introduce the Student Advisory Council members of Ironwood Ridge High School and acknowledge them for their service to their classmates and school as members of the Superintendent's Student Advisory Council. Their input during group discussions and their concern for Ironwood Ridge High School provides the students and Superintendent an opportunity to talk informally about student issues and concerns.*

Dr. Balentine provided an overview of the purpose of student council meetings held at each of the high schools. Following comments, Dr. Balentine introduced students from Ironwood Ridge High School who are members of the Student Advisory Council. She recognized and values their contributions in the decision-making process; their names are: Dylan Baker, Kyle Baker, Abigail Barbera, Trevor Barroero, Arianna Bartlett, Kylee Berg, Madeline Bolin, Trevor Burns, Camille Celaya, Olivia Culver, Dustin Davila-Bojorquez, Holly Durr, Matthew Filbert, Cassandra Fisher, Molly Hansen, Erin Jones, Kelly Linaker, Jill Magnuson, Paul McEwen, David McGovern, Heather O'Connor, Jenna Phillips, Nicole Rivera, Kenzie Rogers, Matthew Singer, Jake Taylor, Julia Weinberg, Micah Wenzel, Braden Whitaker, Greer Willman, and John Winfield.

C. Recognition of Arizona Teacher of the Year Finalist

Board Book information: *The Arizona Educational Foundation each year sponsors the Arizona Teacher of the Year Program. Ten teachers are selected as finalists from a large number of applicants (70+) and then five are selected as Ambassadors. The Teacher of the Year comes from the final five and will be announced at a luncheon on November 18, 2010 in Phoenix. This year, Amphitheater School District has an Ambassador!; he is Josh Tabor, a mathematics teacher at Canyon del Oro.*

The Governing Board congratulated Mr. Tabor on his achievement and presented him with a Certificate of Commendation.

D. Recognition of Rodel Exemplary Principals

Board Book information: *The Rodel Foundation of Arizona each year recognizes exceptional principals and the contributions they have made to their schools, their districts, and the state of Arizona. Principals who have made measurable differences in the lives of their students, parents, staff, and local high-need communities are considered for this distinction.*

Criteria include a minimum of three years of service in a school where 50 percent or more of the students are eligible for free or reduced lunch; a documented history of high student achievement for a minimum of three years; an AZ Learns label of Performing or better; a safe and orderly campus; utilization of data to drive instruction; involved parents, and a demonstrated ability to successfully train and inspire adult learners.

For the first time, we have principals who have been recognized as Semi-Finalists. They have met the criteria and have been interviewed by the Foundation. In early January we will find out if they are Finalists. We are very proud to recognize Dianna Kuhn, Principal at Rio Vista, and Tassi Call, Principal at Prince Elementary and also Amphi Middle School!

The Governing Board congratulated Ms. Dianna Kuhn and Ms. Tassi Call for their achievement and presented them with certificates of commendation.

E. 2010-11 Budget Development – Review of Capital Needs

Board Book information: *On March 9, 2010, the Governing Board reviewed an updated Five-Year Capital Plan. Enclosed is an updated Capital Plan that has been modified to show the Soft Capital reduction for the current year and the continued non-funding of the Building Renewal Formula and the increased list of backlogged maintenance. Cumulatively, the District has been shorted over \$14,000,000 in funding of the Building Renewal formula since 1998. This plan assumes full funding of the Soft Capital formula for the 2010/2011 year. Also enclosed is a list of immediate capital projects that would have been funded by the Building Renewal formula. Many of these projects will require that the district expend Soft or Unrestricted Capital funds to address the pressing needs. [Board Book holders were provided with copies of the updated Capital Plan and a list of Building Renewal Projects.]*

Dr. Balentine introduced Mr. Little to provide the Board with an overview of the five-year Capital Plan Summary and a three-year plan of Building Renewal Projects to appropriately maintain District facilities/campuses.

Mr. Little referenced the final 2009-2010 Capital Plan and then highlighted the changes since that plan was submitted. Overall the deficit has decreased slightly due a lowering of (student) enrollment and recent replacement of equipment with e-Rate. Staff anticipates the sale of another \$50 million in bonds perhaps June 2011 with a similar sale in the 2014-2015 school year. The District's phone system is obsolete; replacement parts are unavailable. Re-wiring of the District's infrastructure to support the current technology is necessary prior to the consideration of an updated system. Some of the recent re-wiring costs have been paid for with E-Rate funds. Staff is optimistic that Unrestricted Capital and Soft Capital funds will be received; however, the potential for a mid-year budget cut by the Legislature is possible.

The items listed on the Building Renewal list shows projects that are critical in nature; further delay or deferred repair of these items has the potential for greater repercussions, more costly repairs (or replacement/ shortening of life-cycle) necessary due to neglect or continued lack of maintenance – thus greater expense. Due to the lack of funding by the state of Building Renewal funds, the cumulative shortfall is approximately \$15 million dollars and has been devastating. These projects shown serve as a wish list or a plan covering the span of the next three years. Some of the projects (i.e. mechanical system at CDO) will require a six-month process from an award of contract. Mr. Little cautioned that a failure of this type of system could mean the inability to operate a school. (Exhibit 9a, pp 1-3; and Exhibit 9b, pp 1-3).

Dr. Barrabee noted concern about the extent of possible ramifications in the continued delay/deferred repairs to include the inability to operate a school. He recommends investigating how to best communicate these dire circumstances to the community.

In response to an inquiry by Dr. Barrabee, Dr. Balentine stated that the age of computer labs around the District varies; some as old as 9-10 years to a few newer labs. New computers are replacing older workstations causing a domino affect as the older units are replacing older-yet units, which fall out of the cycle. Some machines that are cycling out are as old as ten years of age. The District has been fortunate in cultivating some great partnerships, such as the Amphi Foundation and the Amphi Community Foundation with a possible relationship with Raytheon.

Mr. Little stated that because of the way that laws are written a District must use the formulas of funding as written until the Legislature takes action to remove/modify them; thus a budget is developed to include those funds; e.g. Building Renewal funds which have not been funded but Budgets continue to include those monies.

Mrs. Boros asked about whether future bond sales could be designed for use by the District as a safety net to cover these types of lack-of-funding; is it prudent for that line of thinking and planning. Mr. Little stated that this is feasible as part of a future bond program. However, a bounce back of assessed valuation is necessary to limit the bonding ability.

Mrs. Clymer suggested that informing parents about these kinds of facility needs might be most successful by communicating these needs through the local school.

Mrs. Clymer suggested that the District might be more successful informing the parents and community about these types of facility needs through their local schools (i.e. principals' newsletters). The public must know about what the District is facing – these dire circumstances.

Dr. Barrabee suggested agendizing this topic for a future meeting.

Note: Mr. Grant called a five-minute recess at 8:14 p.m. The meeting resumed at approximately 8:24 p.m.

3. CONSENT AGENDA

Mr. Grant asked if there were Board member requests to have items addressed separately; Dr. Barrabee requested that items G and N be heard separately. A motion was made by Mrs. Clymer to approve consent agenda items A-F, H-M, and O-S. The motion was seconded by Mrs. Boros and passed unanimously, 5-0. Appointment of personnel is effective, provided all district, state, and federal requirements are met. (See detail related to items G and N below.)

A. Approval of Minutes

The minutes of the October 26, 2010, Regular and Executive Session Governing Board meetings were approved, as submitted.

B. Approval of Appointment of Personnel

Certified and classified personnel were appointed, as listed in Exhibit 1.

C. Approval of Personnel Changes

Certified and classified personnel were appointed, as listed in Exhibit 2.

D. Approval of Leave(s) of Absence

Leave of Absence requests were approved for certified and classified personnel, as listed in Exhibit 3.

E. Approval of Separation(s) and Termination(s)

Certified and classified personnel separations were approved, as listed in Exhibit 4.

F. Approval of Vouchers Totaling and Not Exceeding Approximately \$ 2,449,912.01 (Final Total)

A copy of vouchers for goods and services received by the Amphitheater Schools and recommended for payment has been provided to the Governing Board. The following vouchers were approved as presented and payment authorized:

Vo. 143	\$246,405.19	Vo. 144	\$832,480.99	Vo. 145	\$179,767.80
Vo. 146	\$108,527.91	Vo. 147	\$168,935.63	Vo. 148	\$794,004.84
Vo. 149	\$ 44,966.93	Vo. 150	\$ 72,129.63	Vo. 151	\$ 2,693.09

G. Acceptance of Gifts

Dr. Barrabee asked to have this item heard separately in order to acknowledge not only the contribution of magazines to a school as shown in this item but for the many actions of generosity by Mr. and Mrs. Al Cook over the many years to include sponsoring music programs in the District but also a jazz festival in the community, which has sparked an interest by the students receiving the magazines.

A motion was made by Dr. Barrabee to approve Item 3.G. (Acceptance of Gifts). The motion was seconded by Mrs. Clymer and passed unanimously, 5-0, as submitted (Exhibit 5).

H. Receipt of Monthly Status Report for the Fiscal Year 2010-2011

The Governing Board received the budget status report on District expenditures for the month ending October, 2010.

A summary of comparative totals as of October 2010 is as follows:

Budget Capacity \$ 91,468,587.00 Expenditures & Encumbrances \$ 91,468,587.00

Totals' Comparisons:

Expenditures as of 10/31/10	\$ 27,636,178.30	M & O Budget Capacity for 2009-2010....	\$90,463,293.00
Expenditures as of 10/31/10.....	\$ 23,204,193.03	M & O Budget Capacity for 2010-2011...	
	\$91,468,587.00		

Bond Balance Outstanding: \$59,870,000.00

Tax Rates: Primary – 3.1469; Secondary – 1.4643

I. Receipt of September 2010 Report on School Auxiliary and Club Balances

Board Book information: *Arizona Revised Statutes §15-1121 and 15-1125 provide for the operation of Student Activity and Auxiliary Operations funds, respectively. The Uniform System of Financial Records for Arizona School Districts (USFR) outlines procedures to be followed by school districts in the disbursements of monies from either of these funds. One requirement for the operational compliance is to provide a report to the Governing Board summarizing the transactions for the month.*

The Governing Board received the Monthly Report on School Auxiliary and Club Balances for month-end October 2010, as submitted (Exhibit 6, pp. 1-8).

J. Approval of Parent Support Organization(s) for 2010-2011

The Governing Board approved the Annual Application for Governing Board Approval (Parent Support Organizations pursuant to District Policy KBE-R) submitted by the Copper Creek Elementary School PTO; the Boys' Basketball Boosters – Ironwood Ridge High School, Inc.; Mesa Verde PTO; and the Amphi Band Parents.

K. Approval of Out of State Travel

Out of state travel was approved for students and staff (source of funding indicated): from Amphitheater Middle School to go to Catalina Island Marine Institute in Catalina Island, California, March 8-11, 2011, to extend science curriculum topics of marine biology, oceanography, and ecology; from Cross Middle School's science department to go to Catalina Island Marine Institute in Catalina Island, California, March 1-4, 2011, to study the nature of science in a hands-on, minds-on program that focuses on Marine Biology, Oceanography, Ecology, and Astronomy (tax credits and auxiliary funds); from La Cima Middle School's band, orchestra and chorus to go to the Forum Music Festival in Fullerton, California, April 28-30, 2011, to perform and be adjudicated, participate in a motivational awards ceremony, and observe performances of peers (tax credits and auxiliary funds); and from Canyon del Oro High School's orchestra club to go to the Magic Music Days Workshop in Anaheim, California, February 23-26, 2011, to perform and be coached by a well-known clinician (tax credits and student activity funds).

Out of state travel was approved for staff (source of funding indicated): from the District Offices to visit Rockbridge USD in Lexington, Virginia, November 16-18, 2010, in conjunction with a trip to participate in a table/panel discussion for the National Institute in Excellence in Teaching in Washington, D.C., November

15-17, 2010, which was previously approved at the October 26, 2010, Board meeting (federal funds designated for staff development); from the District Offices to attend the Association for Supervision and Curriculum Development (ASCD) Annual Conference in San Francisco, California, March 23-28, 2011 (federal funds designated for staff development); and from the District Offices to attend the Association for Supervision and Curriculum Development (ASCD) Annual Conference in San Francisco, California, March 23-28, 2011 (federal funds designated for staff development).

L. Approval of Grant(s)

The Governing Board approved an IBM/U.S. Department of Education Innovation KidSmart grant in the amount of \$88,799.70; it will be used to incorporate IBM's KidSmart Early Learning Program into the District's curriculum that is designed for the most-needy preschoolers.

M. Approval of Request for Waiver of Graduation Requirement

The Governing Board approved the request for waiver of graduation requirement for Ironwood Ridge High School student #11804491.

N. Approval of Essential Recruitment Stipend Program

Board Book information: *Despite reports concerning the general job market and unemployment rate, school districts in Arizona continue to have substantial difficulty in filling certain positions. The increased rigor of NCLB, compelling the hiring of "highly qualified" candidates is one factor in causation certainly, but we also know that certain candidate pools are becoming scarcer and scarcer.*

On occasion, the scarcity of available qualified employees has necessitated seeking services through contracted vendors. Obtaining services in this manner, however, results in expenses which can be as much as four times the expense associated with employees. One of the things we have done in recent years to address this dilemma has been the provision of "Essential Recruitment Stipends" (ERS) which are added to the compensation levels set out on our salary schedules for the affected positions.

A good example of how the ERS program presently works is found in the case of teachers certificated and working in Emotionally Disabled classrooms. These teachers are very difficult to recruit and retain. Frequently, these teachers, as a group, are earning (or can earn) much more in other districts than our base salary schedule would allow. Thus, the Governing Board has approved a \$4,000 ERS for those EH teachers. That \$4,000 amount, in fact, is the highest ERS level the Board has approved to date.

On several occasions, the highest amount presently offered under the ERS program is insufficient for recruitment of many positions -- Physical Therapists, Teachers for Visually and Hearing Impaired, Physics teachers, Computer Science Teachers, and some CTE positions.

Also problematic is the speed with which we can presently modify an essential recruitment stipend level. Physics is a good recent example of where this occurred. While the Board ultimately approved a \$4,000 ERS there, we lost a candidate who received a faster (and higher) offer elsewhere. Had the District been able to respond more quickly with a higher salary offer, we would have been able to secure the hiring of the individual. The ability to react in this job market quickly enough to capture the limited candidates available is crucial.

It is therefore proposed that the Board authorize the Superintendent the discretion to offer ERS amounts of up to \$10,000 to supplement base salary offers in high needs positions where the hiring stakes are very high. These Superintendent approved offers would still require final Board approval, of course. Board approval would be obtained through a consent item on the next possible Governing Board meeting following the offer.

It is recommended that the Board approve the following Essential Recruitment Stipend Protocol:

- 1. The Superintendent is authorized to use her discretion to determine appropriate levels of essential recruitment stipend necessary to secure employment of highly qualified individuals within the District.*
- 2. The Superintendent's discretionary authority is limited to \$10,000 per employee and shall be guided by general job market conditions, the scarcity of candidates, the length of vacancy for the*

position(s), the number of vacancies, the importance of the position to the academic program, the applicant's prior salary history, legal considerations and other appropriate factors.

- 3. The Superintendent shall present any Essential Recruitment Stipend offer to the Governing Board at the next possible Board Meeting for confirmation.*

Dr. Barrabee asked to have this item heard separately in order to address the concerns related herein; those realized by school districts regarding the substantial difficulty in filling certain positions. His concern also extends to other certificated staff; so the complexity of this issue is known and no mis-understandings occur resulting in morale issues. He recommends advising the legislators about these additional/necessary expenses and how they impact the operating budgets. In response to a question by Dr. Barrabee, Dr. Balentine stated that the Teacher Experience Index (TEI) has been a threatened-reduction item in the budget formula across the state. [Mr. Little added that the TEI is approximately 2.77% applied to a \$74 million revenue control limit.] Mr. Little stated that the approval of this item would allow the District to respond to a specific market immediately. Dr. Balentine added that this item perhaps relates more to IEP (Individualized Education Plan) related positions; when a need arises requiring the District to fill a position by contracting with a (third party) company whose fees are excessive. The hope here is to have the flexibility to be more competitive in salary negotiations. Additionally, Dr. Barrabee asked to have a key added on Personnel Changes charts indicating when this type of stipend is utilized.

Mr. Grant noted that it is his experience, in both the private and public sectors, that the percent of the salaries involved are in line and not considered excessive.

Following discussion, Dr. Barrabee made a motion to approve the Essential Recruitment Stipend Program, as outlined by staff above. Mrs. Boros seconded the motion and it passed unanimously, 5-0.

O. Acceptance of Conveyance of 10 Acres of Land from Vistoso Partners, L.L.C., to the District

Board Book information: The Master Planned Community of Rancho Vistoso is located entirely within the Amphitheater School District and represents a substantial portion of the District's total jurisdiction. Contained within the original PAD for Rancho Vistoso were three school sites. Two of the sites were elementary school sites (approximately 10 acres each) and were to be dedicated to the District by the developer without cost. (One of these elementary school sites is where Painted Sky is now found).

The third site on the PAD was simply designated and available for purchase by the District. The latter site was approximately 38 acres in size, and was previously declined by the Governing Board. In lieu of this site, and in compliance with a rezoning condition set in March of 2002, Vistoso Partners did, however, convey a different 40.72 acres site to the District. The Board has previously accepted the conveyance of that property.

This Board Item is presented to permit the Board to accept the conveyance of the final, remaining 10 acre parcel in Rancho Vistoso Neighborhood 10 – the second elementary school site. The site is located near the intersection of La Canada and Moore roads. The deed to the property, a copy of which is attached, contains a reversion clause. The deed allows the District 10 years to construct 3,000 square feet of school structure, which will make the conveyance permanent. Construction of an elementary school on that site, of course, is a listed and major project under the approved bonds. The Administration recommends that the Governing Board formally accept the property deeded in the attachment.

The Governing Board approved the conveyance of 10 acres of land from Vistoso Partners, L.L.C., to the District as described in the Special Warranty Deed with Right of Reversion dated February 5, 2010 (Exhibit 7, pp 1-5).

P. Approval of Preventive Maintenance Program

Board Book information: Part of the paperwork to be submitted to the School Facilities Board (SFB) is the annual Preventive Maintenance Program. District personnel focus on completing preventive maintenance tasks to the greatest extent possible. The plan is attached for Board consideration and approval.

The Governing Board approved the District's fiscal year 2010 Preventive Maintenance Plan, and further authorized submission of the Amphitheater Unified District FY 2010 Reporting Statement to the School Facilities Board (Exhibit 8, pp 1-3).

Q. Approval to Recycle Surplus Computer Hardware

Board Book information: *Surplus electronic equipment from District schools and administrative sites are recycled through E-Waste Harvesters, the District's contract vendor. With Governing Board approval the following surplus equipment will be recycled through E-Waste Harvesters. [349 pieces, 5 boxes of power cords; board book holders were provided with a spreadsheet of detailed items.]*

The Governing Board approved the disposal of surplus electronic equipment, as through *E-Waste Harvesters* recyclers.

R. Award of Contracts for Electrical Supplies and Equipment Based Upon Responses to Request for Bid (RFB) 10-0014

Board Book information: *Request for Bid 10-0014 (RFB) was mailed to 16 vendors; 7 vendors responded with priced bids; and 3 vendors were considered non-responsive and thereby not eligible for an award of contract. Two of the remaining 4 vendors, CED Hussar Electric and Brown Wholesale Electric provided best pricing on only 28 percent of the 298 line-item bid and were not considered for contract award.*

Electric Supply, Inc, the low-responding vendor, is recommended for the primary award of contract with a secondary award of contract to Border States Electric. A primary and a secondary award will provide Facilities Support Services (FSS) with more products and availability. The Administration recommends the Governing Board make a determination that a single award is not advantageous to the District and approve the award of contracts to Electric Supply, Inc. and Border States Electric based upon their responses to Request for Bid 10-0014.

The Governing Board approved the awards of contract for electrical supplies and equipment to *Electric Supply, Inc., (primary)* and *Border States Electric (secondary)* based upon their responses to RFB 10-0014.

S. Award of Contract for Vehicle Lifts and Alignment Equipment Funded by the Joint Technological Education District for the CTE Automotive Trades Program Based Upon Responses to Request for Bid (RFB) 10-0019

Board Book information: *Request for Bid 10-0019 (RFB) for vehicle lifts and alignment equipment was mailed to eight vendors; 4 vendors responded, one of which failed to meet bid specifications. The bids of the three eligible vendors are: [Board Book holders were provided with a spreadsheet of comparative data.]*

The Governing Board approved an award of contract for vehicle lifts and alignment equipment for the CTE Automotive Trades Program to *Snap-On Equipment* based upon their response to RFB 10-0019.

4. STUDY

A. Study of Draft Governing Board Policy Regarding a Parent Bill of Rights

Board Book information: *As the Board has previously studied, the Arizona Legislature enacted SB1309 during its last session, which created a new statute, A.R.S. § 1-601, that makes two declarations: (A) the liberty of parents to direct the upbringing, education, health care and mental health of their children is a fundamental right, and (B) this state, any political subdivision of this state or any other governmental entity shall not infringe on these rights without demonstrating that the compelling governmental interest as applied to the child involved is of the highest order, is narrowly tailored and is not otherwise served by a less restrictive means.*

The bill also created A.R.S. 1-602, known as the "Parent's Bill of Rights" and made substantial revisions to A.R.S. 15-102 pertaining to parental involvement in the school. The parental rights required by 15-102 are largely embodied in already existing governing board policies and laws, such as the federal No Child Left Behind Act, the Hatch Amendment, and the Pupil Rights Amendment. Nonetheless, Senate Bill 1309 specifies that each school district governing board adopt a policy to promote the involvement of parents and guardians in schools and to set out parent rights.

At a minimum, the policy to be adopted by each governing board is to include the following:

- *procedures by which parents may learn about and review the source of any supplemental education materials;*
- *procedures to prohibit a school district from providing sex education instruction to a pupil unless the pupil's parent provides written permission for the child to participate in the curricula;*
- *procedures by which parents will be notified in advance of an given the opportunity to withdraw their children from any instruction or presentations regarding sexuality in courses other than formal sex education curricula; and procedures by which parents may learn about the nature and purpose of clubs and activities that are part of the school curriculum, extracurricular clubs and activities that have been approved by the school.*
- *the right to opt in to a sex education curriculum if one is provided by the school district;*
- *open enrollment rights;*
- *the right to opt out of immunizations and assignments;*
- *the competency requirements to promote a pupil from one grade to the next;*
- *the minimum course of study and competency requirements for graduation from high school;*
- *the right to opt out of instruction on AIDS;*
- *the right to review test results, access instructional materials and receive a school report card;*
- *the right to participate in gifted programs;*
- *attendance requirements;*
- *the right to public review of courses of study and textbooks;*
- *the right to be excused from school attendance for religious purposes;*
- *policies related to parental involvement;*
- *the right to participate in a parental satisfaction survey;*
- *information about the student accountability information system; and*
- *the right to access the Failing Schools Tutoring Fund.*

The bill allows the governing board to provide information to parents in an electronic form, and also creates procedures for a parent to request information from a school or school district and states that, if the request is denied or the parent does not receive the information, they may request that the Board hear the request.

As the Board has previously been informed, current Governing Board policies, District regulations, and state and federal law already guarantee each of the "rights" or privileges which the bill requires. Revisions to Policy KB however, have been prepared which would direct the Superintendent to ensure that parents are informed of these rights and privileges that do exist under law and district policy. The draft is attached. As is typically the case, revisions to existing policy language are in redline format, with deletions shown in ~~strikethrough-text~~ and additions shown in underlined text.

This item is presented for study and direction at this time only. Following Board study, this draft will be presented at a future Board meeting for finalization and adoption.

Dr. Balentine stated that this study item is being submitted for consideration in response to recent legislation requiring some policy considerations by this Board relating to requirements for a parent Bill of Rights. Mr. Jaeger was invited to review the item.

Mr. Jaeger reminded the Board that current Governing Board policies, District regulations, and state and federal law already guarantee each of the "rights" or privileges which the bill requires. He reviewed the Board Book materials. He noted that each year the District publishes and provides parent and student information in addition to the Code of Conduct handbook. Additionally, the proposed policy also encompasses existing policies that describe procedural aspects, such as how to request student records. Mr. Jaeger reviewed and visually projected the board book materials related to (K-0150) KB – Parent Involvement in Education. Typically, when modifications are made to policies affecting parents and students at this level, staff consults with parents through site councils and the Superintendent's Community Council.

Dr. Barrabee inquired about current practices dealing with parent permission for student participation regarding sex education in the classroom. Mr. Jaeger stated that classroom teachers do implement some strategies to ensure that proper notice is provided and that "affirmative consent" is obtained. When a parent opts out of having their student participate in a particular lesson plan, an alternate assignment is issued in its place. Dr. Balentine added that staff are keenly aware of developing positive relationships with parents and students that are sensitive to these issues and result in a mutual understanding and accord.

This item will return at a future meeting for further study and/or approval.

B. Consideration of Whether to Adopt a Policy Mandating Thirty (30) Minutes of Structured Recess for Elementary Schools

Board Book information: *During last year's legislative session, House Bill 2725 created A.R.S. § 15-108 to require the governing board of each Arizona school district providing instruction for elementary school students to hold a public meeting not later than January 1, 2011, for the purpose of considering adoption of a policy that would require 30 minutes of structured recess per day for all students in Kindergarten through Fifth Grade.*

This item is presented for the Board's consideration of whether to potentially adopt a policy mandating structured recess. The new law requires that parents be notified of the Board's meeting to consider this item. Notice has consequently been issued by email and will also be forwarded by flyers sent home. Parents must have the opportunity to comment on the policy issue, and our call to the audience will provide that opportunity.

The parents of the students enrolled in the district MUST be invited and given the opportunity to comment on a proposed policy to provide students with daily recess that totals at least thirty minutes.

Significantly, the law prescribes that if a policy requiring recess is adopted:

- *The recess requirements shall consist of structured physical activity outside or inside the classroom.*
- *Physical education classes may be used to satisfy the recess requirement.*
- *Unstructured recess time that occurs immediately after lunch periods does not satisfy the recess requirement.*

Some members of the Board will recall that the Board adopted a Student Wellness policy and regulations in 2006 that was much broader in scope than recess requirements and which certainly encompassed opportunities for physical activity – obviously the aim of a recess policy, if adopted. A copy of the wellness documents is attached. If a policy were adopted to mandate structured recess, it would be the administration's recommendation that such terms be added to the wellness policy documents.

It is important to note that the District does provide physical education programs at the elementary level – not available in many other districts. PE, of course, provides a structured and instructionally based opportunity for physical activity.

Current opportunities for physical activity at the elementary schools in the district, including physical education classes and structured recess, are detailed in the attached chart. What is not reflected, however, is the additional time provided for unstructured recess after lunch (because this time would not meet the requirements of statute). Educationally, the administration believes that this traditional "free" recess time is vital for socialization, relaxation and development of imagination.

The current instructional schedule and curriculum requirements under state education standards do not afford additional time within current school schedules for additional recess time. The addition of recess time would, therefore, generally require extension of the school day.

This item is presented for study and direction at this time only. Following Board study, if the Board is inclined to adopt new policy terms dictating additional structured recess time, a draft will be presented at a future Board meeting for finalization in accordance with that direction.

Dr. Balentine noted that every school district in the state that has elementary programs is to provide their governing board an opportunity to discuss whether or not a formal policy is necessary that mandates thirty minutes of structured recess. Mr. Jaeger was invited to provide an overview of this item. Dr. Balentine also invited any members of the audience who might wish to express their viewpoint to the Board. She noted that she has received one parent comment, someone who felt very strongly about not imposing further policies and restrictions.

Mr. Jaeger reviewed the Board book materials. The legislation does not mandate that school districts have a policy requiring *any* number of minutes of recess per day; but it does require that governing boards consider whether to adopt such a policy, and to advise parents of the District's intent to consider such a policy. That has been done via communications by principals and via the District's website. Existing policy language addresses the need for daily physical activity and the value within a complete education program. He highlighted related information within the District's current Student Wellness policy. Mr. Jaeger displayed a chart showing recess minutes per day by school.

Due to current policies and practices related to physical activity that are already in place, staff does not believe that there is a need for dedicating additional time out of an already burdened school day to mandate (30 minute) recess time.

Dr. Barrabee expressed his concerns about legislative mandates and they further limit or remove many local controls. He believes that the District maintain its own self-direction.

Mrs. Clymer commented that during site visits, she has observed how successful teachers are on "time on task" and believes that children should be free to decide their activity during recess times; recess time should remain a natural down time. She does not support adopting a policy mandating structured recess time.

In response to a question by Dr. Loomis about additional cost factors, Dr. Balentine stated that there would definitely be increased costs factors – this would extend the school day, may be a need for additional staffing, and may likely introduce new transportation issues.

In response to a question by Mrs. Boros, Dr. Balentine stated that through a local program called "Safe Routes" and the District's Transportation Department, the District has safe biking and walking route information that is shared with the schools.

Independently of each other, board members expressed non-support of adopting this type of measure.

Mr. Grant added that when the Legislature creates new mandates upon school districts, it might be opportune for the District to evaluate estimated costs.

This item will return at a future meeting for further study and/or approval or may be followed up with a Friday memo.

5. **Study/Action**

A. Review of Federal Educational Jobs Bill Status; Study/Approval of Use of Funds to Mitigate 2% Pay Decrease and Eliminate Remaining Furlough Days

Board Book information: *On August 10, Congress passed the Keep Our Educators Working Act which provides \$10 billion to fund Medicaid and help states reverse, prevent or reduce education job reductions. The measure passed on a vote of 247-161. President Obama signed the bill into law the very same day.*

According to Arizona legislative budget staffers, the bill includes approximately \$236 million in new Medicaid dollars for the state, and approximately \$208 million in education job funds. Arizona's receipt of the education funding was conditioned upon the State's application for the funds and satisfactory demonstration of intended use which would be consistent with the bill's maintenance of effort provisions. Governor Brewer applied for the funds on September 7 (Governor's application for the funds is attached). On September 13, the USDOE announced that Arizona would receive funding of \$211.8 million for education.

In information just released on November 10, the Governor's office has indicated that the state will retain 2 percent of the total funds for state administration. In addition, there are predictions the state may offset as much of half of the funds intended for public schools in Arizona to "backfill" the funding which districts receive from the state this year. As long as this siphoning of funds would still meet the maintenance of effort tests set by USDOE, such "backfilling" is permissible under the law.

Funds must be used to retain existing staff, hire new staff, restore reductions in salaries and benefits, rehire "RIF'd" staff, implement salary increases, and eliminate previously scheduled furlough days. We are presently still awaiting information on specifics as to how much the District will actually receive in funding or when that funding will be received.

Notably, with the funding still not in hand more than three months into the school year, and even the amount of funding to be expected still unknown, many school districts have already acknowledged their inability to use the funds to restore lost teaching jobs this year. With classes staffed and the school year well underway, the logistics of attempting mid-year changes for students and staff alike are difficult at best. As a consequence, many school districts are planning to use the funds to prevent future layoffs or mitigate pay reductions and furloughs for those who remain employed – something expressly permitted under the law.

The Superintendent proposes that Amphitheater use the funds received to mitigate, as much as possible given the actual amount of funding received, the 2 percent pay reductions and furloughs required to balance the District's budget for the current year. These pay reductions and furloughs were, of course, among many others made necessary to absorb state budget cuts, but they are some of the very few permitted as acceptable uses for the federal funds.

At this point, the extent to which the District can mitigate these actions remains unclear, but it is hoped that more concrete information will be forthcoming in the near future.

The Superintendent proposes that the funds actually received be used in the following prioritized manner:

- 1. Restoration of the December 17 Furlough Day (restores lost day of pay and duties to majority of employees);*
- 2. Reversal, to maximum extent possible, of 2% pay reductions for all employees; and*
- 3. Restoration of the May 26 Furlough Day (restores lost day of pay and duties to majority of employees).*

Mr. John Fife, President, AmphiEA, addressed the Governing Board expressing his appreciation to Dr. Balentine for her early and consistent pledge for using the funds to be spent as proposed. He encourages support by the Board and urges the adoption of the recommendations as shown.

Dr. Balentine reviewed board book materials. The Board's leadership felt that it was important to provide hope to District staff and so supports utilizing the education job funds as stipulated in the prioritized manner (shown above). This has been a very slow process; the District still at this time has not been told what the final dollar amount will be. With this formal Governing Board approval, the District will be able to implement immediately upon receipt/notification and determination of funding levels. Dr. Balentine added that she has not yet been advised whether this will be a one-time funding or if it could continue through next year. She will inform the Board as soon as more information is known.

In response to an inquiry about how the funds would be disseminated (lump sum or proration, etc.), Dr. Balentine stated that it is important to first identify the actual dollar amount; hopes are to allow as much mitigation as possible, minimize tax implications, and any method appropriate to expedite payment.

Dr. Balentine clarified an issue that has been cause for concern and debate related to the opposing viewpoints between the federal and state governments; the state level does allow these dollars to be used for raises. However, this is not Amphi's situation – the District is utilizing these dollars for mitigation only (eliminate pay cuts and the elimination of furlough days).

Dr. Loomis moved approval of the proposed use of federal education job funds to mitigate 2% pay decreases and the elimination of remaining furlough days, as presented. Mrs. Boros seconded the motion. Dr. Barrabee recommended the motion include verbiage related to payments are to be made in the prioritized order as shown (above). Dr. Loomis modified the motion to include that verbiage reflect the "prioritized manner" listed above 1-3. Mrs. Boros seconded the amended motion, and the motion passed unanimously, 5-0.

B. Report on Summer 2010 10/4 day Work Week

Board Book information: *An average kilowatt-hour usage and actual dollar cost of the District's Tucson Electric Power (TEP) bills for the past three years were taken for the months of June and July and compared to this summer's TEP bills for June and July. Taking a three-year average gave us a better look at actual savings as outside temperatures fluctuate from year to year, and has a direct impact on A/C usage.*

The overall decrease that our report shows is 783,231 kWh for the summer of 2010, which at today's rates per kWh is an overall savings to the Amphitheater School District of \$92,033.15.

*The attached report shows the TEP savings for the summer of 2010, which is a direct result of the district shutting down all facilities on Fridays and working 10 hours a day, 4 days a week. [Board book holders were provided with a copy of a 2010 Summer Usage Report prepared by staff. ***]*

It is the recommendation of the administration that the Board approve the 10 hour 4 day work week for the summer of 2010-2011.

Mr. Aho was invited to provide an overview of the report and to request approval to institute the same plan for the summer of 2011.

Mr. Aho reported that the District saved approximately 13%, or \$92,033.15. He reviewed graphs shown to support activity and explained the controls used at the various sites. He noted the cost-saving efficiencies at newer schools, and the benefits of retrofitting practices at older schools. Additionally, he noted that retrofitting projects have been delayed due to the lack of funding (withheld Building Renewal funding by the state). Mr. Aho stated that staff recommends the program's continued implementation for summer 2011.

Mrs. Boros moved approval of the 10-hour, 4-day work week schedule for the summer of 2011; Mrs. Clymer seconded the motion. Mr. Aho responded to a question by Dr. Barrabee about bulbs used. There was no further discussion and motion passed unanimously, 5-0.

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

Dr. Barrabee requested agendizing the consideration of how we might better inform the community of our physical campus needs/lack of funding due to lack of sufficient funds.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

A motion was made by Mrs. Clymer that the Board Meeting be adjourned; Mrs. Boros seconded the motion; and it passed unanimously, 5-0. Mr. Grant declared the meeting was adjourned; the time was approximately 9:37 p.m.

Respectfully submitted,
Margaret Harris

Mr. Jeff Grant, President

Date

Approved: