

DRAFT Minutes

AMPHITHEATER PUBLIC SCHOOLS Tucson, Arizona

MINUTES OF REGULAR PUBLIC MEETING OF THE GOVERNING BOARD

Place, Date and Time of Meeting

Wetmore Center, 701 West Wetmore Road, January 11, 2011, 6:30 p.m.

Board Members Present

Mr. Jeff Grant, President
Ms. Diana Boros, Vice President
Dr. Kent Paul Barrabee, Member
Dr. Linda Loomis, Member
Mrs. Susan Zibrat, 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 6:32 p.m.

Mr. Grant requested a moment of silence to honor the innocent victims and their families involved in the tragedy that occurred in Tucson, Arizona, on January 8, 2011.

Mr. Grant invited members of the audience to sign the visitors' register. Procedures for addressing the Board were described.

Pledge of Allegiance

Mr. Robert Stoner, Principal from Keeling Elementary School, introduced Alexis Bracamonte, Rosenda Ruelas Castro, Aiselyn Anaya Gonzales, Omar Lopez, Mimi Messan, Jasmine Kaul, and Shay Fernandez. The students led the Pledge of Allegiance and were presented with certificates of commendation.

Dr. Barrabee acknowledged the Art Display in the Board Room. He recognized the students and teacher, Melissa Samsel, from Keeling Elementary School for their contributions.

Announcement of Date and Place of Next Special Governing Board Meeting:

Mr. Grant announced the next special meeting of the Governing Board: Tuesday, January 25, 2011, 6:00 p.m., Wetmore Center, 701 W. Wetmore Road

PUBLIC COMMENT¹

There were no comments from the public.

1. ORGANIZATIONAL MEETING

A. Administration of Oath of Office to Newly-Elected and Re-appointed Governing Board Members

Board Book information: *State law requires that officers and employees of the state, including its political subdivisions, take a loyalty oath of office. This requirement includes individuals appointed or elected to school district Governing Boards.*

Pursuant to A.R.S. §38-231, the Oath of Office states: “State of Arizona, County of Pima, I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and the laws of the State of Arizona; that I will bear true faith and allegiance to the same, and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of Governing Board Member for Amphitheater Unified School District No. 10, according to the best of my abilities, so help me God (or, so I do affirm).”

Pursuant to A.R.S. §15-426, Board members are also required to execute the oath in writing before a Notary Public which shall then be forwarded to the Pima County School Superintendent.

Board members newly elected or appointed to a first term, or re-elected to a new term, are required to state and execute the oath of office. Board members continuing their existing term of office are not required to restate and re-execute the oath.

At the general election held November 2, 2010, Susan Zibrat was elected to a first term of office as Governing Board Member of Amphitheater United School District No. 10 and Jeff Grant was re-elected to a third term. Mr. Jaeger administered the Oath of Office to Mr. Grant and daughter, Jaclyn, administered the Oath of Office to Mrs. Zibrat.

B. Nomination and Election of Governing Board President and Vice President

Board Book information: Arizona law, A.R.S. § 15-521, requires that the Governing Board hold an organizational meeting between January 1 and January 15. The Board’s meeting of this evening obviously meets this requirement. In addition, the same section of Title 15 requires that the Board elect a president from among its members. The President of the Board presides over all meetings of the Board, in accordance with Arizona law and District policies.

A.R.S. § 15-521(D) provides that the Board must prescribe rules for its own governance. Governing Board Policy BDA, one of the Governing Board rules of governance, does require the election of a clerk, which the Board has traditionally designated as “Vice-President.” The Vice-President presides over all meetings of the Board at which the President is not present.

The nomination of officers, under Roberts Rules of Order, may be done by open nomination. The President initiates this method by simply calling for nominations from the floor. Alternatively, any member could offer a motion that nominations be made from the floor. After passage of such a motion, or upon initiation by the President, the current President takes all nominations for the office of president first. Board members may, alternatively, move the nomination of a candidate, requiring a second and a passing vote for the nominee to be placed on the slate of candidates. This, of course, adds an additional step to the election process and is not recommended for small bodies like the Board.

Nominees may decline their nomination prior to any vote. When it appears no further nominations are forthcoming, the President may close the floor to further nominations, or it may be closed upon a passing motion to do the same.

Under Roberts Rules, there are technically several ways of conducting the election of officers following the nomination process; those that are practicable and applicable to the election of Governing Board officers are described below. Secret balloting, for example, is permitted by Roberts Rule, but not by the Arizona Open Meeting Law. Once again, any one of the alternative methods below may be used – either upon selection of method by the current President or by motion (the latter of which controls in the event of conflict). If a voting method is selected, the chair should explain how the matter will proceed prior to the vote being taken.

Acclamation. *If there is only one nominee for an office, the chair of the meeting can simply declare the individual is elected, rather than taking a vote.*

Voice or Other Voting. *Absent election by acclamation, a vote of the Board on nominees is required by voice, roll call, show of hands or rising (where Board members stand). Roberts provides that, unless a method of voting is*

selected upon motion, the chair will decide the method based upon the nature of the election, closeness of the expected vote, and the size of the group.

The current President announces the result of a vote formally, for the record. Until that announcement, Roberts permits any Board member to change their vote.

In the event of a tie between nominees, the chair may call for a new vote to determine the tie.

Mr. Grant asked if there were any nominations for President. Mrs. Boros nominated Mr. Grant for the Office of President of the Governing Board; Dr. Barrabee seconded the nomination. There were no other nominations and through acclamation, Mr. Grant, serving as Chair, declared himself as President.

Dr. Loomis nominated Mrs. Boros for the Office of Vice President. Dr. Barrabee seconded the nomination. There were no other nominations and through acclamation, the Mr. Grant declared Mrs. Boros as Vice President.

[A Certificate of Election of Governing Board President and Vice President was signed by all five attending Board members following the meeting. Additionally, a Certificate of Election of Governing Board member for Mr. Grant and Mrs. Zibrat was signed by each. All documents are notarized and are required by the Pima County School Superintendent's office, and are sent to that office for recording. Once that process is complete, the originals are returned to Amphi for filing.]

2. CONSENT AGENDA

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

A. Approval of Minutes of Previous Meeting(s)

The minutes of the Regular Governing Board meeting and Executive Session of December 7, 2010, were approved as submitted.

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. Leave(s) of Absence

Leave of absence requests were approved for certified and classified personnel, 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 \$4,634,897.81 (Final Total)

The following vouchers were approved as presented and payment authorized:

Vo. 158	\$ 114,868.49	Vo. 159	\$ 7,624.49	Vo. 160	\$ 9,516.04
Vo. 161	\$1,027,035.57	Vo. 162	\$ 315,618.16	Vo. 163	\$ 236,112.97
Vo. 165	\$ 71,826.55	Vo. 166	\$ 23,133.35	Vo. 167	\$ 696,602.93
Vo. 168	\$1,732,219.01	Vo. 169	\$ 205,975.46		

G. Acceptance of Gifts

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

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

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

Budget Capacity	\$89,563,501.00	Expenditures & Encumbrances	\$89,563,501.00
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Totals' Comparisons:

Expenditures as of 11/30/09	\$34,864,247.69	M & O Budget Capacity for 2009-10	\$90,463,293.00
Expenditures as of 11/30/10	\$29,561,193.74	M & O Budget Capacity for 2010-11	\$89,870,000.00

Bond Balance Outstanding: \$59,870,000.00

Tax Rates: Primary – 3.1469; Secondary – 1.4643

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

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

The Governing Board received the Monthly Report on School Auxiliary and Club Balances for the month ending October 31, 2010, as submitted (Exhibit 6, pp. 1-8).

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

The Governing Board approved Annual Applications for Governing Board Approval (Parent Support Organizations pursuant to District Policy KBE-R) submitted by the *IRHS Girls Basketball Boosters* and the *CDO Spirit Line* organizations.

K. Updated – Approval of Final Education JOBS Bill Use

Board Book information: *On December 7, 2010, the Governing Board approved a plan for expenditure of Federal Educational Jobs Bill funds. The third item of the plan incorrectly stated a 0.6% pay restoration effective 7/1/2011. The proper percentage for the increase should have been listed as 0.8%.*

On December 17, 2010, the Board for the Arizona State Retirement System (ASRS) adopted the contribution rate for FY 2012 at 10.75% for employer and employees. This represented an increase of 0.9% rather than the 0.8% originally anticipated. This change represents an additional \$40,000 expenditure which can be absorbed into the JOBS budget.

Listed below is the revised plan for the expenditure of the Federal JOBS bill funding:

- *Cancellation of the December 17, 2010, and May 26, 2011 furlough days;*
- *Implement a 2% pay restoration effective 12/26/2010 (Payday 1/14/2011); and,*
- *Implement a 0.9% pay restoration effective 7/1/2011 to eliminate the employee's net pay reduction that will come from the Arizona State Retirement System rate increase.*

It should be noted that the federal funds which make these restorations possible are limited in duration and will terminate on June 30, 2012. It is the recommendation of the Administration that the Governing Board approve the JOBS Bill plan as revised.

The Governing Board approved the proposed updated expenditure distribution – JOBS Bill, as submitted (above).

L. Review and Approval of Supplemental Materials

The Governing Board approved the proposed listing of supplemental materials purchased for use in District schools beginning with the first semester of the school year, effective this date: January 11, 2011 (Exhibit 8).

M. Approval of Out of State Travel

Out of state travel was approved for students and staff as follows (source of funding indicated): from Canyon del Oro High School to attend the Air Rifle National Championships in Anniston, Alabama, February 16-20, 2011, to help the JROTC students earn college scholarships (no cost); from Canyon del Oro High School's Spirit Line to attend the Cheer and Pom Nationals' Competition in Anaheim, California, March 24-27, 2011, to improve skills and gain confidence (student activity funds and tax credit donations); from Ironwood Ridge High School to attend the Weekend of a Lifetime/Key Club Leadership Events at Kamp Kiwanis, Vanderwagen, New Mexico, February 19-21, 2011, to develop leadership skills (student activity funds, tax credit donations, and

gifts and donations); from Harelson Elementary School to participate in the 6th Grade Trip to San Diego, California, February 21-23, 2011, to receive hands-on oceanography education (auxiliary account funds); from Coronado K-8 School to attend the National Junior Honor Society's community-based service program in Anaheim, California, April 29-May 1, 2011 (student activity funds); and, from Coronado K-8 School to take Advanced Band students to work in a recording studio with professional musicians in Anaheim, California, April 29-May 1, 2011 (tax credit donations and student activity funds).

Out of state travel was approved for staff as follows (source of funding indicated): from District Offices to attend the Special Education School Attorneys Conference in Las Vegas, Nevada, January 27-29, 2011 (maintenance and operations funds and federal funds designated for staff development); from the District Offices to attend the Association for Careers and Technical Education National Policy Seminar in Washington, D.C., March 7-10, 2011 (special revenue funds designated for staff development); from Rio Vista Elementary School to attend the Turnaround Schools Institute-On the Road to College-No Excuses University in San Diego, California, January 23-25, 2011 (federal funds designated for staff development); from La Cima Middle School to attend the AVID ADL Session 4 Cohort 40 Training in San Diego, California, March 1-4, 2011 (federal funds designated for staff development).

Out of state travel was approved for a board member as follows (source of funding indicated): to attend the 38th Annual Federal Relations Network (FRN) in Washington, D.C., February 6-8, 2011 (Arizona School Boards Association and site maintenance and operations funds).

N. Approval of Grant(s)

The Governing Board approved grants as follows:

- \$10,000 from Honeywell and the National Center for Missing and Exploited Children for Holaway Elementary School to purchase classroom supplies, furniture, and technology for the Got 2 B Safe project.
- \$500 from McDonald's MAC Grant Program to Niki Tilicki on behalf of Wilson K-8 School to be used towards the purchase of audio books for the classroom.
- \$500 from McDonald's MAC Grant Program to Wendy Timm on behalf of Donaldson Elementary School to be used towards the purchase of art supplies for the classroom.
- \$500 from McDonald's MAC Grant Program to Stacie Devaney on behalf of Donaldson Elementary School to be used towards the purchase of a set of bell plates (musical instruments) for the classroom.

O. Approval of Request for Waiver(s) of Graduation Requirement

The Governing Board approved a waiver of .5 credits of physical education for Student #30029337 from Canyon del Oro High School, as submitted.

P. Approval of Addendum to Intergovernmental Agreement (IGA) with Pima Community College District for a Tech Prep Articulated College Credit Program

Board Book information: *The Governing Board previously approved the District's participation in the federal program known as Tech Prep, a program of the 1998 Carl Perkins Act on Vocational Education. The program is operated through a consortium of local school districts and has been administered by the Office of the Pima County School Superintendent since 1993. Most recently, in September 2005, the Board approved our continuing participation in the program.*

Tech Prep provides several key opportunities for our students. Most relevant to this Board item is articulation. The Tech Prep program establishes articulation of district vocational classes to those of community colleges or other educational institutions. This helps ensure that our students are better prepared for career and technical education which they may pursue after graduation from the District. In addition, it affords them an opportunity to earn college credits for qualified high school course work.

The attached form of agreement specifies the courses at each of our high schools which our faculties, in joint meetings, have determined should qualify for PCC credit. In addition, the agreement requires the continued participation of our faculties in meetings with the PCC faculty to determine articulated credit eligibility for our courses, as well as continued access to our classrooms for evaluation of course content by College faculty.

We must also provide grade information to PCC to enable the award of college credit. (Only students receiving grades of "A" or "B" in one of our approved courses earns PCC credit.)

Approval of the attached Addendum Agreement would permit the District's continued participation in the Program until June 30, 2015. The administration recommends the Governing Board approve the attached form of agreement.

The Governing Board approved the IGA and an addendum to the District's Intergovernmental Agreement (IGA) with Pima Community College District for a Tech Prep Articulated College Credit Program, extending participation through June 30, 2015 (Exhibits 9a, pp. 1-4; 9b, pp. 1-3).

Q. Change Order Approval for CTE Wood Shop Renovation (JTED Funds)

Board Book information: *The Governing Board approved an award of contract to 4-L Construction on September 7, 2010 funded by the Joint Technological Education District (JTED) for renovation of the CDO Woodshop. The Town of Oro Valley has withheld the approval of the building permits for this project, and is requiring additional work to meet their fire and building codes. This change order will cover the additional fire safety and handicapped accessibility required by the Town. Staff has reviewed the pricing of this Change Order in the not to exceed amount of \$90,756.00 and has determined that the changes are advantageous to the school district.*

The Arizona Administrative Code Title 7 Chapter 2 R7-2-1008 requires a change order that increases the contract amount in excess of \$15,000 or 5% of the contract amount, whichever is greater; it may be executed if the Governing Board determines in writing that the change order is advantageous to the school district. The Administration recommends that the Governing Board make the determination a change order is advantageous to the District and approve a change order not to exceed \$90,756.00 to 4-L Construction for the CTE Construction Trades Woodshop renovation.

The Governing Board approved a change order not to exceed \$90,756 to 4-L Construction for the CTE Construction Trades Woodshop renovation at Canyon del Oro High School funded by JTED.

R. Approval of Disposal of Surplus Property via PublicSurplus.com

The Governing Board approved the disposal of surplus property via online auction, as submitted. [38 pieces; board book holders were provided with a spreadsheet of detailed items.]

S. Resolution Recognizing the Loss to the Amphitheater District in the Recent Tragedy of January 8, 2011

The Governing Board approved and endorsed the Resolution Recognizing the Loss to the Amphitheater District in the Recent Tragedy of January 8, 2011, as submitted:

WHEREAS, the recent tragedy in Tucson has taken the life of one of our students; and,

WHEREAS, that student had already demonstrated strong leadership among her peers; and,

WHEREAS, that student had a promising future by continuing her growth into leadership in the larger community; and,

WHEREAS, that student demonstrated outstanding athletic competence on the playing field;
And,

NOW, THEREFORE, BE IT RESOLVED, that in honor of Christina Taylor Green, a third grade student leader and athlete at Mesa Verde Elementary School, who cared about the community and who tragically lost her life pursuing her dream of becoming president of the United States, the Amphitheater School District will wholeheartedly encourage and facilitate support for contributions to the Christina Taylor Green Memorial Fund.

PASSED AND ADOPTED by the Governing Board of the Amphitheater School District this 11th day of January 2011.

Dr. Barrabee asked to have this item heard separately in order to commemorate the events of January 8, 2011 and to read into record the Resolution honoring Christina Taylor-Green.

The motion was made by Dr. Barrabee to adopt this Resolution. The motion was seconded by Mrs. Boros and it passed unanimously, 5-0 (Exhibit 10).

3. EXECUTIVE SESSION

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

1. 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 with Employee Organizations, Pursuant to A.R.S. §38-431.03(A)(5); and
2. Discussion or Consultation with Legal Counsel to Obtain Legal Advice Regarding Proposed Reduction In Force Policy, Pursuant to A.R.S. §38-431.03(A)(3).

Mrs. Boros made a motion to adjourn into Executive Session pursuant to A.R.S. §38-431.03(A)(3) and §38-431.03(A)(5); Dr. Loomis seconded the motion and it passed unanimously, 5-0. The time was 6:54 p.m. Mr. Grant declared the meeting adjourned into Executive Session.

B. Motion to Close Executive Session and Reconvene Open Meeting

Upon return to the Board Room, Dr. Loomis moved to reconvene the meeting into open session. Mrs. Boros seconded the motion and it passed unanimously, 5-0. The time was 7:28 p.m. Mr. Grant declared the meeting in open session.

CONTINUATION OF OPEN MEETING

4. STUDY

A. Study of Proposed Governing Board Policy GCQA and District Regulation GCQA-R Regarding Professional Staff Reduction in Force

Board Book information: *On May 11, 2010, the Governing Board repealed Policy GCQA Regarding Professional Staff Reduction In Force and Policy GDQA Regarding Support Staff Reduction in Force. That action was taken in response to the passage of House Bill 2011 in November 2009 and to ensure compliance with current law.*

HB 2011 changed many long-standing provisions of Arizona law concerning the employment rights of teachers traditionally arising out of seniority, as well as due process protections for teachers, and teacher association privileges.

Among other things, the changes made include prohibition of school district policies that give employment retention priority to teachers based on tenure or seniority in situations where the workforce must be reduced. Also prohibited by the changes in law were policies that gave preferred rights of rehire (recall) in order of seniority to teachers who have been laid off or reduced in force. The now-repealed Policy GCQA contained those types of provisions.

The validity of HB 2011 was challenged; the results of that litigation are still not known. However, in August 2010, a new bill (HB 2227) containing the same provisions became law, retroactive to November 2009.

Current Status

This past Fall semester the Meet-and-Confer teams began meeting to develop new policies that would comply with HB 2011 and/or HB 2227. Language was agreed upon and is presently being incorporated into a new draft policy and regulation.

Dr. Balentine stated that the current Meet-and-Confer process is making strides and she recommends that the Board review the study item materials and provide feedback to administration for consideration and deliberation by

the Meet-and-Confer teams (next meeting is set for January 19, 2011). Plans are to advance this process so that a final draft can be submitted for the Board's approval at the next Governing Board Meeting (January 25, 2011).

Mr. John Fife, President, AmphiEA, conveyed his congratulations to Mr. Grant and Mrs. Boros (Board Member officer positions). He addressed the Governing Board on behalf of the Association, stating that this (Meet-and-Confer process) has been a serious and difficult task. He noted that the draft policy to date is objective, transparent, and minimizes as many un-intended consequences as possible. The difficulty of the task and the common goal to create the best policy has served to unify all team members. He reported that each team appears to have a good understanding of the others' perspectives and is working in good faith to take all sides and interests into account as the process advances. The Association appreciates the time and patience demonstrated by the Board and colleagues. A final policy draft is expected for presentation to the Board in the near future.

Dr. Barrabee stated that he was pleased to see this level of cooperation (among team members).

Mr. Grant reiterated Dr. Balentine's request, asking that Board Members provide any comments or feedback to Dr. Balentine or Mr. Jaeger with hopes to formally adopt RIF policies regarding professional and support staff before too long.

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

There were no new Board Member requests.

PUBLIC COMMENT¹

Mrs. Beth Lake, a parent of a third-grade student at Mesa Verde and President of the school's PTO, addressed the Governing Board in order express heartfelt appreciation to the School's administration and staff, as well as, the District's administration for the stellar accommodations provided and supportive actions taken on behalf of Mesa Verde's students and community in response to the January 8th tragedy. The support provided has been invaluable: the management of media by staff; duties covered by administration, staff, and PTO's from other District schools; and, from the counseling staff. The "Pride of Amphi" has shone this week.

Mr. Grant echoed his thanks on behalf of the Board to Dr. Balentine, Mr. Jaeger, Mr. Nelson, Dr. Duley and staff, and special kudos to Mr. Hepler.

Dr. Barrabee added that this has been an extraordinary event and he appreciated hearing the parent/community perspective; it is an important feedback and he thanked Mrs. Lake for sharing her comments.

On behalf of the Board, Mrs. Boros stated that the Board continues to extend its best wishes and compassion during this time of healing and asked Mrs. Lake to share that with the Mesa Verde community.

ADJOURNMENT

A motion was made by Dr. Barrabee seconded by Mrs. Boros and passed unanimously, that the meeting be adjourned. Mr. Grant declared the meeting adjourned at 7:37 p.m.

5. RECEPTION: Reception for Mrs. Zibrat, Governing Board Member

Mr. Grant invited all in attendance to join the reception welcoming Mrs. Zibrat to the Governing Board.

Respectfully submitted,
Margaret Harris

Jeff Grant, President

Date