

DRAFT

**AMPHITHEATER PUBLIC SCHOOLS
Tucson, Arizona**

MINUTES OF SPECIAL PUBLIC MEETING OF THE GOVERNING BOARD

Place, Date and Time of Meeting

Wetmore Center, 701 West Wetmore Road, Leadership and Professional Development Center, October 17, 2016
at 8:30 AM

Board Members Present

Deanna M. Day, President
Jo Grant, Vice President
Dr. Kent Paul Barrabee, Member
Scott A. Leska, Member

Board Members Absent

Julie Cozad, Member

Central Administrators Present

Patrick Nelson, Superintendent

Others Present

Don Johnsen, Attorney, Gallagher and Kennedy

Call to Order and Signing of Visitor's Register

Ms. Deanna M. Day

Ms. Day called the meeting to order at 8:30 AM and invited any visitors who had not already signed the register to do so.

Pledge of Allegiance

Mr. Patrick Nelson

PUBLIC COMMENT

There was no public comment.

1. POSSIBLE RESOLUTION OF MATTERS ARISING FROM STATEMENT OF CHARGES

Background Information: *This Board item is presented to permit the Board to consider and approve the terms of a proposed agreement to resolve all matters arising from that certain statement of charges dated August 2, 2016. Pursuant to A.R.S. § 15-539, the Administration presented a Statement of Charges against a teacher at the Governing Board's Special Meeting on August 2, 2016. Upon consideration of the Statement of Charges, the Governing Board adopted its intention to dismiss the teacher. Following that meeting, the teacher exercised her right to request a formal hearing on her dismissal. The District's legal counsel, the District's insurer, and the teacher's legal counsel have reached an agreement to resolve all matters arising from the statement of charges, subject to the Board's approval of the terms and conditions of such agreement. The purpose of this Special Meeting is to permit the Board to consider and approve those terms and conditions, including acceptance of the teacher's resignation and the Board's withdrawal of such statement of charges. The Administration recommends the Board approve the terms and conditions of the agreement to resolve all matters arising from the statement of charges, including acceptance of the teacher's resignation and the Board's withdrawal of such statement of charges, and that the Board authorize and direct the Administration to take such actions as are necessary to effect the terms and conditions of that agreement.*

[<https://v3.boardbook.org/Public/PublicMeetingMaterials.aspx?ak=1000433&mk=50219470>, Item 1.]

Mr. Nelson called on Mr. Don Johnsen, Attorney, to outline the item. Mr. Johnsen reviewed the item. On your agenda you will note the possibility of going into Executive Session to discuss a couple of different matters, both of which relation to the resolution or disposition of the Statement of Charges that the Board adopted in August. One of the purposes of Executive Session is to be able to discuss the matter in private to obtain and receive legal advice with yours truly. My suggestion would be that the Board should go into Executive Session at this time for that purpose.

Ms. Day asked for a motion to recess the Opening Meeting and hold an Executive Session.

ACTION: APPROVED. MOTION: Ms. Grant moved that the Governing Board recess the open meeting and hold an Executive Session pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with its attorney and pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with its attorney in order to consider its position and instruct its attorney regarding the Board's position in connection with that certain statement of charges dated August 2, 2016, and/or in settlement discussions conducted in order to resolve threatened litigation arising from such matter. SECOND: Dr. Barrabee; VOTE: 4-0 (Voice Vote), TIME: 8:35 AM.

2. EXECUTIVE SESSION

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

1. The purpose of discussion or consultation for legal advice with its attorney in connection with that certain statement of charges dated August 2, 2016 pursuant to A.R.S. § 38-431.03(A)(3).

2. The purpose of discussion or consultation with its attorney in order to consider its position and instruct its attorney regarding the Board's position in connection with that certain statement of charges dated August 2, 2016, and/or in settlement discussions conducted in order to resolve threatened litigation arising from such matter pursuant to A.R.S. § 38-431.03(A)(4).

B. Motion to Close Executive Session and Reconvene Open Meeting

[<https://v3.boardbook.org/Public/PublicMeetingMaterials.aspx?ak=1000433&mk=50219470>, Item 2.A. & 2.B.]

Upon return to the Board Room Ms. Day asked for a motion to close Executive Session and reconvene the Open Meeting.

ACTION: APPROVED. MOTION: Mr. Leska moved to close Executive Session and reconvene the Open Meeting, SECOND: Dr. Barrabee, VOTE 4-0 (Voice Vote), TIME: 9:04 AM.

ACTION: APPROVED. MOTION: Ms. Day moved that the Board accept the proposal discussed in Executive Session to resolve threatened litigation arising from that certain statement of charges dated August 2, 2016, in accord with the terms of the proposed agreement reached between the claimant and the District, and that the Board authorize and direct the Administration to take such actions as are necessary to effect the terms and conditions of that agreement. SECOND: Ms. Grant; VOTE: 4-0 (Voice Vote).

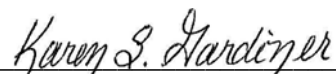
ACTION: APPROVED. MOTION: Ms. Day moved that the Board withdraw the statement of charges and notice of intent to dismiss adopted on August 2, 2016, SECOND: Ms. Grant, VOTE: 4-0 (Voice Vote).

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

ACTION: APPROVED. MOTION: Ms. Grant moved that the meeting be adjourned, SECOND: Dr. Barrabee,
VOTE: 4-0 (Voice Vote), TIME: 9:06 AM.



Respectfully submitted,
Karen S. Gardiner

Deanna M. Day, President

TBD
Date

Approved: TBD