

DRAFT Governing Board Meeting 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, (Thursday) July 1, 2010, 7:00 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

Dr. Vicki McLeod Balentine, Superintendent
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 and Signing of Visitors' Register

Mr. Grant called the meeting to order at 7:04 p.m. and asked members of the audience to sign the visitors' register. Procedures for addressing the Board were described.

Pledge of Allegiance

Dr. Balentine led the Pledge of Allegiance.

Announcement of Date and Place of Next Regular Governing Board Meeting

Mr. Grant announced the next regular meeting of the Governing Board: Tuesday, August 10, 2010, at 7:00 p.m., Wetmore Center, 701 W. Wetmore Road

PUBLIC COMMENT

Mr. George Millen addressed the Governing Board; he recommends the Board reconsider their decision to suspend the Literacy Conference as a cost-savings measure for next year and allow it to be re-scheduled since it is paid for by grant funds. He and other colleagues feel that the benefits of this conference are far-reaching.

1. INFORMATION AND RECOGNITION(S)

A. Status of Bond Projects

Mr. Christopher Louth, Bonds Project Manager, was introduced to present this month's status update on the current Bond-funded Projects (as provided with Board book materials). Photos were displayed of these projects. 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:* Permits for the new Facility Support Services Center at Wetmore are complete. County building permits are ready. Review comments from the fire marshal have been addressed and resubmitted for approval. Diversified Design and Construction, Amphi's CM @ Risk Partner, will start construction once fire marshal approval is received.

II. Instructional Space / Portable Replacement

A. Ironwood Ridge High School - Classroom Addition: Construction is 25% complete. Wall framing and steel erection are in process. Roof bar joists and decking installation have started. A new acid neutralization tank for the chemistry labs is being installed. Project is currently on schedule and on budget.

B. Coronado K-8 School - Classroom and Fine Arts Addition / Remodel: Construction is 12% complete. Earthwork for the new bus loop, new parent pickup lane, kitchen and classroom building pad is continuing. Onsite underground utility installation is ongoing. Elementary pod classroom air wall replacement is ongoing. Electrical and IT rough in is complete and drywall is being installed. Restroom remodel is in process. Project is currently on schedule and on budget.

C. Rillito Center - Addition: Construction documents for the Rillito Center addition have been through first review at the city. All comments have been addressed and resubmitted for approval. Mr. Richard Clutter of EMC2 Architecture will give a virtual tour of the proposed Rillito addition at the conclusion of tonight's bond update. Amphi's CM @ Risk partner, Concord Construction, has submitted a GMP (Guaranteed Maximum Price) to the Governing Board for approval.

D. Canyon Del Oro high school - Theater Sound, Lighting, and Theater Updates Construction documents for the theater upgrades are complete and have been submitted by Sakellar and Associates Architecture to Oro Valley for review. Amphi's CM @ Risk partner, Concord Construction, is preparing a GMP for presentation to the Governing Board at the August 10, 2010 board meeting.

E. Nash Elementary School - Classroom Addition: Programming of the classroom addition at Nash Elementary is continuing with Swaim and Associates Architecture, CORE Construction, and the bond department.

F. Walker Elementary School - Classroom Addition: Programming of the classroom addition and kitchen remodel at Walker Elementary is continuing with Swaim and Associates Architecture, CORE Construction, the bond department, and Walker Elementary Principal, Jon Lansa.

Mr. Louth responded to an inquiry by Dr. Barrabee about an "air wall." Simply they are foldable walls that are commonly seen in conference rooms; these are being replaced at Coronado with traditional hard building including electricity, IT connectivity, etc.

Mrs. Clymer noted that the Bond projects' continue to come in on schedule and on budget and expressed appreciation to Mr. Louth and his crew for their efforts and transparency.

Mr. Louth introduced Mr. Richard Clutter from EMC2 Architecture, who was present to provide a virtual tour of the Rillito Center Addition project. The existing administrative building will be renovated with new finishes; the therapy pool and three classroom spaces remain as is; the nurse's office and some existing classrooms are being renovated and will become new administrative office space and a newly-created Multi-purpose space to be used to facilitate student mealtimes.

B. Recognition of Oro Valley Optimist Club – 5th Grade Drug Awareness/Prevention Day – April 21, 2010

Board Book information: *The Oro Valley Optimist Club, in cooperation with the Oro Valley Police Department, organized a "Drug Awareness Day" at James Kreigh Park, April 21, 2010, for Amphitheater 5th grade students. The students also participated in an essay contest related to the day. The event included an arrival of a Black Hawk Helicopter, a Tucson Toros baseball player, an emergency medical vehicle and several community presentations and speakers.*

The Governing Board expressed appreciation to the members present representing the Oro Valley Optimist Club and the Oro Valley Police Department for their efforts on behalf of Amphitheater Public Schools and its families; these representatives were presented with certificates of commendation.

2. CONSENT AGENDA

Mr. Grant asked if there were Board member requests to have any items addressed separately; Dr. Barrabee requested that items A, H, and J be addressed separately. A motion was made by Dr. Loomis moved to approve consent agenda Items B-G and I, and K-X. The motion was seconded by Mrs. Clymer and passed unanimously, 5-0. Appointment of personnel is effective, provided all district, state, and federal requirements are met.

A. Approval of Minutes of Previous Meeting

Dr. Barrabee asked to have the June 21, 2010 Minutes reviewed separately in order to recommend a change to the verbiage and more accurately reflect the actions. [Revised to read: "Dr. Barrabee recognized Ms. Rhonda Ball, President of AmphiEA, for her contributions and service to the District and its students throughout her career, and he congratulated her on her retirement. The comments were met with a standing ovation from all in attendance."]

Dr. Barrabee moved to approve the Minutes with the corrected verbiage. The motion was seconded by Mrs. Boros and passed unanimously, 5-0.

B. Appointment of Personnel

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

C. Personnel Changes

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

D. Separation(s) and Termination(s)

Certified and classified personnel separations were approved, as listed in Exhibit 3.

E. 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 \$783,159.66 (Final Total)

The following vouchers were approved as presented and payment authorized:

Vo. 924	\$685,428.74	Vo. 925	\$97,730.92
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G. Sole Source Approval for Northwest Evaluation Association (NWEA)

Board Book information: *November 8, 200,5 the Governing Board approved the award of contract for assessment testing services to Northwest Evaluation Association based on their response to Request for Proposal 05-0008. The scope of work required the successful vendor to provide test assessments (MAP Scores) which could be aligned to district curriculum providing benchmarks to measure student growth and progress over time. Tests were to be self-leveling according to a student's ability and automatically customized according to each student's performance. Finally, the vendor was to provide advanced statistical procedures, research design, measurement theory and a database for comparable procedures to a nationwide sampling. Funding for NWEA Map Testing for fiscal year 2009/2010 was \$94,000.00.*

The primary student achievement model used for Project EXCELL! is based on NWEA Map Scores. Project EXCELL! is the District's grant-funded, performance-based pay initiative for teachers. Funding for Project EXCELL! continues through June 30, 2012, an additional 24 months. The current NWEA contract (RFP 05-0008) expires June 30, 2010. The Administration requests that the Governing Board approve Northwest Evaluation Association as a sole source vendor to maintain NWEA MAP testing in support of Project EXCELL!.

The Governing Board approved the sole source designation for *Northwest Evaluation Association* (NWEA).

H. Approval of Revised District Organizational Chart for 2010-2011

Board Book information: *A draft of the revised organizational chart will be provided for review and adoption by the Governing Board. The changes to the organizational chart will reflect updates to personnel and titles.*

Dr. Barrabee asked to have the reporting hierarchy for the Information and Technology Department to the Chief Financial Officer more clearly delineated on the chart itself. Dr. Balentine stated that this would be done.

Dr. Barrabee moved to approve the revised District organizational chart for 2010-2011. The motion was seconded by Mrs. Clymer and passed unanimously, 5-0 (Exhibit 5).

I. Approval of Proposed Revisions to Policy DJE Regarding Bidding/Purchasing Procedures

Board Book information: *Governing Board Policy DJE Regarding Bidding/Purchasing Procedures was last revised on January 13, 2009. Recent legislation has increased the sealed bid threshold from approximately \$32,000 to a flat rate of \$50,000. A draft of proposed revisions to Governing Board Policy DJE, which would implement this increase, was reviewed by the Board on June 21st. This item is prepared to permit the Board to approve the final version of the revised Policy.*

The Governing Board approved the revisions to Policy DJE Regarding Bidding/Purchasing Procedures, as described.

J. Approval of Out of State Travel

Dr. Barrabee asked to have this item addressed separately in order to inquire about verbiage used on the form (requested expense"). Dr. Balentine explained the supporting documentation that accompanies travel requests.

Dr. Barrabee moved to approved out of state travel for students and staff (source of funding indicated): from Ironwood High School to go to San Diego, California, September 23-26, 2010 (tax credits, gifts and donations, and student activity funds), as submitted. Mrs. Clymer seconded the motion and it passed unanimously, 5-0.

K. Approval of Interscholastic Fees

Board Book information: *As part of the budget scenario required by decreased state funding for K-12 education for the 2010-11 school year, increased fees for athletic participation and increased gate fees for attendance at athletic events is required. The proposed increase for participation fees is from \$25 to \$40 for high school sports, and from \$15 to \$20 for middle school sports. In addition, it is proposed that gate admission be increased from \$4 to \$5.*

The Governing Board approve the following increases to Interscholastic Fees beginning with the 2010-2011 school year: high school sports' participation fees from \$25 to \$40; middle school sports' fees from \$15 to \$20; and, gate admissions from \$4 to \$5.

L. Approval of Course Titles for Middle and High School Levels

Board Book information: *With the implementation of the new student management system, it was necessary to review all courses at both the middle school and high school levels, and to review course titles for consistency, utility, and fidelity. That review has been completed, and the attached list provides the course titles that will be entered into the student management database. [Board Book holders were provided a course title listing.]*

The Governing Board approved the course titles for middle and high schools, as presented by staff (Exhibit 6a, pp. 1-5; 6b, pp. 1-10).

M. Approval of Addendum Schedules

Board Book information: *A review of the Addendum Schedules (non-athletic) has been completed. This review was conducted to provide consistency among sites and for positions being paid an*

addendum. In addition, an update was necessary to remove certain non-used addendums and to reconfigure others. In most cases, the changes were minor but necessary for position control and effective budgeting. The following attachment provides for a review of the final recommendations. [Board Book holders were provided a listing of addendum schedule updates.]

The Governing Board approved the updated non-athletic Addendum Schedules, as presented by staff be approved by the Governing Board (Exhibit 7, pp. 1-2).

N. Approval of Amendment to Intergovernmental Agreement with the Pima County Health Department for the Provision and Administration of Childhood Immunizations

Board Book information: *Absent specific exceptions, Arizona law and District policy JLCB require that school-aged children obtain certain vaccinations prior to attendance at any district school. As a service to the community last year, the District entered into an Intergovernmental Agreement with the Pima County Health Department ("PCHD") for the provision and administration of childhood immunization services.*

The IGA permits the PCHD to provide training to district-employed registered nurses in order to qualify the nurses to perform immunization services. Those services are utilized at free school clinics for which the PCHD also provides clerical and technical support, clinical supplies, and preparation of forms and records.

The original Agreement was approved by the Board on August 1, 2007. Pursuant to a Board-approved renewal, it expires on September 11, 2010. The PCHD has requested the Board approved the attached Amendment which would extend that Agreement until September 10, 2011.

The Governing Board approved an extension of the Intergovernmental Agreement with the Pima County Health Department for the Provision and Administration of Childhood Immunizations until September 10, 2011 (Exhibit 8, pp. 1-7).

O. Approval to Utilize United States Department of Agriculture (Food Products) Commodity Program – Corrected

Board Book Information: *The United States Department of Agriculture provides an allotment of commodity dollars to school districts nationwide for the purpose of purchasing discounted food products, (commodities) ranging from cheese, turkey, beef, ham, etc. The program also provides that school districts authorization to purchase from vendors supplying the commodities. [This is a revised list of vendors previously approved on June 8, 2010.]*

The Governing Board approved using the United States Department of Agriculture Commodity Program and their authorized vendors as follows, and, per USDA guidelines: *Tyson Foods, Jennie-O-Turkey Store, Pierre Foods, Land' O' Lakes, Schwan's Food Service, Integrated Food Service and Tabatchnick Fine Foods (added) and Shamrock Foods (added) for the purchase of discounted government commodities.*

P. Award of Contract for Extended Learning and Child Care Services Based Upon Responses to Request for Proposal 09-0070

Board Book information: *A Notice of Request for Proposals ("RFP") for Extended Learning and Child Care Services was issued on May 4, 2010 with a due date of May 27, 2010. The RFP was mailed to twenty-six vendors, area churches, community colleges, the YMCA, Vision Qwest, etc., who could, utilizing Amphitheater facilities, provide Extended Learning and Child Care Services. One response was received from Community Extension Programs, Inc. (CEP). Please see below the RFP evaluation criteria listed in order of importance. Responding vendors are selected based on their ability to provide the required services.*

- *Past experience of the vendor providing Extended Learning & Child Care Programs to school age children*
- *Capacity & capability of the provider to carry out the proposed programs*
- *Past record of performance in public school settings*

- Ability to offer a range of programs that will meet the needs and interests of students from preschool through high school
- Ability to provide academic assistance to students
- Financial stability of the provider
- Ability to provide appropriate supervision which allows for quality opportunities as well as student safety
- Staff qualifications
- Program fees
- Provisions for financial assistance and/or scholarships

The Governing Board approved the award of contract for Extended Learning and Child Care Services to *Community Extension Programs, Inc.* based upon their response to RFP 09-0070, as described (Exhibit 9, pp. 1-4).

Q. Award of Contract for HVAC Services Based Upon Responses to Request for Bid 09-0090

Board Book information: *Request for bid 09-0090 was mailed to 10 vendors; 2 vendors responded with priced bids:*

	<i>Comfort Systems USA</i>	<i>American Conditioned Air</i>
<i>Walk-In Refrigerators & Freezers</i>		
<i>Regular Hours Technician</i>	\$ 76.00	N/A
<i>Overtime Hours Technician</i>	\$114.00	N/A
<i>Travel Time</i>	\$ 76.00	N/A
<i>30 Ton Air Conditioners</i>		
<i>Regular Hours Technician</i>	\$ 76.00	\$ 70.00
<i>Overtime Hours Technician</i>	\$114.00	\$105.00
<i>Travel Time</i>	\$ 76.00	N/A
<i>Central Plant Chillers to 450 Tons</i>		
<i>Regular Hours Technician</i>	\$ 96.00	\$ 95.00
<i>Overtime Hours Technician</i>	\$144.00	\$142.00
<i>Travel Time</i>	\$ 96.00	N/A
<i>Misc Consumables - Plus%</i>	35.00%	30.00%

The Governing Board approved the awards of contract for HVAC services to: *Comfort Systems USA* and *American Conditioned Air* based upon their responses to RFB 09-0090.

R. Award of Contract for Produce Based Upon Responses to Request for Bid 09-0092

Board Book information: *Request for bid 09-0092 was mailed to six vendors providing produce products; three vendors responded with priced bids. [Board Book holders were provided with a spreadsheet of comparative data.]*

The Governing Board approved an award of contract for Produce to *Ron's Produce* based upon their response to RFB 09-0092.

S. Award of Contracts for Supplemental Food Products Based Upon Responses to Request for Bid 09-0097

Board Book information: *Annually the Food Service Department bids new food products added to school menus and bids kitchen implements. Request for Bid 09-0097, with 103 line items, was mailed to all vendors registered with the Purchasing Department who supply food products to institutional users; 11 vendors responded. The Administration, with Governing Board approval, will award contracts to multiple vendors based on their low bid price per line item. Complete award information by vendor is on the attached spreadsheet. [Board Book holders were provided with a spreadsheet of comparative data.]*

The Governing Board approved the awards of contract for Supplemental Food Products to: *Quick Dispense, Epicurean, Shamrock Foods, Yogurt Frenzy, Malone Meat & Poultry, U.S. Foods, U.S. Commodity Group, and Arizona Restaurant Supply* based upon their responses RFB 09-0097.

T. Verification of Desegregation Funding Matters and Submission of Desegregation Funding Report, Pursuant to A.R.S. §15-910(J)(3)

Board Book information: *As the Board is aware, A.R.S. § 15-910 permits Arizona school districts to: "... budget for expenses of complying with or continuing to implement activities which were required or permitted by a court order of desegregation or administrative agreement with the United States department of education office for civil rights directed toward remediating alleged or proven racial discrimination which are specifically exempt in whole or in part from the revenue control limit and the capital outlay revenue limit...."*

During the 2004-2005 legislative session, the above-quoted statute was amended to mandate annual school district reporting and verification of data and other information concerning desegregation expenditures made by any school district pursuant to § 15-910. This requirement of verification has continued since and, each year, the Governing Board submits such verification.

This agenda item will provide some history of the bases for the District's desegregation funding and also describe the verifications now required under the desegregation statute quoted above. The Board's approval of the verifications to be submitted under the Board President's signature is also required. Accordingly, reporting form (to be signed by President Grant) and the specific verifications to be submitted with the form are attached as exhibits to this item.

Desegregation Funding, Generally. *The purpose of the desegregation funding mechanism is to enable school districts which are subject to court orders and U.S. Department of Education Office for Civil Rights (OCR) agreements to comply with those orders and agreements. Desegregation activities present new expenses for school districts, because, by their very nature, they mandate doing things differently from, and in addition to, that already being done and funded under previous district budgets.*

Without the funding made possible by A.R.S. §15-910(G), districts would have to fund the supplemental programs and activities required by the applicable court orders and OCR agreements, by diverting funds from the regular capital and maintenance and operations budgets. With other programs services already dependent upon the regular maintenance and operations budget, funding of desegregation activities through diversion of funds would jeopardize the ability of districts to just maintain the status quo in terms of educating students. The resulting "borrowing from Peter to pay Paul" would result in a dilution of existing services or the quality thereof, perhaps even exposing districts to further claims of inadequate service like the ones that led to the desegregation complaints in the first place.

While there have been a number of legislative attacks against the desegregation funding mechanism as extraneous or unnecessary, the fact is that the legislature has taken a different posture with regard to state programs. For example, during the 2002-2003 legislative year, the legislature passed HCR 2022. HCR 2022 was intended to eliminate the impact of new funding requirements on the State's general fund. HCR 2022 placed a referendum on the 2004 General Election Ballot which required that where any new initiative or referendum proposing a mandatory expenditure of state revenues or allocating state funding for any specific purpose, that new measure would also have to provide for the increased revenues necessary to cover the new costs.

In the case of HCR 2022, the legislature determined that new programs which go beyond the level, type and form of existing state programs should have their own funding source, so as not to burden the state and its current and continuing programs. In the exact same way, the cost of new programs or services mandated or permitted by OCR agreements or court orders should have their own source of revenue, rather than burdening the existing and continuing programs and services of a school district. Presumably, the legislature agreed when it originally placed A.R.S. § 15-910 into law.

The Bases for Amphi's Desegregation Funding.

Amphi's desegregation activities, and consequently its expenses under the statute, a rise from two administrative agreements between Amphi and OCR. These agreements are known as "corrective action agreements".

Amphi's Lau Corrective Action Agreement.

The first of the OCR agreements requiring or permitting desegregation activities as contemplated by §15-910 followed an extensive OCR investigation of Amphi educational programs and services in Compliance Review No. 08925002 ("the Lau Review"). This review initiated in November 1991 and concerned issues not too dissimilar from the allegations raised by the plaintiffs in the pending Flores litigation against the State of Arizona. In short, the inquiry of this OCR review was whether Amphi provided national origin/minority students who are Limited English Proficient ("LEP") with educational services which allow them equal educational opportunities.

The Lau Review lasted for more than two years and resulted in findings in January 1994. OCR determined that Amphi denied LEP students an equal opportunity to meaningfully participate in its educational programs, in violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act. OCR therefore required corrective action by Amphi. Failure of Amphi to take corrective action would have potentially subjected Amphi to loss of federal funds and civil penalties for civil rights violations. Consequently, the District entered into a Corrective Action Agreement in January 1994 ("the Lau Agreement").

In summary, the Lau agreement required the District to ensure that LEP students and students whose primary home language was other than English ("PHLOTE" students) have equal access to educational programs and services. There were three main components in the Lau Agreement. The first component was the development of a comprehensive plan for providing specific programs and services to all LEP students. The agreement required that the comprehensive plan include specific procedures for consistent, reliable and timely identification and assessment of students whose language is other than English. The plan was also required to include:

- Timely provision of ESL services for Limited English Proficient students as the appropriate level, i.e., beginner, intermediate or advanced*
- A method for collecting and recording follow-up data on students who have left the ESL program*
- A provision for students who re-enter the program, if necessary*
- Program evaluation to determine its effectiveness*
- Elimination of barriers which might exclude LEP students from receiving gifted education services*
- Expansion of gifted education identification and assessment process to ensure access of LEP students*

The second component of the Lau Agreement was a requirement that Amphi develop a plan to ensure appropriate placement of special-needs LEP students, whether enrolled at the time of the Lau Agreement or thereafter. The third component was mandated development of plans to improve services to LEP students. Also required by the Lau Agreement was translation of parental notices into home languages.

As required by the Lau Agreement, the comprehensive plan described above was developed and implemented in the years that followed. Implementation continues today and takes many forms required or permitted by the Lau Agreement, the majority of which consist of:

- Sufficient levels of specially trained teachers provide specialized instruction to LEP students, in Sheltered English Immersion classrooms in accordance with Proposition 203, to ensure timely provision of services to LEP students.*
- Bilingual instructional assistants assist teachers in Sheltered English Immersion/ESL classrooms.*
- Additional special education teachers have been placed at schools with high numbers of ESL students to ensure prompt access to special education services by ESL students and families.*

- *At schools with significant LEP populations, regular classroom teachers and administrators also play key roles in the provision of educational services, monitoring of student success, and assurance of LEP student access to other District services including special and gifted education.*
- *An ESL department, staffed by a director and support staff, operates to coordinate ESL programs and services, collect and record data regarding student participants and their families, monitor student success, and improve program performance.*
- *Bilingual clerks are hired to assist in data collection necessary to evaluate program effectiveness and student success. Bilingual clerks also enable the District to comply with the requirement to translate parental notices and other important district materials.*
- *Some district central office administrators monitor continuing compliance with the Lau Agreement and remain responsible for supervision of those efforts.*
- *An Equal Opportunity Office has been established to ensure that parents and other members of the public can raise complaints and concerns about educational opportunities for LEP students within Amphi, including gifted and special education.*
- *Recurring staff development, through both "in-house" and external means takes place to maintain and improve program effectiveness.*
- *Provision of necessary supplies and other support materials for the mandated or permitted services.*

Amphi's Student Discipline Corrective Action Agreement.

The second of the two OCR agreements requiring or permitting Amphi's desegregation activities as funded by §15-910 followed an OCR investigation of OCR Complaint No. 08925002 which concerned, among other things not relevant here, a parent's complaint that the District engaged in disparate treatment of minority students in terms of discipline ("the Discipline Investigation"). The investigation began in September 1992. After several months of investigation, OCR concluded that it was unable to make any substantive determination on the merits of the parent complaint because Amphi's student record keeping at the time was so substandard that OCR was simply unable to investigate.

OCR required corrective action in Amphi record keeping practices that would enable OCR to investigate and determine district compliance with pertinent civil rights laws in the future. Failure of the District to take corrective action might have subjected Amphi to loss of federal funds and/or civil penalties for civil rights violations. Consequently, the District entered into a Corrective Action Agreement on or about April 5, 1993 ("the Discipline Agreement"). The Discipline Agreement required Amphi to substantially improve its student record keeping practices with the obvious goal of documenting and ensuring equity in student discipline matters.

Desegregation activities required or permitted by the Discipline Agreement consist of the following:

- *Maintenance of a computerized student information system that provides timely, complete and accurate disciplinary records for students, particularly with regard to disabled or minority students.*
- *Retention of personnel and service providers responsible for ensuring accurate, timely student data which can be examined and evaluated on race, national origin and disability status.*
- *Placement of behavioral intervention monitors and in-school suspension personnel at schools to implement disciplinary programs and services to ensure equitable and lawful treatment of minority, national origin and disabled students.*
- *Maintenance of internal student discipline record audit staff to monitor Amphi student disciplinary practices, confirm timely and accurate record keeping,*
- *Monitoring, by certain district central office administrators, of continuing compliance with the Discipline Agreement.*
- *Operation of an Equal Opportunity Office to enable parents and other members of the public to file complaints or report concerns about District disciplinary practices.*
- *Recurring staff development, through both "in-house" and external means to maintain compliance.*
- *Provision of necessary supplies and other support materials for the mandated or permitted activities.*

Both aspects of Amphi's desegregation activities described above have been highly effective at resolving the issues that gave rise to them. One very clear indication of their success is the fact that OCR has ceased monitoring Amphi compliance under both corrective action agreements. This reflects OCR's determination that the Amphi is compliant, i.e., that Amphi provides the requisite programs and services for LEP student and that Amphi evidences demonstrable proof of equitable disciplinary practices. Naturally, however, the District cannot simply terminate the programs that enabled compliance or non-compliance could certainly again develop. Thus, the District's continuing desegregation expenditures are necessary to ensure continuing compliance with federal mandates.

The Required Verifications.

Pursuant to A.R.S. §15-910(J)(3), the Governing Board must now provide the following data and verifications concerning the above described desegregation program on or before July 1, 2010:

- (a) A district-wide budget summary and a budget summary on a school by school basis for each school in the school district that lists the sources and uses of monies that are designated for desegregation purposes.*
- (b) A detailed list of desegregation activities on a district-wide basis and on a school by school basis for each school in the school district.*
- (c) The date that the school district was determined to be out of compliance with Title VI of the Civil Rights Act of 1964 (42 USC §2000d) and the basis for that determination.*
- (d) The initial date that the school district began to levy property taxes to provide funding for desegregation expenses and any dates that these property tax levies were increased.*
- (e) If applicable, a current and accurate description of all magnet type programs that are in operation pursuant to the court order during the current school year on a district-wide basis and on a school by school basis. This information shall contain the eligibility and attendance criteria of each magnet type program, the capacity of each magnet type program, the ethnic composition goals of each magnet type program, the actual attending ethnic composition of each magnet type program and the specific activities offered in each magnet type program.*
- (f) The number of pupils who participate in desegregation activities on a district-wide basis and on a school by school basis for each school in the school district.*
- (g) A detailed summary of the academic achievement of pupils on a district-wide basis and on a school by school basis for each school in the school district.*
- (h) The number of employees, including teachers and administrative personnel, on a district-wide basis and on a school by school basis for each school in the school district that are necessary to conduct desegregation activities.*
- (i) The number of employees, including teachers and administrative personnel, on a district-wide basis and on a school by school basis for each school in the school district and the number of employees at school district administrative offices that are funded in whole or in part with desegregation monies received pursuant to this section.*
- (j) The amount of monies that are not derived through a primary or secondary property tax levy and that are budgeted and spent on desegregation activities on a district-wide basis and on a school by school basis for each school in the school district.*
- (k) Verification that the desegregation funding will supplement and not supplant funding for other academic and extracurricular activities.*
- (l) Verification that the desegregation funding is educationally justifiable.*
- (m) Any documentation that supports the proposition that the requested desegregation funding is intended to result in equal education opportunities for all pupils in the school district.*
- (n) Verification that the desegregation funding will be used to promote systemic and organizational changes within the school district.*
- (o) Verification that the desegregation funding will be used in accordance with the academic standards adopted by the state board of education pursuant to sections 15-701 and 15-701.01.*
- (p) Verification that the desegregation funding will be used to accomplish specific actions to remediate proven discrimination pursuant to title VI of the civil rights act of 1964 (42 USC §2000d) as specified in the court order or administrative agreement.*
- (q) An evaluation by the school district of the effectiveness of the school district's desegregation measures.*

(r) An estimate of when the school district will be in compliance with the court order or administrative agreement and a detailed account of the steps that the school district will take to achieve compliance.

(s) Any other information that the department of education deems necessary to carry out the purposes of this paragraph.

A substantial portion of the required information listed above is provided to the state through the budget forms for the District. Items (d) and (k) through (s), however, must be submitted as individual documents, together with a verification form to be executed by the Governing Board president. These requisite submissions, including the verification form to be executed by President Grant, are included as attachments to this item.

The Governing Board approved the *Desegregation Verification of Reporting form for FY2011*, as submitted, and authorized the Board President to execute the required verification form on behalf of the Board (Exhibit 10).

U. Adoption of FY 2009-2010 Expenditure Budget Revision 4

Board Book information: *A year-end review of budgets has identified some one-time savings that could be transferred into the Unrestricted Capital Fund. Normally, we would be unable to make this transfer because of the May 15th deadline for budget revisions. This year we have an opportunity to make this revision as a result of Senate Bill 1188 that allows for budget revisions up to July 15, 2010.*

The 2009-2010 Budget Revision #4 will transfer \$800,000 of one-time savings in the Maintenance and Operations Funds to the Unrestricted Capital Fund. This transfer improves the district's ability to address capital needs given the past and future year cuts to the capital funding formula.

The Governing Board approved the 2009-2010 Expenditure Budget, Revision 4, as presented (Exhibit 11, pp. 1-15).

V. Approval of Bond-Related Projects

1) Approval of a Guaranteed Maximum Price (GMP) for Rillito Center

Board Book information: *Approval District administration will present to the Governing Board a Guaranteed Maximum Price presented by Concord Construction for classroom addition, restroom ADA and code compliant upgrades, relocation of fire lane and addition of bus lane, parking lot improvements, and security fencing at Rillito Center in the amount of \$4,993,000.*

The Governing Board approved a Guaranteed Maximum Price (GMP) of \$4,993,000. from *Concord Construction* for completion of projects at Rillito Center, including: new classrooms to replace aging portables; modernization and addition of restrooms to ensure ADA and code compliance; relocation of the fire lane and the addition of a bus lane to ensure student safety; creation of additional parent and staff parking; and, campus security fencing, as submitted.

W. Award of Contract for Janitorial Supplies and Services Based Upon Responses to Request for Proposal 09-0077

Board Book information: *Request for Proposal 09-0077 was mailed to 54 vendors registered with the District providing janitorial supplies, consumables and implements. Twelve vendors responded, seven of which were no bids. Two vendors were deemed ineligible for award consideration and notified as such. The remaining three vendors were evaluated based on their expertise in custodial monitoring services, training, wood floor refurbishing in addition to their cost of cleaning products and implements. The Administration recommends the Governing Board approve the Award of Contract for Janitorial Supplies & Services to Jaric Distributors as per the attached evaluation. [Board Book holders were provided with evaluation detail.]*

The Governing Board approved an award of contract for Janitorial supplies and services to *Jaric Distributors* based upon their response to RFP 09-0077.

X. Approval of Retention Appeal Hearing Officer's Determination

Board Book information: *On June 16, 2010, an appeal hearing was conducted regarding student #30005700 and the recommendation for retention. A copy of the Hearing Officer's report is attached. [Board members were provided with copies of the Hearing Officer's report.]*

The Governing Board upheld the District Hearing Officer's determination regarding the retention of student #30005700, and approved the retention of this student, as submitted.

3. PUBLIC HEARING

A. Public Hearing on the FY 2010-2011 Proposed Expenditure Budget and Capital Outlay Fund Reserve

Board Book information: *The Governing Board proposed a budget for the 2010-2011 fiscal year at the June 21, 2010 meeting. The Governing Board is required by Arizona Revised Statutes §15-905 to hold a public hearing on the proposed budget, and a Truth in Taxation Hearing is required by Arizona Revised Statutes §15-905.01.*

It is the recommendation of the Administration that the Governing Board declare at this time a public hearing concerning the 2010-2011 Proposed Budget and Truth in Taxation Notice and invite citizens to ask questions or make comments.

Dr. Balentine stated that Mr. Little would be invited to provide an overview of the proposed 2010-2011 budget, which was approved by the Governing Board at its meeting on June 21, 2010 and to review the estimated tax rates. The Board President would then announce the opening of the Public Hearing.

Mr. Little stated that according to statutes established by the Legislature, a public hearing is necessary to provide an opportunity for the public to address concerns or comments to the Board regarding the proposed budget. Additionally, Mr. Little will provide information about truth in taxation.

Mr. Little provided an overhead presentation and reviewed assessed values, the tax rate formula, primary tax bills, etc. Overall Total Assessed valuation has dropped by 1.3%. The homeowner component is 50% of the District's tax base and those values have dropped by 3.8%. The average value of a owner-occupied home in 2009-2010 was \$251,011; this year that value is expected to be \$241,463. He described how the tax rate formula is developed (the total levy that must be raised, divided by the assessed valuation, giving the tax rate – a rate of \$100. of assessed valuation). He provided an example of how tax rates can increase but due to reduced property values, the tax amount is unchanged. The District's goal is to be neutral to the taxpayer. Additionally, he reviewed the neutral affects on taxpayers related to the reported 2 cent (\$.02) tax increase related to the Career Ladder tax rate reduction from 5.5% to 5.0%; and the re-distribution of those funds to Adjacent Ways.

Mrs. Boros sought clarification regarding the anticipated continuation of the downward trend in property values. Mr. Little stated that the tax values do lag between 18-24 months behind real market conditions. Tax rates are still to be determined; expect notification of final tax rates on the second Tuesday in August.

Mr. Little stated that the budget document is larger in volume (pages) than the one originally proposed due to the requirement to provide a large amount of detail associated with the Desegregation program (now school by school). Additionally, it is notable, that the original budget estimated the reduction of soft capital funding by 80%, and the information from the Department of Education reflects an 85.3% reduction (2.8 million) or \$500,000.

Mrs. Boros recommended that Mr. Little upload the PowerPoint presentation onto the District's website so that the community has access to the truth in taxation review information.

Mr. Grant declared a public meeting on the proposed expenditure budget for fiscal year 2010-2011 and truth in taxation, and invited anyone wishing to address the Board to come forward. There were no such comments and Mr. Grant officially closed the public hearing at approximately 9:30 p.m.

4. STUDY/ACTION

A. Adoption of the Expenditure Budget for Fiscal Year 2010-2011 (Capital Outlay Reserve Plan, Classroom Site Fund, and Desegregation)

Board Book information: *The State of Arizona requires governing boards to formally approve and adopt an operating budget for the school year immediately following the hearing on the budget. The budget being submitted for adoption is identical to the budget proposed on June 21st with the exception of the Soft Capital fund. This budget will be revised in September to reflect the final funding when student count numbers are finalized with the Arizona Department of Education.*

Soft Capital Fund

The Soft Capital Budget has been lowered by \$2,811,536. The normal funding formula should have provided \$3,294,914. This represents an 85.3% reduction in funding for this year. This reduction is an estimate provided by the Arizona Department of Education. The final number should be available in October.

Desegregation

These budget pages detail desegregation expenditures on a school by school basis and are in addition to the reporting requirements contained on the Consent Agenda. The Desegregation Budget total is unchanged from the prior year at \$4,025,000.

Adjacent Ways

The increase to the Adjacent Ways budget as detailed in the Proposed Budget will require a 2 cent tax levy increase. Arizona Revised Statutes §15-905.01 requires a roll call vote to increase the tax levy for the Adjacent Ways fund.

Mr. Grant noted that this item requires a roll-call vote. There was no further discussion or questions posed by Board members.

The Governing Board approved the adoption of the 2010-2011 Expenditure Budget for Fiscal Year, as submitted, by a roll call vote as follows: Dr. Loomis – Aye; Dr. Barrabee – Aye; Mrs. Boros – Aye; Mr. Grant – Aye; and, Mrs. Clymer – Aye. The final vote was 5-0 in favor of adopting the proposed budget; there was no discussion (Exhibit 12, pp. 1-15).

5. INFORMATION²

A. Report on Arizona School Board Association (ASBA) Delegate Assembly

Board Book information: Mrs. Patricia Clymer, Governing Board delegate, attended the ASBA Legislative Conference in Phoenix, Arizona, on June 26, 2010, and will provide a summary of the Delegate Assembly.

Mrs. Clymer's report to the Board included the following four areas of interest:

- The Assembly opposed legislation to require school districts to report and determine the immigration status of students.
- The Assembly voted to advocate for the repeal of performance labels.
- The Assembly did not pass the proposal to expand student assessments to include Economics, Science, and Arizona/U.S. History.
- The Assembly did not pass the proposal to reduce the number of school days from 180 to 175 to assist the state's plan to reduce the budget.

There were no questions. The Board expressed appreciation to Mrs. Clymer for her representation at the conference.

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

Dr. Loomis inquired about the process being considered in assessing the budget-related savings related to the 10-hour workday schedule for June and July (utilities, productivity, and staff morale).

Dr. Barrabee inquired about the appropriate procedure to reconsider the Literacy Conference. Dr. Balentine noted that this will be placed on the August 10th agenda for discussion and consideration.

PUBLIC COMMENT

There were no comments from the public.

ADJOURNMENT

A motion was made by Mrs. Clymer, seconded by Mrs. Boros and passed unanimously, 5-0, that the meeting be adjourned. The time was approximately 9:40 p.m.

Respectfully submitted,
Margaret Harris

Mr. Jeff Grant, President

Date

Approved: TBA