

**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, September 22, 2015 at 5:00 PM

**Board Members Present**

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

**Central Administrators Present**

Patrick Nelson, Superintendent  
Todd A. Jaeger, J.D., Associate to the Superintendent and General Counsel  
Monica Nelson, Associate Superintendent

**Call to Order and Signing of Visitor's Register**

Ms. Day called the meeting to order at 5:00 PM and invited any visitors who had not already signed the register to do so.

**Pledge of Allegiance**

Mr. Patrick Nelson

**Announcement of Date and Place of Next Regular Governing Board Meeting:**

Ms. Day announced the next Regular Meeting of the Governing Board on Tuesday, October 6, 2015, 6:00 PM, at the Wetmore Center, 701 W. Wetmore Road, Leadership & Professional Development Center.

**PUBLIC COMMENT**

Ms. Day read the Call to the Audience.

Mr. Mick Stewart addressed the Board. He was concerned about ADA seating and the District not spending additional money to upgrade the existing CDO stadium. Mr. Nelson responded that in the bond facilities report, making the bleacher level seating ADA compliant was never part of the stadium bond project. This was provided to the Board on March 14, 2014. (*Mr. Stewart commented on the same topic at the March 11, 2014 meeting.*) Mr. Chris Louth provided a detailed Friday Memo to the Board explaining why installing handicap accessible bleacher seating was not feasible. Mr. Nelson then called upon Mr. Jaeger to respond in regard to the law. Mr. Jaeger explained that the ADA act has several different chapters or titles in it. One of them is applicable here, and that is the public accommodations section. It is not a question of legal advice, legal advice has never been given to the Board, as the Board knows, regarding this matter. It is architects who determine whether or not facilities are in compliance with the ADA, and they are in fact in compliance. Administration has previously provided the speaker extensive information as to why bleacher facilities were specifically not modified for handicap seating, and also provided the information that they had never intended to be modified because there wasn't the space at the site that would be required or funding to do so. Mr. Jaeger said he would be happy to provide the same information again.

Board Book Notes: *The project was completed in August of 2012. At the May 22, 2012 Board Meeting the Request for Bid (RFB) 11-0062 for Football Stadium and Athletic Field Improvements at CDO was on the Consent Agenda as Item 1.M. The Board approved award of contract to Lloyd Construction. Information on the*

*improvements to be made in the base bid, plus four options, were noted, which did not include elevated handicapped bleacher seating. Please see Meeting Minutes for May 22, 2012 at <https://www.amphi.com/departments-programs/governing-board-minutes/2011-2012/may-2012.aspx> Status of Bond Projects information is presented at each Regular Governing Board Meeting while a project is ongoing until completion. To review past presentations visit the webpage <https://www.amphi.com/district/bond-projects.aspx> and select the time period desired. March 11, 2014 Board Minutes: <https://www.amphi.com/departments-programs/governing-board-minutes/2013-2014/march-2014.aspx>*

Ms. Day noted that there were three Agenda Item Specific speaker cards submitted. She read the Agenda Item Specific Call to the Audience.

Mick Stewart addressed the Board regarding Consent Agenda Item 1.H. He stated he has a question about the adoption of materials for use in the Science and STEM program. He believes that materials used in the classroom should be reviewed by parents prior to purchase.

Ana Henderson addressed the Board regarding Consent Agenda Item 1.H. She stated she does not have children in the District, but is running for State Representative to represent Legislative District 9. She spoke to Item 1.H. (Science Materials) and whether those materials had been reviewed publicly.

Niki Tilicki addressed the Board regarding Consent Agenda Item 1.H. Ms. Tilicki spoke to having choices about Science materials since there is new information all the time.

Rayette Jackson addressed the Board regarding Consent Agenda Item 1.H. There may be a slight misunderstanding of the materials and to clarify that her school is already using some of the materials. She doesn't view the materials as a textbook and doesn't view Science as something that you teach through a textbook. With these kits and materials it provides literature and resources that students can read to help make connections to the real world. These kits help teachers provide a much deeper understanding of the science materials that are being used when looking at the standards.

## **1. CONSENT AGENDA**

Ms. Day asked if there were Board Member requests to have any items addressed separately. Mr. Leska requested to have Items H. and K. set aside for discussion. A motion was made by Ms. Cozad to approve Consent Agenda Items A-G, I, J and L. The motion was seconded by Ms. Grant and passed unanimously 5-0. Appointment of personnel is effective provided all district, state, and federal requirements are met.

### **A. Approval of Appointment of Personnel**

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

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50166824>, Item 1.A.]

### **B. Approval of Personnel Changes**

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

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50166824>, Item 1.B.]

### **C. Approval of Leave(s) of Absence**

Leave(s) of Absence were approved as listed in Exhibit 3.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50166824>, Item 1.C.]

### **D. Approval of Separation(s) and Termination(s)**

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

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50166824>, Item 1.D.]

**E. Approval of Vouchers Totaling and Not Exceeding Approximately \$1,619,274.37 (Final Total)**

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

FY 15-16

Voucher #229 \$395,122.79                      Voucher #230 \$372,864.24                      Voucher #231 \$439,422.07

Voucher #232 \$761.17

Board Book Note: *The final total of vouchers submitted and approved was less than listed on the Agenda Item. The final total was \$1,208,172.20*

**F. Approval of Parent Support Organization(s) - 2015-2016**

The following Parent Support Organizations were approved as submitted pursuant to District Policy KBE-R:

**Mesa Verde Parent Teacher Organization**

**Richard B. Wilson, Jr. K-8 PTO**

**Donaldson Parent Teacher Organization**

**Nash Elementary School PTO**

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50166824>, Item 1.F. attach] (Exhibit 5)

**G. Receipt of July 2015 Report on School Auxiliary and Club Balances**

July 2015 School and Auxiliary Club Balances were accepted as presented.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50166824> , Item 1.G.] (Exhibit 6)

**H. Award of Contact for Elementary Science and/or Elementary Engineering Materials Based Upon Responses to Request for Proposal (RFP) 15-0001**

*Board Book Information: Request for Proposal (RFP) 15-0001 was e-mailed to seven vendors and published on the District's website. Five vendors submitted responsive proposals. The Evaluation Team scored each proposal based on the evaluation criteria listed in the RFP. Responsive proposals that scored 85 points or higher based on a consensus score from the Evaluation Team were recommended for an award (see attached spreadsheet). Multiple awards are advantageous to the District to meet the individual needs of the student population at elementary schools throughout the District for both engineering and science curriculum. The results were:*

*Museum of Science – 93 points*

*Arizona Science Center – 91 points*

*ETA Hand2Mind – 86 points*

*Delta Education – 86 points*

*Pearson Education, Inc. – 62 points*

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50166824>, Item 1.H.] (Exhibit 7)

**I. Approval of Out of State Travel**

Out of state travel was approved for students and/or staff (source of funding indicated).

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50166824>, Item 1.I. attach] (Exhibit 8)

**J. Approval of Fireworks for Canyon del Oro High School Homecoming Ceremonies**

The Board approved the use of fireworks as part of homecoming ceremonies.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50166824>, Item 1.J.] (Exhibit 9)

**K. Approval of Request for Waiver of Graduation Requirement**

The request to waiver 1.0 credits of Physical Education and replace it with other course work was approved for Student # 30050585.

Board Book Information: *Periodically, students in our high schools request waivers from the District Physical Education requirement based on reasons such as medical documentation. In such cases, students are required to replace the credits with other course work.*

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50166824>, Item 1.K.]

**L. Approval of School Facilities Board (SFB) Grant Terms and Conditions for Amphitheater High School Roof Replacement (800 wing)**

The Board accepted the SFB Grant, terms and conditions as submitted.

Board Book Information: *The roofing shingles for this wing were damaged during a wind storm. During the inspection of the damage the underlying structural framing was found to be corroded and in poor condition. A structural engineer was consulted to determine if the roof structural steel was sound prior to the roof shingles being replaced. The engineer recommended significant repairs to the structural steel. The District submitted a request to the SFB for a Building Renewal Grant. On September 10, 2015 the School Facilities Board approved the grant request in the amount of \$57,400. To accept the Building Renewal Grant, the District's Governing Board must approve and execute the attached Terms and Conditions. These Terms and Conditions apply to the distribution of funding by the SFB from Building Renewal Grant Fund pursuant to Arizona Revised Statutes, §15-2032.*

*Project Information:*

*Amphitheater High School*

*Project Number: 006BRG*

*Project Scope: Roof Replacement*

*SFB Funding: \$46,900*

*SFB Engineering: \$5,200*

*SFB Contingency: \$5,300*

*District Funding: \$8,100 (insurance claim)*

*Total SFB Funding: \$57,400*

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50166824>, Item 1.L.] (Exhibit10)

Item 1.H. **Award of Contact for Elementary Science and/or Elementary Engineering Materials Based Upon Responses to Request for Proposal (RFP) 15-0001** had been set aside for discussion. Mr. Leska asked for more information on the Elementary Science and/or Elementary Engineering Material RFP. He asked for a report from staff as to exactly what the materials are. Mr. Nelson said it consists of materials and resources to support teachers in the classroom. Perhaps there is a bit of misinformation circulating about it. It is not a curriculum per se, these are instructional materials and resources. Dr. Lopez can provide a bit more information. Mr. Nelson read from Policy IGE which states that "Instructional objectives and course outlines shall be prepared by certificated staff. Curriculum guides and outlines are to be developed by committees composed of teachers. The committees determine the content and direction of the course and translate them into terminal instructional objectives aligned to State standards." That is exactly the process that the District followed.

Dr. Lopez said the RFP on the agenda lists four different vendors who supply materials for elementary Science. These are materials that include things as simple as cotton balls, cardboard, electrical circuits, pulleys and levers. All of the materials listed are specifically to assist teachers in creating lessons and experiences for students in elementary Science which are in alignment with the Arizona standards which were vetted and reviewed by hundreds of teachers and administrators in the State of Arizona on or about the year 2005. The materials selected work to teach the standards through a STEM approach. Each teacher is able to select

materials that are best suited, by their opinion and choice, in teaching the standards to their students at their grade level.

Mr. Leska stated his concern about these materials and asked are they books? Mr. Leska asked what grades the materials cover. Dr. Lopez said the materials cover grades K-5 and 6th Grade. Mr. Leska asked if it corresponds to the next generation Science standards. Dr. Lopez said it does not. Mr. Leska expressed concern that this is the second time The Board has had something that looks like curriculum. He has looked at the State Statutes, he understands what is in District Policy IGE, but Statute 15-721 seems clear. If he is speaking out of line please let him know because he is not an attorney. Under section B it says that, "If any course does not include a basic textbook, the governing board shall approve all supplemental books used in the course prior to approval of the course." Or the curriculum in this case he thinks would be a course. So if there are written materials in the kits it needs to be vetted out. Under Section 3 it says, "First of all the governing board shall: make available at the school district office for review by the public for a period of 60 days prior to the formal selection - textbooks." A copy of these textbooks is being considered for this section and for this purpose under G. textbooks means printed instructional materials or digital content or both and related printed and non-printed instructional materials. Which is this, non-printed. That could probably be other items, it doesn't specifically say, that are written and published primarily for the use of school instruction that are required by a state education agency or local education agency for the use of pupils in the classroom. So, that being said, if anything is written in this, and if it was just stuff, it's a different story, but he wasn't given that clearly. But this is also clearly material too because it was just mentioned that it helps to create lessons, so he assumes there is some written material. They as a Board would be in violation of this statute, not the District, but the Board itself because it says under F. the governing board shall, and they need to vet this through the proper channels.

Mr. Nelson stated that on July 14, 2015 the Board was provided a Friday Memo outlining this particular plan, and on the issue of RFPs the District is following a longstanding policy on RFPs. Mr. Nelson asked Mr. Jaeger to contextualize Section 15-721, Section 3.

Mr. Jaeger explained that there could be confusion regarding terms used in policy and education in general. As Mr. Leska noted there is the State Statute 15-721 that pertains to the selection of textbook materials or supplementary materials in the absence of a textbook. As Mr. Leska rightly noted it is the Governing Board that must approve those. As you know, we typically go through the process of examining a textbook prior to its adoption by the Board and notably those textbooks and supplementary materials and resources are made available to the public for 60 days. We recently modified our policy for the adoption of textbooks and companion resources specifically to include opportunities for public input and participation on the committees. However, these particular materials are not textbooks or supplementary materials as those terms are generally utilized. If there is a textbook involved first of all, then it is the textbook that is approved. All of the other materials in a course are not necessarily required to be approved by the Governing Board. There is no particular kit that is being selected by the District or Governing Board but as Ms. Jackson noted this is an opportunity for the District to make multiple awards to several vendors to offer a multitude of resources that teachers, in their classroom, can best determine what they need. They may spend more time on a particular aspect of a standard so they need a kit that looks like this or that. The vetting that does occur is tied to that teacher's individual planning and intentions for their course in their classroom. It is not something obviously that lends themselves to parents that don't know what the individual teacher's plans are.

Mr. Leska asked Mr. Jaeger if what he is saying is that the District doesn't have to go through a vetting process because like Dr. Lopez said, this is helping to create lessons. In order to create lessons you have to have written

materials and this is also a supplement for that. Mr. Leska stated if what Mr. Jaeger is saying is that the District doesn't have to do that, then he disagrees because it is creating lessons even though those lessons are not being given per se as a book or work book to a student, they are still creating lessons from written materials and supplemental items such as PH paper and whatever. Creating lessons is part of a curriculum that parents and teachers should understand and know through a public process not just through training. Mr. Leska stated, "I am very concerned that parents and teachers who called me on this, I don't know why nobody else hasn't gotten a call, but I guess I seem to be the only open one that people - and I am not saying I am the only open one - I apologize." "This is really concerning to me." "I'm very concerned about this...the Friday Memo...since Mr. Nelson brought up the fact that he gave us a memo a couple of weeks ago." "I'm sure, I look at all of them, but I don't remember because we get tons of them." Mr. Leska then addressed Mr. Nelson, "So when our conversation happened, why didn't you remind me so I could have gone to my notes, because I save them, and you could have told me when somebody calls me, yeah, this is about that so this...so I don't feel like I'm slighted in a conversation?"

Mr. Nelson replied that he assumed that Mr. Leska had read the Friday Memo outlining...(Mr. Leska interjected that he had, but didn't remember everything)...and so it didn't seem like there was a need to repeat that. Mr. Leska stated to Mr. Nelson that, "You are repeating it now, and that's why it's like it is being shoved in my face." "You do it here and I feel slighted." Mr. Nelson clarified that there was no intention to slight, he was just providing information to the entire Board that a Friday Memo was provided because Mr. Leska mentioned that he didn't have the information. His reply was solely to that. Mr. Nelson stated the point he wanted to come back to is that instruction is the purview of the teacher and that's why we hire teachers. They decide the lessons and that's what that is. We are providing resources to teachers so that they can provide instruction in their classroom. Creation of lessons is up to the teacher.

Ms. Cozad said that she has used kits in her career and once in a while, when they get their budget, she sits down with a Social Studies catalogue and orders things that she wants to use in her classroom when she makes a lesson plan. Ms. Cozad asked Mr. Leska if he is asking that she get parent approval or vet the material, the catalogue that she is using. She wanted to clarify what the Board is going to vote on. Mr. Leska said that first of all, that is in another school district and he is not going to talk about... if the Board is expected to approve something it should be vetted on. If you buy things on your own, absolutely; although it is very clear in the statutes that says that any supplemental material... Ms. Cozad said that she has a budget, as the teachers at Amphi probably have a budget, and they might get catalogues. If she worked at Amphi, she has a catalogue and there's a DVD she can use, or this book that might be great to help teach about the Holocaust. Because in these kits there's just a bunch of things to help her with the lesson, so when she's with that catalogue and ordering for her classroom, would she have to get that vetted out?

Mr. Leska said that he wanted to reiterate what Mr. Jaeger said, that we vote on, we have to approve books if it doesn't have a textbook, like *The Scarlet Letter*, and video tapes, or DVDs or whatever. Mr. Jaeger is going to tell you, and you know, and half the administration here knows that the Board doesn't approve videos per se. The site administrator is supposed to if they are over a specific rating and then it is vetted through the parents.

Ms. Day called on Mr. Jaeger to clarify. Mr. Jaeger clarified that what he said was that a video might be one of the kinds of other resources that you would approve along with a textbook adoption where they are companion resources to a particular textbook which might include maybe a film. Every board has very explicitly designed policies on which kinds of videos and movies can be shown in a classroom chosen by a teacher to supplement the ongoing instructional practices in a classroom. Those, again, would not need to be vetted by the Board.

It would be impossible in fact, for the Board to approve on an individualized case-by-case basis every potential resource like that, that a teacher might choose to use. That's why the Board has set in advance it's policies for no "R" ratings, permission from parents in advance, notice to parents in advance for certain content. And where that's not complied with, we have a violation of policy to deal with. Now, Ms. Cozad's point is very much like what we are dealing with here. This really was a procurement process, not a curriculum selection process. This was a determination by our District that our teachers would likely be purchasing a great many supplies and kits like this that could well exceed our purchasing thresholds. We needed to find vendors who we would approve for those purchases allowing the teacher with a catalogue to figure out which of these four vendors and which of their materials and supplies within their catalogues that teacher would choose to use. And the teachers doing lesson plans are sometimes doing long term lesson plans for an entire year, sometimes teachers are doing them for a unit at time, and frankly sometimes a teacher is doing them day-to-day or week-to-week and there is absolutely no potential for the Board to vet the ongoing lesson planning of a teacher and what that involves on a daily basis in terms of the resources that they are going to be using. It's just untenable for the Board to try to do that.

Mr. Leska stated he begs to differ. We have to approve a curriculum. That doesn't mean we have to approve a specific person in the classroom and what they teach because every child is different, they are going to have to teach differently, he understands that. And every teacher teaches differently to get their points across and help children to understand. If the Board had voted on the items in the resource guide then all the teachers would have at their fingertips an approved resource guide that they could have used, which now he is debating with himself up to now - and maybe Mr. Jaeger can give us counsel on this now or later - is the Board in violation with the curriculum guide by not voting on it? Because that STEM curriculum guide also created textbooks and curriculum materials and supplements that would have allowed these teachers to do whatever they needed to do in the classroom to teach STEM. He doesn't know if they can even talk about last month's agenda item, but they could have approved it, just like they could approve this, but that wasn't vetted out for 60 days nor is this one they are talking about right now.

Mr. Jaeger said in general we can discuss the item from last month because it is relevant to the issue in so far as the Board could have approved the item last month, just as it can approve this without 60 days of vetting. Sixty days of public viewing is not applicable to these materials; it simply is not. Nor was it applicable to the curriculum guides. As you will recall we had a lot of discussion about whether it was a guide or what was a guide. As he understood it, a bit more after the fact, it was indeed a guide, a tool for teachers to use. The delivery of the curriculum had already been approved, the Science curriculum, going back as Dr. Lopez mentioned to 2005. So here we have tools that teachers use. We could well have gone out and procured bags and bags of cotton balls separately as a commodity. These kits are designed to simplify things for teachers and make their jobs a little easier because they have very difficult, time consuming jobs. The statute referred to, Statute 15-721, the Board policy on textbook adoption, new course adoption, etc. all of which require a public process pursuant to law and policy, just aren't applicable to these particular commodities. They help a teacher but are literally things that teachers might decide on a week-to-week basis to use. Mr. Jaeger said he respected Mr. Leska's intention of wanting to provide greater opportunity for perhaps public input, but as far as this type of thing is concerned, whether a teacher uses a cotton ball or rubber band or a worksheet that shows different animals building their nests, that is not the nature of the type of things that our policy and the State statute was intended to cover.

Ms. Day gave the floor to Dr. Barrabee for comment. Dr. Barrabee expressed that the ultimate concern is how well we support the functioning of the teachers trying to be effective working with the students. Curriculum is

the overall goal of a lesson or group of lessons. For example, a goal might be helping students master long division. Lesson plans are the strategies the teacher borrows, modifies or creates to help students move towards that mastery. Examples of plans, which are these lesson plans, include perhaps references to past masteries, stepped exercises and manipulating materials. Even if there are lesson plans that some of these kits provide, he sees them as strictly support rather than directive, and they are not curriculum. Curriculum is the overriding goal.

Dr. Barrabee said that before he continues he wanted to discuss the rest of an email. He is proud of the two Open Calls to the audience at Board Meetings and the opportunity for individuals to express their individual views on agenda items. We are continually increasing the effectiveness of electronic media to spread information in the District and many have used email to request and usually receive responses from the administration. He is also aware of the huge burdens that the District places on each of its administrators, therefore he personally tries to use their time sparingly and to be patient regarding their responses to his requests. There is another topic that is not as pleasant to deal with, but it has to do with part of the email that was sent out publicly, for public record. The second part, not dealing anymore with the issue of what's material and what's curriculum begins, "The District administration is circumventing the process of parent and constituent involvement by trying to get this passed without community input." Using circumvention to obscure from the public would be an act of deception. Such an act would be outrageously wrong. Each of us might ask, "Which people do outrageously wrong behaviors?" To me that would be intentional, deception of the public by the administration, which is what is contended here. His answer is the people who do outrageously wrong behaviors are people he cannot trust because those who deceive have no integrity. The email that went out inappropriately attacking the integrity of our administration, by suggesting they intentionally deceived the public, has the potential of being broadcast by the networks, the internet, by television, but radio and by word of mouth. Whomever the accusation against the administration reaches, it will continue to contribute to the undoing of 15 years of work by the District to earn by its consistent actions the trust of the community and all those who are now proud to be part of our District. This undoing of trust, without a follow-up email by the sender admitting error, will be destructive to the Board, the entire staff, the community and alas to the very children to whom we are responsible. Its past time for the character attacks within our District to end. With regard to differences and misunderstandings, it is always the right time for dialogue, both public and private, based on constructiveness and respectfulness.

Ms. Day asked for a motion on Item I.H. Dr. Barrabee moved to approve Item I.H. Ms. Cozad seconded the motion. Mr. Leska said that he still had discussion. In his opinion we are not being completely transparent with this statute. Even if it is materials, cotton balls, this, that and the other, whatever, what does it hurt to vet this out 60 days; 2 months? We could have done it 60 days ago so we could have done this but whatever the reason we didn't, that's fine.

Dr. Barrabee said he really appreciates the idea that we could have a respectful, constructive discussion to clarify these issues. He doesn't think that sending out an email that says, "The District administration is circumventing the process of parent and constituent involvement by trying to get this passed without community input." is respectful or constructive. It carries a suggestion of intentional deception and that is very destructive to our image as a district. It should be cleared by a follow-up email admitting that whatever is involved there in terms of intent, or how it could be perceived as intent to deceive, is inaccurate.

Ms. Cozad said she believes we should agree to approve the award of I.H. Ms. Day asked if there was any further discussion and called for a vote on Item I.H. The motion passed 4-1 approving Item I.H.



Item 1.K. Approval of Request for Waiver of Graduation Requirement had been set aside for discussion. Ms. Day called for discussion to begin. Mr. Leska said the reason why he pulled it is because he wanted to find out...this is a particular student who was in...he stated he was not going to say names. Mr. Jaeger reminded Mr. Leska not to discuss any facts due to privacy. Mr. Leska continued saying that it was one particular student, and it was on an agenda for Consent but it didn't have...for the Board there was a specific name, which is in public record then if we have it. Ms. Gardiner, the Administrative Assistant to the Board, clarified for Mr. Leska that the Board Book the public views does not contain the confidential documents that are in the Board's version. He said it was a concern of his because the Board gets a different, very detailed agenda list and he wasn't sure how detailed it is to the public. He noted this is the second or third time in the last 9 months that the Board has approved separately on a Consent Agenda something that involves a waiver or something with a student outside of disciplinary action. His question is on the other ones he does remember that they had public input, someone publicly speaking, so we know what it's about or who it's about, physically we get to see that person. But this one, it was on the waiver for...and never came to our agenda but it was a waiver for the...requirements for credit for high school. Ms. Day mentioned transfer credits. Mr. Leska said the transfer credits didn't come to the Board for approval, but they saw who it was. Here, unless they are in the audience, we are not seeing a face, he is not seeing a face and so he doesn't know if this particular person has everything that is going on... he can't say specifics so it's really tough in a public audience, in a forum...that's why he's requesting an Executive Session for these types of matters. (PE Waivers) So if he has questions to ask that person he gets to ask questions.

Ms. Day called on Mr. Nelson. Mr. Nelson said having students requesting a PE Waiver to appear before the Board would require a policy change. What we are doing is following policy IJ-RA. Mr. Nelson read the policy. "A student who needs to be exempted or withdrawn from a Physical Education class due to physical disability or precluding physical condition must submit a written request from a parent or guardian and a medical examination report from a doctor verifying the need from exemption from Physical Education to the principal, at the high school level, or to the appropriate counselor. The necessary program change will be executed by the principal or the counselor after consultation with the principal." Mr. Nelson explained that it would require a policy change for the Board to require students requesting PE Waivers to appear before the Board for approval.

Ms. Grant told Mr. Leska she would have to disagree with him. What was talked about before was the transfer for credits for 8th grade that would apply to all students transferring from a charter school or private school into the district. This is a medical waiver for a specific child and she doesn't believe that a parent needs to come face-to-face to the Board to explain why their child needs to get a waiver from PE when they have made the request and documented it with a doctor's statement.

Dr. Barrabee moved that Item 1.K. be approved. Ms. Cozad seconded the motion. Mr. Leska wanted more discussion. He said since he never saw the transfer credit request in the agenda, there was no reason to really talk about it any further that was one of the for instances we were talking about. Ninety percent of the time he is sure they approve in the favor of the student (PE Waivers) and he's not saying he is not in favor of approving whatever is needed, but a one sentence statement from the doctor, he wants to know more. If their toe is broken how long would it take to heal, or is it a chronic thing, is it ever going to heal? He doesn't know because he can't ask. To have an Executive Session to do that...for 4 years of being able to exempt this child or a learning disability to exempt them from a specific learning requirement of an academic, he wants to know that to make

an informed decision as a policy maker on this Board. He stated it's just him, he likes to ask questions, maybe he likes to talk too much too.

Ms. Grant asked Mr. Leska if as a parent he would want the Board to question his decisions on his children if they needed to receive a waiver from a particular class due to an injury. What about parental rights and their ability to make a decision what is in the best interest of their child and their child's health? And she called for the question. Ms. Day called on Dr. Barrabee, followed by Ms. Cozad, then Mr. Leska. Dr. Barrabee said calling for the question really requires a vote on the question. Ms. Grant took her call back to allow for further discussion. Dr. Barrabee said we confront a lot of issues. His general inclination is to simplify, to lessen the burden on administration, and on the Board. The Board just did that on deciding to no longer hear "Whethers", whether or not a student will be assigned to an Expulsion Hearing. That was a big relief saving a lot of time and paper, and by and large it was not time and cost effective to maintain. He would suggest that there are a lot of things that we need to think about more in terms of how much of a burden are we creating for ourselves if we are very picayune about every detail. Ms. Cozad said that by the time it comes to the Board from the principal, that we hire good people and if they are requesting it, they have done all the homework. They've looked at it. We have to trust our leadership. By the time they are requesting something she would not question it, most of the time. Mr. Leska responded to Ms. Grant's question. He stated he actually would expect that if he is asking the Board to approve something that pertains to him or his family that he wants a waiver against, he would expect some questions to be asked. He would expect he would show up in case it was pulled from the agenda, was a no vote or a discussion like this. Yes, if he is required to go through something specifically or his child was and he says no I don't want this to happen because of x, y and z medical, physical or mental or whatever. Absolutely he would expect it.

Ms. Day asked if there was any more discussion and called for a vote. The motion passed 5-0 approving Item 1.K.

Ms. Grant motioned to close the Open Meeting and go into Executive Session for Student Discipline. Dr. Barrabee seconded and the motion passed 5-0. The time was 6:15 pm.

Upon return to the Board Room Ms. Cozad motioned to close Executive Session and reconvene the Open Meeting. Ms. Day seconded and the motion passed 5-0. The time was ~7:15 PM.

#### **BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS**

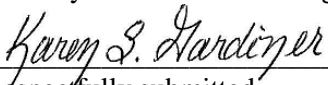
Ms. Day asked the Board if there were any requests for future agenda items. Mr. Leska asked for a Friday Memo about the types of fees that the District charges parents for whatever. He doesn't know how many we have, maybe a compilation of the types of fees we charge because the Board approves the fees. Mr. Nelson said yes, the Board approves the fees.

#### **PUBLIC COMMENT**

There was no further public comment.

#### **ADJOURNMENT**

Ms. Grant moved that the meeting be adjourned Ms. Cozad seconded the motion. The motion passed 5-0. Ms. Day declared the meeting adjourned at 7:16 PM.

  
Respectfully submitted,  
Karen S. Gardiner

Amphitheater Special Governing Board Meeting Minutes  
September 22, 2015

---

Deanna M. Day, Board President

---

Date

Approved: TBD