

MINUTES OF SPECIAL PUBLIC MEETING OF THE GOVERNING BOARD

**Place, Date and Time of Meeting**

Wetmore Center, 701 West Wetmore Road April 10, 2012, 5:30 p.m.

**Board Members Present**

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

**Central Administrators Present**

Dr. Vicki McLeod Balentine, Superintendent  
Todd A. Jaeger, J.D., Associate to Superintendent and General Counsel  
Mr. Patrick Nelson, Associate Superintendent - OOT  
Mr. Scott Little, Chief Financial Officer

**OPENING OF MEETING – 5:30 P.M.**

Mrs. Boros called the meeting to order at 5:30 p.m.

**1. Executive Session**

A. Motion to Recess Open Meeting and Hold an Executive Session for:

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 # 30026702; b. Student # 3003535; c. Student # 30040086; d. Student # 30040327; e. Student # 30013424; f. Student # 30021478; g. Student # 30038010; h. Student # 30036702; i. Student # 30030026; j. Student # 30038814.
2. Consideration and Decision Upon Expulsion Hearing Officer's Recommendation, Pursuant to A.R.S. §15-843(F)(2), Regarding: a. Student # 30030453; b. Student # 30040278; c. Student # 30034790; d. Student # 30020195; e. Student # 30014456.
3. Consideration and Determination of Appeal of Long-term Suspension Hearing Officer's Decision, Pursuant to A.R.S. §15-843(A); 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 # 30026740.
4. Discussion and Consultation with Representatives of the Governing Board In Order to Consider Its Position and Instruct Its Representatives in the Meet and Confer Process Pertaining to Compensation and Benefits for Certificated, Professional Non-Teaching, Support and Administrative Staff for the 2012-2013 Fiscal Year Pursuant to A.R.S. §38-431.03(A)(5).

B. Motion to Close Executive Session and Reconvene Open Meeting

A motion was made by Mrs. Boros that the Board recess into Executive Session pursuant to A.R.S. §15-843(F)(2) and A.R.S. §38-431.03(A)(5), as presented. Mr. Grant seconded the motion and it passed unanimously, 5-0. Mrs. Boros called a recess at 5:33 p.m.

Upon return to the Board Room, Mr. Grant moved to reconvene the meeting into open session. Mrs. Zibrat seconded the motion and it passed, unanimously, 5-0. The time was 7:34 p.m. Mrs. Boros declared the meeting in open session.

## **OPENING OF MEETING**

### **Call to Order and Signing of Visitors' Register**

Mrs. Boros called the meeting to order at 7:34 p.m. and asked members of the audience to sign the visitors' register. Procedures for addressing the Board were described. She expressed appreciation to the guests in attendance for their patience in the delayed reconvening of the regular meeting explaining that Executive Session was unavoidably prolonged.

### **Pledge of Allegiance**

Ms. Christine Sullivan, Principal from La Cima Middle School introduced the following students: Jennifer Lee, Clara Horne, Audrey Schreiber, and Micheala Sharp. They led the Pledge of Allegiance and each student was presented with a Certificate of Commendation.

Dr. Barrabee acknowledged the Art Display in the Board Room. He commended the La Cima Middle School students and art teacher, Thomas Holaday, for their contributions.

### **Announcement of Date and Place of Next Special Governing Board Meeting**

Mrs. Boros announced the next special meeting of the Governing Board to be Thursday, April 12, 2012, 8:30 a.m., Wetmore Center, 701 W. Wetmore Road for the purpose of interviewing superintendent candidates.

## **PUBLIC COMMENT**

Mrs. Boros invited members of the audience to sign the visitors' register and described procedures for addressing the Board.

There were no comments from the public.

## **2. INFORMATION<sup>2</sup> AND RECOGNITION(S)**

### **A. Status of Bond Projects**

Mr. Chris Louth, Bond Projects Manager, was introduced to present this month's (PowerPoint) status update on the current Bond-funded Projects (as provided with Board Book materials). Mr. Louth noted that the reporting format is listed within the five categories, 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. CDO Tennis Court Replacement: This project is complete and in use.

B. Transportation Offices: Construction is 72% complete. Interior and exterior painting is complete. Ceilings grid is installed. MP&E is complete. Millwork and floor covering is being installed. Re-alignment of the bus yard will be completed over summer break. This project is ahead of schedule and on budget

C. Wetmore Parking Re-capture: Construction is 25% complete. Parking lot work is being done to re-capture parking spaces that were lost due to FSS construction. This project is on schedule and on budget.

#### **II. INSTRUCTIONAL SPACE / PORTABLE REPLACEMENT**

A. Amphitheater Middle School Addition / Remodel: Programming is continuing with the AMS staff, Architects, General Contractor, and the Bond Dept. Design Development drawings are being developed.

B. Canyon Del Oro High School Addition / Remodel: Construction Documents were submitted to Oro Valley for plan review on 2/4/12 and resubmitted for comment review on 3/6. A GMP (Guaranteed Maximum Price) is on tonight's consent agenda for Governing Board review / approval. If approved, this project will start immediately.

C. Copper Creek Classroom Renovation / IT Re-cabling: Construction is 25% complete. The renovation of classrooms 14 & 15 into computer labs is in process. Masonry structure work for new IDF's was completed during spring break. Backbone cabling in hallway ceilings is in process as evening work so classes are not interrupted. This type night work will continue through the duration of the project. Copper Creek is on schedule and on budget.

D. Amphitheater High Renovations: Programming is continuing with the AHS staff, Architects, General Contractor, and the Bond Dept.

E. Holaway Elementary Classroom Addition: Procurement of a General Contractor is underway.

F. Rio Vista Elementary Classroom Addition: - Procurement of a General Contractor is underway. A recommendation for an architectural vendor is on tonight's consent agenda for Governing Board review / approval.

**B. Update on the New Superintendent Search Process; Review of Interview and Public Forum Schedules**

Board book information: *In January, the Governing Board appointed the Arizona School Boards Association (ASBA) as a consultant to coordinate and facilitate the search for the District's next Superintendent, following Dr. Balentine's announcement that she will be retiring at the conclusion of her current contract. At the same time, the Board approved a timeline and parameters for the selection process.*

*The search process has, to date, included opportunities for input from the community, district staff, and students through several forums. During these forums, parents, students, District staff, school principals, PTOs/Site Councils, the Amphitheater Education Association, and the general community, provided the Governing Board with input regarding the qualities and characteristics sought in a new superintendent. In addition, an internet based survey was administered as an additional mechanism for similar input.*

*At the Board's meeting of February 1, 2012, the Governing Board and its consultant utilized input from the forums to develop a "profile" for the new superintendent – qualifications, characteristics, skills and abilities sought in applicants. This profile and other information about the District and community were used by the consultant to formulate a brochure that advertised the position and solicited applicants.*

*The position was advertised nationally beginning in early February, and applications were accepted through March 21<sup>st</sup>. On March 27, the Governing Board met to review files and identify candidates for interview. Three candidates were selected for interview by the Governing Board. The search consultant was then directed to contact these interview finalists to arrange interviews and tours of district facilities/schools and schedule public and employee forums for the candidates. The public and employee forums will allow the community an opportunity to meet and ask questions (through the consultant) of the candidates.*

*The schedule of upcoming events relating to the search process is as follows:*

*Wednesday, April 11, 2012 - Finalists Tours of School/District Facilities (Various)  
Thursday, April 12, 2012 - Governing Board Interviews of Candidates - (Wetmore Center, Executive Session)  
Thursday, April 12, 2012 - 5:00 p.m. – 6:00 p.m. - Employee Forum - Cross Middle School Cafeteria  
Thursday, April 12, 2012 - 6:30 p.m. – 7:30 p.m. - Community Forum - Cross Middle School Cafeteria*

*Following these upcoming events, the Governing Board will meet in executive session on Friday, April 13, to go into executive session to discuss the candidates. Following executive session, the Board may vote, in a public session, as to a candidate selected for the vacancy. Further direction may also be given to staff or the consultant at that time.*

Dr. Balentine provided an update on the Search, as detailed above.

Mrs. Boros extended an invitation to all community and staff to meet the candidates at the Forums.

**C. Recognition of CDO Academic Decathlon Team**

The Governing Board recognized the following members of the CDO's Academic Decathlon team and Coach Chris Yetman, for finishing second in the State: Alex Abbe, Rose Booth, Phillip Gotobed, Annaliese Grant, Daniel Molina, Alex Molina, Brittany Rudolph, Jakub Safar, Jason Trainor, Jacob Tyczynski, and Jeannie Wilkening. In addition, Mr. Yetman also reported that Jeannie Wilkening placed second in the state in the Honor (A) category, and Phillip Gotobed placed second in the state in the Scholastic (B) category.

The Governing Board congratulated each student and Coach Yetman; all were presented with certificates of commendation.

**D. Recognition of 2011-2012 National Merit Competition Finalists**

The Governing Board recognized the following students for their achievement as 2011-2012 National Merit finalists: from IRHS: Han C. Xu, Holly Thomson, Arthur Dai, Madeline Coates, Ayana Blackey; and,

from CDO: Ethan Burnett, Brittany Rudolph, and Jean Wilkening. It was also noted that Jeannie Wilkening and Chris Xu have been selected as a Flinn Scholarship recipients.

The Governing Board congratulated each student; all were presented with certificates of commendation.

**E. Recognition of CDO and IRHS DECA State 1<sup>st</sup> and 2<sup>nd</sup> Place Winners**

The Governing Board recognized the following DECA students from:

CDO: Savannah Plaisted, Jordyn Abbott, and Adrian Contreras – 2<sup>nd</sup> Place Entrepreneurship Promotion, Marketing; and, Hannah Sullivan and Sammi Noland – 2<sup>nd</sup> Place Public Relations Project, Marketing; Teacher: Terri Bible.

IRHS: Michelle DiCosola and Xavier Carrillo - 1<sup>st</sup> Place Creative Marketing Project; Taeler Motta and Katherine Chaney – 2<sup>nd</sup> Place Sports and Entertainment Marketing; Teacher: Jim Norby;

The Governing Board congratulated each student and teachers, Ms. Terri Bible and Mr. Jim Norby; all were presented with certificates of commendation.

**F. Resolution Recognizing the Special Contributions of Teachers and Other Professional Personnel**

Board book information: *At the regular March Board meeting, the Board issued a resolution recognizing the valuable contributions made by Educational Support Personnel. In doing so, the Board noted that the contributions of teachers are also formally recognized once a year on a national basis. This year, National PTA Teacher Appreciation Week will be May 7-11, 2012, with National Teacher Day being observed on May 8, 2012.*

*National Teacher Appreciation Week has been so designated by the National PTA in cooperation with the NEA. Observance has been celebrated by schools across the country in one form or another, since 1944. The National Education Association has also declared that the Tuesday of Appreciation Week be observed as "National Teacher Day."*

*There is currently no federal celebration of teachers. Congress has only twice declared a National Teacher's Day – in 1953, at the behest of Eleanor Roosevelt and in 1980 after much lobbying by the NEA. Both Congressional declarations were for those years only. The contributions of teachers, of course, can be seen – and should be celebrated – day in, day out, year in, year out, regardless of Congress' action or inaction on the subject.*

*A resolution has been prepared to not only recognize the contributions of teachers generally, but also those of Amphitheater teachers specifically, and to call for a federal recognition. This form of resolution also recognizes the many professional employees who may not fit into the traditional notion of "teacher" but who are also deserving of recognition for the instructional and related services they provide to students as well.*

Dr. Balentine invited Mr. Jaeger to read the Resolution into record.

Dr. Barrabee moved to approve the Resolution recognizing the special contributions of teachers and other professional personnel, as submitted. Mrs. Boros seconded the motion. Dr. Barrabee hopes that the AEA members in attendance will take due notice and share the Board's enthusiasm for this Resolution with their colleagues. Mrs. Boros called the vote; it passed unanimously, 5-0 (Exhibit 8, pp 1- 2).

**3. CONSENT AGENDA<sup>3</sup>**

Mrs. Boros asked if there were Board member requests to have items addressed separately; there were none. A motion was made by Mrs. Boros to approve the Consent Agenda, items A-M. The motion was seconded by Mr. Grant and it passed unanimously, 5-0. Appointment of personnel is effective, provided all district, state, and federal requirements are met.

**A. Approval of Minutes**

The minutes of the March 6, 2012 Regular Board Meeting 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 Approval of Vouchers Totaling and Not Exceeding \$867,524.83 (Final)**

Board book information: *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. 387	\$199,054.51	Vo. 388	\$222,982.20	Vo. 389	\$ 65,567.19
Vo. 390	\$142,104.00	Vo. 391	\$237,816.93		

**G. Acceptance of Gifts**

Donations were accepted by the Governing Board as listed in Exhibit 5.

**H. Receipt of Monthly Status Report for the Fiscal Year 2011-2012**

A summary of comparative totals as of March, 2012 is as follows:

Budget Capacity	\$81,843,474.00	Expenditures & Encumbrances...	\$81,843,474.00
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Totals' Comparisons:

Expenditures as of 3/31/11	\$54,616,532.26	M & O Budget Capacity for 2010-2011	\$83,466,796.00
Expenditures as of 3/31/12	\$56,153,582.51	M & O Budget Capacity for 2011-2012	\$81,843,474.00

Bond Balance Outstanding: \$95,635,000.000

Tax Rates: Primary – 3.6518; Secondary – 1.3993

**I. Receipt of September 2011 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 approved the Report on School Auxiliary and Club Balances for February 2012, as submitted. (Exhibit 6, pp. 1-8)

**J. Approval of Out of State Travel**

Out of state travel was approved for students and staff (source of funding indicated) from: Previously-approved travel on Oct. 4, 2011 for 10 students from DECA to attend International Career Development Conference in Salt Lake City, UT. Dates have changed to April 27-May 1, 2012. Approximate cost of travel was increased.

Out of state travel was approved for staff from Amphitheater High School to attend Advancement Via Individual Determination (AVID) Summer Institute in Philadelphia, PA on July 29-August 1, 2012 (federal funds designated for staff development); staff members from District Office to attend the Annual School Nutrition Conference in Denver, CO, July 15-18, 2012 (site classified training funds).

**K. Approval of District Calendar for School Year 2013-2014**

Board book information: *The District's school year calendar must meet specific requirements under Arizona law for the number of instructional days; state law mandates that public schools must have a minimum of "180 instructional days". Since the 180 day requirement went into effect, however, Arizona law has also provided permission for districts to meet the 180 day standard through an equivalent number of instructional minutes over fewer days. For several years, the Amphitheater District has utilized the equivalent instructional minutes' option, resulting in slightly shorter school years of 178 school days. The attached draft calendar for the fiscal year after next (2013-2014) again reflects a calendar of 178 days.*

*Because the District's calendar does not have "extra" school days built into it, any emergency closure of schools due to weather or other factors must be addressed by ensuring the requisite instructional minute requirements are still met. The District and the Amphitheater Education Association (on behalf of District employees) have agreed that if any schools are closed as a result of any emergency, certificated staff at those schools will have an equivalent number of student reporting days added to their work calendar without additional compensation -- generally by turning the planning days at the end of each semester into student reporting days. As long as the state permits the district to use equivalent instructional minutes rather than 180 days, the district's school calendars will be constructed in this same manner.*

The Governing Board approved the District Calendar for school year 2013-2014, as submitted. (Exhibit 7)

**L. Award of Contract for Recycling Surplus Text and Library Books Based on Responses to Request for Bid (RFB) 11-0036**

Board book information: *Request for Bid (RFB) 11-0036 was mailed to nine vendors registered with the Purchasing Department as book sellers and purchasers of used text and library books; 2 vendors responded: 1 was a no-bid and the 2<sup>nd</sup> bid was from Superior Text. The bid required the successful vendor to pick up used library and classroom textbooks, books which are no longer serviceable and recycle them. Knowing there may be resale value in some of the books received, the bid asked the vendors to provide a fee paid to the District on a per-ton basis. Superior Text, the sole responding vendor, will pick up surplus library and textbooks at the Warehouse and if requested at a school for recycling/ resale and pay the District \$30 per ton.*

The Governing Board approved the contract for recycling surplus text and library books to *Superior Text Company* based on responses received to RFB 11-0036.

**M. Approval of Bond Related Projects**

**1. Award of Contract for Architectural Services for Facility Improvements at Rio Vista Elementary School Based on Responses to Request for Qualifications (RFQ) 11-0027**

Board book information: *Pursuant to the requirements of Arizona Administrative Code (R7-2-1118 & R7-2-1117), a notice of Request for Qualifications (RFQ) for Professional Architectural Services was posted to the District's website. All architectural services' vendors registered with the Purchasing Department were also notified of the posting via email correspondence.*

*Request for Qualifications (RFQ) 11-0027 asked for statements of qualifications from interested architectural firms to provide professional architectural services for design, drawings, specifications, code and compliance review, budget and scheduling for facility improvements at Rio Vista Elementary School as identified in the May 2007 Blue Ribbon Budget Analysis and Facilities Needs Committee Report. The scope of work addressed the following campus needs: construct six new classrooms to replace aging portable buildings, modernize and add restrooms to meet ADA compliance, create & expand parent and staff parking, renovate the student health office, and add campus security fencing. Eight vendors responded.*

*The evaluation team ranked each vendor based on the evaluation criteria listed in the request for qualifications. The four highest ranked vendors were scheduled to meet with the evaluation team for discussions. The top ranked vendor after discussions was asked to provide certified cost and pricing data for the proposed work. Please see Vendor Evaluations. [Board Book holders were provided with this detail.]*

The Governing Board approved the award of contract for architectural services for facility improvements at Rio Vista Elementary School to *Line & Space, LLC* based on responses to RFQ 11-0027.

**2) Approval of a Guaranteed Maximum Price (GMP) for Canyon Del Oro High School Addition / Remodel. Scope to include: New Construction of a New Culinary Arts Classroom and a New Classroom to House the Independent Day Program, Renovation of the CDO Administration Building, Renovation and Additions of Restrooms Campus-wide, Renovation of the MPR and Kitchen, Renovation of Team Locker Rooms, Renovation of Handicap Ramp Between Auditorium and Classrooms, Installation of Campus Security Fence, Complete campus IT Upgrades**

The Governing Board approved the GMP for the construction and renovation project at Canyon Del Oro High School to Lloyd Construction Company, Inc., in the amount of \$8,008,559.

**N. Approval of Resolution Directing Issuance of Notice of Intention Not to Renew Contract of Employment for a Certificated Teacher**

Board book information: *A.R.S. 15-536, et. seq. generally requires the renewal of contracts of employment for certificated teachers unless the Governing Board, instead, provides written notice of the Governing Board's intention not to renew such contracts.*

*The attached proposed form of resolution sets forth both a factual and legal basis for the non-renewal of the contract of a probationary certificated teacher, i.e., one who has not yet been employed by the District for the major portion of three consecutive years. This proposed non-renewal would be on the specified grounds of unprofessional conduct.*

*If the attached form of resolution is adopted and approved by the Governing Board, the Superintendent will issue notice of the Board's intention not to renew the contract of the named teacher. Such notice will be mailed and delivered to the teacher.*

*The Governing Board may desire to discuss this matter in executive session, though such discussion is not required under law. Written notice of the Board's potential to discuss this item in executive session is also being provided to the teacher named in the attached form of resolution, in accordance with law. This law allows the teacher to require that any discussion about the employee by the Board only occur in public. The teacher may not, however, require that consultation of the Board with legal counsel for legal advice occur publicly.*

The Governing Board approved the resolution directing Notice of Intention Not to Renew Contract of Employment as submitted. (Exhibit 8, pp. 1-5)

**4. STUDY**

**A. Approval of Compensation Meet and Confer Agreement and Compensation Terms for the 2012-2013 Fiscal Year for Certificated, Classified, Classified Exempt, Professional Non-Teaching, Administrative, and Administrative Exempt Employee Groups**

Board book information: **Certificated, Classified, Classified Exempt, and Professional Non-Teaching Groups** - *In several sessions occurring over several months, members of the District Administration, representing the Governing Board, have met and conferred with members of the Amphitheater Education Association (AmphiEA), representing certificated, classified and professional non-teaching employees to discuss the District's compensation package for next fiscal year. This is an annual occurrence of course.*

*Attached is the Agreement that resulted from the efforts of the meet and confer team. It is hopefully a straightforward document. Key terms are summarized below, however.*

**Increased Pay** - *Obviously, the pay decreases of two years ago weighed heavy on everyone's minds, particularly because those pay decreases and furlough days were "backfilled" by federal stimulus dollars which terminate at the conclusion of this fiscal year in June.*

*One key recommendation of the team is that the Board maintains this "backfill," effectively canceling the previous pay cuts and furloughs, but using District funds to do so.*

*In addition, the lack of increases for several years has meant that employees have not been able to keep pace with inflation and many other job markets. Accordingly, it is a key term of the proposal to actually provide for a 2% step movement.*

*In addition, the proposal reflects the fact that the ASRS contribution shift implemented by the legislature was ruled unconstitutional. The Governing Board "covered" the ASRS increase for employees this year with an approximate 1% raise. These funds were entirely taken by ASRS, however. Given the court ruling, the funds will be returned to employees, effectively creating a cost of living raise for the current year. It is recommended this increase remain in place as well, thereby raising the respective salary schedules.*

**Administrative and Administrative Exempt Groups** - The Superintendent is recommending a simple package for the Administrative and Administrative Exempt groups which would correspond, to the extent applicable, to the proposal for the other employee groups. Because neither administrative group is represented, no negotiated agreement is attached for these groups. Instead, the following terms represent the Superintendent's proposal. All terms and conditions of employment presently in force which are not modified by the following terms would remain in force.

**Step Movement (One Step) and Step Increase (5%)** - Each step on the administrative salary schedule would increase by five percent (5%). In addition, advancement of one step on the schedule is proposed for all eligible staff. Combined with the increase of all steps by 5% under this proposal, the step advancement represents a 7.1% increase in pay next year for staff receiving step movement. Staff who are not eligible for step movement would receive the 5% increase on their current step. Administrative exempt personnel who are not placed on a salary schedule are recommended to simply receive a 7.1% increase over current salary.

Current administrators in active employment before March 1, 2004 are eligible for the step movement provided for by this proposal. Employees on a leave of absence for any portion of this year are eligible for the step movement if they were in active employment for 33.3% or more of their work year.

**Additional Planning and Instruction Day** - Administrators on a school year contract will be required to work the additional planning day included in the certificated group package. In addition, if the additional instructional day under Prop 301, rather than equivalent minutes, is required for next year, the administrators' contracts will be similarly extended by one day. Compensation for these days is included within the step movement and percentage increase described above.

**Conclusion** - The Administration wishes to express its thanks to all the members of the negotiating teams who worked in a positive and cooperative manner toward the outcome reflected above and in the attachments. Each member of each party's team is listed on the written agreement.

For the Board's convenience, copies of the current salary schedules and the proposed salary schedules (with 5% increases) are attached.

Dr. Balentine invited Mr. Jaeger to provide an overview of the Agreement.

Mr. Jaeger stated that the Meet and Confer teams met and have agreed upon the proposal submitted herein for approval by the Governing Board. He highlighted several terms within the Agreement (as listed within the agenda item). Additionally, the Teams discussed possible strategies intended to effectively inform the community and other interested parties about the true realities burdening public education. There is misinformation within the community; there continues to be a lack of knowledge about the true extent of budget cuts within public education and the associated consequences and realities. The goal is to develop 'white papers' used to disseminate accurate information that can be used by policy makers to assist in making informed decisions and also to keep the public informed. Mr. Jaeger provided an update on efforts in progress related to anticipated payments from the Federal Government under healthcare reform legislation made available to governmental entities that provide health care coverage for retirees through COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985) or other mechanisms. The District has been informed that criteria has been met and accepted; the application has been approved and the District has been qualified for an allocation from the federal government for both last year and the current fiscal year totaling approximately \$220-240,00 for each year. However, due to Congress not fully funding this program, the District may not receive those funds. In the event monies are received, plans are to reduce health care costs for employees.

Mr. Jaeger expressed appreciation to the team members, as follows: Amphitheater Education Association: John Fife, Dolly Pivonka, Kathryn Pivonka, Robert Wacker, Michael Robinette, Kevin O'Driscoll, Brande Golden; and members representing the District: Todd Jaeger, Tom Gill, Monica Nelson, Andy Heinemann, Jon Lansa, and Marc Lappitt; and, Facilitators: Patrick Nelson and Roseanne Lopez. He noted that most of the team members have worked together for several years and a good relationship has been developed with a sense of comradery, and a sincere and earnest respect for all.



Mr. Jaeger responded to Board member questions.

Dr. Barrabee expressed appreciation to the Teams for their dedication to this effort in spite of the conditions resulting from budget cuts due to legislator's disregard to their constitutional obligations to provide for the best interests of public education. He supports the development of white papers, as reviewed by Mr. Jaeger. It is unfair to the students and the instructors when class sizes are 35+ and, that is one of the consequences associated with the disregard of their (legislators) obligation. We must get the word out about all of these concerns.

Mr. John Fife, President AmphiEA, addressed the Governing Board. He stated that the members worked together as a Team – noting the singular form. It was a positive experience. Indications reflect that the package was well-received by the membership. The Association supports the Board's approval of this Agreement.

Mr. William Thierry addressed the Governing Board. He applauds the District for reaching an Agreement that begins to address employee concerns. He relayed his concerns associated to the career/long-term, educational support professionals and noted the inadequacies in compensation as reflected in the current 24-step Salary Schedule. He asked that the Board consider this reality on behalf of the support staff who are at the top of the salary schedule and the impact to them through this exclusion of a true cost of living increase for these many years.

Mrs. Boros sought clarification about this concern. Mr. Jaeger responded to questions. Some discussion ensued. The term cost-of-living is a misnomer in a sense – the reality is that Proposition 301 contained a provision that required the legislature to include of a COLA/inflationary cost adjustment to ensure district budgets kept pace with the cost of inflation. The legislature has interpreted that requirement to only apply to the inflationary increase to the cost of fuel prices, etc. A valid concern; in reality, for the last many years, the increase has been between 1-2%.

Mrs. Boros expressed appreciation to the team members for their dedicated efforts. Perhaps the concerns expressed by Mr. Thierry can be considered during the next year's negotiations' session.

A motion was made by Dr. Loomis to approve the Compensation Meet and Confer Agreement and Compensation Terms for the 2012-2013 fiscal year, as presented. The motion was seconded by Mrs. Zibrat and it passed unanimously, 5-0. (Exhibit 9, pp. 1-3)

## **5. STUDY/ACTION**

### **A. Selection of Governing Board Delegate and Alternate for Arizona School Board Association (ASBA) Delegate Assembly; Determination of Governing Board Position on ASBA Legislative Action Agenda Items; Direction to Delegate and Alternate (updated: 4.9.12)**

Board book information: *The Arizona School Boards Association (ASBA) of which the District is a member, is holding its ASBA Delegate Assembly on June 30, 2012. The purpose of this annual assembly is to develop ASBA's legislative action agenda for next fiscal year's legislative sessions (rather than the current sessions). The assembly meets each year to consider input from districts across the state on action agenda items that have been culled from written proposals from districts for inclusion in the organization's official agenda.*

*While all superintendents and governing board members from member districts are invited to and may participate in the discussions held during the Assembly, each member district is only permitted one vote on each matter presented to the assembly for a vote.*

*Thus, one component of this item is the selection of the Board's official and voting delegate to the assembly. The Board is also advised to select an alternate delegate who would be authorized to attend the assembly, along with the delegate, and to vote in the event the delegate was unable to do so for some reason.*

*After doing so, the Board may through discussion and/or motion direct the delegate and alternate delegate how to vote or otherwise represent the interests of the Board in the development of the official ASBA political agenda. A copy of the current (2012) ASBA agenda is attached for reference and discussion.*

*In addition to playing a role in the development of the ASBA legislative agenda through appointment of its delegate and alternated delegate to the assembly, the Governing Board also develops and pursues its own legislative agenda. The Board's legislative agenda for the District need not, and sometimes does not, comport with the ASBA agenda.*

*At its September 6, 2011 meeting, for example, the Board determined the following as Amphitheater Legislative Priorities for the current 2012 Legislative Session(s): 1. Increase Funding for K-12 Education, 2. Provide Adequate Support for Special Education, 3. Eliminate All Student Tuition Organization Tax Credits, 4. Eliminate the Extracurricular Tax Credit Program, 5. Expand Career Ladder Funding, 6. Maintain Desegregation Funding, 7. Provide Adequate Funding to Serve English Language Learners, 8. Establish a Reliable and Adequate Source of Funding for the School Facilities Board, 9. Provide User-friendly and Practical Reporting Requirements and Provide Funding Support for the Same, 10. Protect and Support Education Due Process Rights.*

*At tonight's meeting, as it has in the past, it is presumed that the Governing Board would direct submission of these Amphitheater priorities to ASBA as legislative agenda items. Action agenda items are due to ASBA by April 16, 2012.*

*Prior to the Board's consideration of this item, individual Board members may also identify other proposals that they would like the Board as a whole to advance to ASBA. A blank ASBA form has therefore been provided to allow individual members to develop proposals. Board members will observe a small, unimportant graphical deviation from the form in the action items that have already been prepared on behalf of the Board.*

*General Counsel is, of course, also available and able to assist by drafting proposals for individual members who have a topic or issue of concern they wish to see addressed and have staff develop into a proposal for the Board's consideration.*

*Dr. Kent Barrabee submitted a final item(s) for consideration: ASBA Proposal for 2013 ASBA Action, Action Proposal 11 (11A) Belief Statement #1\_Advocacy for Children.*

Dr. Balentine introduced the item.

Mrs. Boros asked if any Board members had an interest in serving as the District's Delegate; Dr. Barrabee offered to serve as Delegate and Mrs. Zibrat offered to attend as the Alternate Delegate. Mrs. Boros accepted these selections; Mr. Grant seconded the motion and it passed, unanimously, 5-0.

Some additional discussion ensued. The motion was modified to include the component giving the Delegate/Alternate voting authority and discretion in representing the Board's interests in the development of the official ASBA political agenda.

Dr. Barrabee noted that in previous years, he has attempted to introduce changes through floor amendments and understands now the great reluctance by the Body to alter anything that has already been included in the ASBA's prepared [ASBA Action Items] booklet. This understanding prompted him to re-direct his efforts and write a few recommendations for consideration at this early stage of the process with hopes of being more effective. Dr. Barrabee presented the two documents in support of Advocacy for Children and Student Needs within Critical Area #1. He believes that the current introduction "seriously understates the legal responsibility of local school boards" . . . and also "fails to address the constitutional responsibility of the legislature to support public schools by providing 'proper maintenance' and make special appropriations as shall provide for their development and improvement."

Mrs. Boros supports the verbiage changes. She added that there seems to be a deliberate path by the legislature to move away from public education in Arizona.

Dr. Barrabee read the second Action item he is proposing that deals with his concerns about the apparent disregard by legislators to their responsibility to the oath regarding "shall make such appropriations, to be met by taxation, as shall insure the proper maintenance of all state educational institutions and shall make such special appropriations as shall provide for their development and improvement." Additionally, he developed bulleted items that list specific programs needing appropriations that are to be funded through adequate state funding contained within the State Constitution and they are: appropriate special education funding, restoring Building Renewal funds, fully funding soft capital, funding teacher/student ratios to 28:1, dual credit for high school students enrolled in community college classes, distance-learning, CTE, and ELL opportunities, restoration of all-day kindergarten programs, and funding legal requirements that all 3<sup>rd</sup> graders are reading at grade level. These programs also reflect the Board's legislative priorities as discussed in the Board's September 2011 meeting.

Following discussion, it was agreed that it would be most effective to target Amphi's recommendations to the two items proposed by Dr. Barrabee.

A motion was made by Mr. Grant to approve the changes presented by Dr. Barrabee, and to include the additional verbiage about restoration of all-day kindergarten funding. The motion was seconded by Mrs. Boros and it passed unanimously, 5-0

Mrs. Boros announced a short recess. The time was approximately 9:15 p.m.

Mrs. Boros re-convened the meeting at approximately 9:25 p.m.

## **6. STUDY**

### **A. Review of Proposed Governing Board Policies Contained in Policy Classification J (Students), JK through JR; Discussion of Specific Policies in J Series**

Board book information: *The District is currently conducting a periodic review of the entire Governing Board and Administrative Regulation system. This periodic review is intended to ensure that the policies of the District continue to reflect intentions of the Governing Board over time.*

*The Governing Board's policies are, of course, intended to be broad, overall direction for the operation of the District. Implementation of policy is through administrative function, including the administrative regulations approved by the Superintendent. (Regulations are denoted by a "-R", "-RA" or similar designation; exhibits are denoted by "-E" or "-EA", etc.). The Board is only required to approve changes to policies, not regulations or exhibits. Simply put, policies are "theory and intention"; Regulations are those procedural steps necessary to affect the theory; and Exhibits are the forms needed to implement the Policy's Regulation(s).*

*The policy manual is organized according to the classification system of the National School Boards Association. This system provides an efficient means of coding, filing, and finding policies. The manual is divided into the following sections: A. FOUNDATIONS AND BASIC COMMITMENTS, B. SCHOOL BOARD GOVERNANCE AND OPERATIONS, C. GENERAL SCHOOL ADMINISTRATION, D. FISCAL MANAGEMENT, E. SUPPORT SERVICES, F. FACILITIES DEVELOPMENT, G. PERSONNEL, H. MEET AND CONFER, I. INSTRUCTIONAL PROGRAM, J. STUDENTS, K. SCHOOL - COMMUNITY RELATIONS, L. EDUCATION AGENCY RELATIONS*

*The current review of the J Series on "Students" will be broken down into two separate reviews, due to the large number of individual policy documents contained in that series. The attached policy manual documents represent the first half of the J Series.*

*Given the sheer size of documents involved, this includes a draft of policy documents inclusive of their proposed revisions in a "clean" format. That is, all changes are incorporated without redlining to make the review process simpler for the Board Members. In preparing this Board item, it was readily apparent that presentation of the revisions in the redline format used in previous submissions was too difficult to read.*

#### **How to Search for Specific Policies**

*With documents as large as those attached, discussion of specific provisions by the Board Members can be complicated, particularly when it is important to have everyone "on the same page" – literally. As individual Board Members add comments and notes to their electronic Board agenda items, pagination numbers within the original documents may be altered, preventing Board Members from accurately referring other Board Members or staff to a specific page number.*

*Therefore, during discussion of a particular policy, Board Members may wish to make reference to the policy index number of a certain policy. These numbers appear to the top left at the first page of every policy and appear like "J-0050". Other board members can then enter this index number into the term search window at the top right of their BoardBook viewing window. This will automatically take the Board Member to the first page of the same policy being discussed.*

*As in previous submissions in this review process, many of the policy documents included in the attachment to this item have only minor or technical changes. Typically such changes or corrections are made to enhance sentence structure, improve grammatical presentation, correct semantics, accommodate statutory codification adjustments, and so forth. Some simply correct references to state law or other policies that may have changed.*

*Many of the documents have no changes at all.*

*There are several policies, however, that do have substantive changes or may represent entirely new policies. These are addressed below:*

- *JK (Student Discipline) was revised to codify the potential interventions available to address student behavior. JKD (Student Suspension) was modified to expand disciplinary hearings notification timelines from three (3) to five (5) days.*
- *JKE (Expulsion of Students) readmission terms were modified: Currently, an expelled student may request re-admittance by making a written application to the Board. The proposed revision sets forth that, while the application for re-admittance may be submitted no less than nine (9) months after the date of the expulsion; the student may not be readmitted until at least two (2) complete semesters have passed (the remainder of the semester in which the violation has occurred and two [2] additional semesters). Also proposed is the summary reinstatement of his/her expulsion should the student commit a violation of the conditions for readmission or a criminal or civil violation reflecting on the school order.*
- *JLCB (Immunization of Students). It is recommended that chart of immunizations be deleted in favor of general statement to more easily maintain currency.*
- *JLDA (School Counselors and Psychologists). This is a new policy.*
- *JLIF (Sex Offender Notification). Staff would like the Board to take particular notice that the ASBA has suggested "optional" language at the JLIF Policy and its accompanying Regulation JLIF-R.*

Dr. Balentine stated that while this half of the "J Series" contains a substantial bulk of the policies, the majority of the content changes are cursory. She invited Mr. Jaeger to provide an overview of the proposed changes being proposed.

Mr. Jaeger stated that there are mostly minor changes in this submission with a couple of exceptions. He reviewed the materials and directed their attention to the more substantive changes as referenced (above). He invited Board members to forward any questions or recommendations prior to the next regular meeting.

## **B. Review of Proposed Revisions to the 2012-2013 Student Code of Conduct**

Board book information: *State law mandates that each school district Governing Board establish rules for student behavior, to include consequences deemed appropriate. The Student Code of Conduct is the mechanism through which the District communicates its expectations for student behavior and the consequences for violating those rules. A student's failure or refusal to comply with the rules of the district and/or his school will subject the student to disciplinary action.*

*An effective Code must explain expectations for behavior so that all members of the school community can fully understand them; it must also provide fair and consistent guidelines for consequences to be applied when behavioral incidents do occur to help ensure schools are safe places for students, staff, and the public.*

*The Code's 2012-2013 version has been drafted to be as conversational as possible. It is important to recognize, however, that any code of conduct must comply with certain legal mandates for public schools and must be very clear about expectations, to include precise definitions where required. In that regard, this Code contains definitions directed for use by the State of Arizona Department of Education.*

*Beginning in 2010-2011, the Code of Conduct was prepared in two formats - one for elementary schools and one for middle schools and high schools. The elementary code contains a more simplified section and graphics for younger readers. Two years later we continue that tradition as it was very well received by parents and educators.*

*One additional violation was added to this year's Code of Conduct based on student (mis)behaviors: Indecent Exposure or Public Sexual Indecency. The definition of drugs has also been expanded to reflect the use of synthetic marijuana.*

Dr. Balentine introduced the item, adding that plans are to return this item at the next regular Board meeting for final review and request for approval so that the packet can be promptly forwarded to the Graphics & Printing Department for copying and dissemination. She then invited Mr. Jaeger to provide an overview.

Mr. Jaeger noted that copies of the draft Student Code of Conduct were provided as hard copies for Board members' review. He stated that there are two minor changes to the book. The goal is to make as few changes as necessary in order to allow students and staff the time and experience with the new format (initiated last school year) and is largely driven by the AZ Safe Program from the Department of Education. He highlighted the two primary changes being proposed: the definition of drugs has been expanded to address the increased occurrences involving synthetic drugs; and, now to include a new provision regarding indecent exposure or public sexual behaviors. The same language is contained in both elementary and secondary levels.

This item will return at the next regular Board meeting for a final review and request for approval. He invited Board members to forward any questions or recommendations prior to the next regular meeting.

Regarding the elementary version, Mrs. Boros advises inserting a brief disclaimer or notice to parents regarding the verbiage content related to the sexual behavior codes.

Dr. Barrabee recommends having "mind-altering" verbiage incorporated within synthetic drugs.

**C. Periodic Legislative Update (4.10.12)**

*This Item is presented to permit the Governing Board to review and discuss the status of education-related legislation which has been proposed in the second regular session of the 50th Arizona legislature this year. This item has been updated to inform the Board regarding education-related legislation that has been signed by Governor Brewer recently.*

Mrs. Boros appreciates the time and effort invested in preparing this item but noted that due to the lateness of the hour she recommended that Board members take the time to read through the materials at a later time. There were no objections.

**BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS**

There were no Board Member requests.

**PUBLIC COMMENT**

There were no public comments.

**ADJOURNMENT**

A motion was made by Dr. Barrabee that the Board Meeting be adjourned; Mrs. Boros seconded the motion; and it passed unanimously, 5-0. Mrs. Boros declared the meeting was adjourned; the time was approximately 9:58 p.m.

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Respectfully submitted,  
Margaret Harris

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Mrs. Susan Zibrat, Vice President

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Date

Approved: TBA