

Minutes of the Regular School Board Meeting

Of the School Board of Independent School District No. 709 held at the Historic Old Central High School, 215 North First Avenue East, Duluth, Minnesota 55802, on

Tuesday, July 20, 2010

Members Present:

Mary Cameron
Gary Glass
Tim Grover
Art Johnston
Tom Kasper
Judy Seliga Punyko
Ann Wasson

Others Present:

Keith Dixon, Superintendent
Bill Hanson, Deputy Clerk
Melinda Thibault, Secretary

Student Representatives:

John Peterson
Peter Witzig

Members Absent:

Chair Grover called the regular school board meeting of July 20, 2010 to order at 6:30 p.m., and the pledge of allegiance to the American flag was given.

M-Seliga Punyko, S-Cameron, to approve the agenda as presented.

M-Johnston, S-Glass, to add discussion regarding matters relating to the EAW lawsuit.

Member Johnston explained that he would like to add the agenda item to discuss why the District is pursuing the lawsuit and to allow the board to vote on pursuing the lawsuit, not the details of the lawsuit.

Upon a vote, the same failed 3-4 as follows:

Yea: Glass, Johnston, Kasper

Nay: Cameron, Grover, Seliga Punyko, Wasson

M-Johnston, S-Glass, to add hearing schedules for school closures to the agenda.

Member Johnston read a statute regarding school closing hearings. Member Seliga Punyko stated that hearings would be premature since no schools are closing for over one year. Member Johnston stated that the board should not wait until the last minute to hold the hearings. Superintendent Dixon explained the timeline and legalities for what constitutes a school closing. He stated that the board intends to meet legal requirements for those schools that are closing.

Upon a vote the same failed 3-4 as follows:

Yea: Glass, Johnston, Kasper

Nay: Cameron, Grover, Seliga Punyko, Wasson

M-Glass, S-Johnston, to add life safety standards for discussion to the agenda.

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Superintendent Dixon explained that he had responded to the concern. Member Johnston stated that he still wanted it on an agenda.

Upon a vote the same failed 3-4 as follows:

Yea: Glass, Johnston, Kasper

Nay: Cameron, Grover, Seliga Punyko, Wasson

Upon a vote on agenda as presented the same passed 6-1 as follows:

Yea: Cameron, Grover, Johnston, Kasper, Seliga Punyko, Wasson

Nay: Glass

Chair Grover asked school board members if there were any corrections or changes to the minutes of the special school board meeting of June 15, 2010.

M-Seliga Punyko, S-Cameron, to approve the minutes of the June 15, 2010 special school board meeting. Upon a vote, the same was approved as presented – unanimously.

Chair Grover asked school board members if there were any corrections or changes to the minutes of the regular school board meeting of June 15, 2010.

M-Seliga Punyko, S-Cameron, to approve the minutes of the June 15, 2010 regular school board meeting. Upon a vote, the same was approved as presented. – unanimously.

Chair Grover asked school board members if there were any corrections or changes to the minutes of the special school board meeting of June 24, 2010.

M-Seliga Punyko, S-Cameron, to approve the minutes of the June 24, 2010 special school board meeting. Upon a vote, the same was approved as presented. – unanimously.

Chair Grover asked school board members if there were any corrections or changes to the minutes of the special school board meeting of July 12, 2010.

M-Seliga Punyko, S-Cameron, to approve the minutes of the July 12, 2010 special school board meeting. Upon a vote, the same was approved as presented. – unanimously.

Public Comments

July 2010

Liz Larson, Director of All City Summer Musical, spoke to the board to talk about the upcoming summer musical Annie and other upcoming musical programs, and a student performed a song from Annie.

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Rich Paulson, 524 West Ideal Street, spoke to the board to ask that the school board share the details of the teachers' contract before the board votes on it. He noted his concerns with the increases to health insurance costs in the previous contract.

Brenda Anderson, 703 Ebony, spoke to the board to express her concern with borrowing more money to complete the long range facilities plan and the decision to scrap some repairs to certain buildings.

Loren Martell, 623 East 7th Street, spoke to the board regarding his concern with the actions of one board member. Chair Grover asked Mr. Martell to stop attacking board members personally and leave the podium.

The school board took a brief recess at 7:02 p.m. and reconvened at 7:07 p.m.

Sharon Witherspoon, 327 North 54th Avenue West, spoke to the board regarding her concern with the academic achievement gap among students of color in the school district.

Claudie Washington, 11 West 4th Street, spoke to the board regarding his concern with the academic achievement gap among students of color in the school district, quoting from the NAACP.

Communications, Petitions, Etc.

July 2010

Superintendent Dixon acknowledged the communications received.

Superintendent's Report

July 2010

Superintendent Dixon congratulated Bill Gronseth on his appointment as the Interim Assistant Superintendent.

Superintendent Dixon recognized the hard work people have done working with staffing over the summer to work toward closing the achievement gap for students of color.

2010 State Assessments Released

MCAII Reading:

- All grades met or outperformed the state results in Reading.
- The majority of grades saw increases in Reading results. Grades 3 and 4 saw slight decreases.
- Increased percent proficient in those students receiving special education services and free or reduced priced meals, as well as Hispanic, Asian, Black, and American Indian students

MCAII Math:

- A little over half of grades tested saw increases in math, others saw a decrease. Scores continue to be below state results.

GRAD Writing, Reading, Math:

- Our district outperformed state results in writing and reading and were below state results in math.
- Our district increased results in all three areas.
- All three high schools saw increases in the Writing test.
- East saw increases in Reading, Central remained the same, Denfeld saw a slight decrease.
- Denfeld and East saw increases in Math, Central saw a decrease.

Next steps:

- We'll work with the data to identify every student in the district who needs more help to test at a proficient level.
- This fall we'll implement district wide interventions for those students. The interventions were researched and identified by a team of community members, teachers and curriculum specialists. The school board approved financial support for those interventions this spring.
- Interventions include data coaches, integration specialists, literacy coaches, extended day and school year, and specialized curriculum materials, among others.
- Working with a curriculum committee over a two year process we identified and adopted a new math curriculum, which includes an individual assessment tool. That curriculum will begin this fall.

Education Committee Report

July 2010

Member Seliga Punyko presented the Education Committee report, a copy of same being in the hands of each school board member.

Member Seliga Punyko presented the resolution:

RESOLUTION

Acceptance of Grant Awards to Duluth Public Schools

WHEREAS, Minnesota Statute 465.03 requires a school district to accept grants by resolution expressed in the terms prescribed by the donor in full; and,

WHEREAS, acceptance of the grant in accordance with the donor's terms is in the best interest of the Duluth Public Schools:

NOW, THEREFORE, BE IT RESOLVED that the Duluth Public Schools does accept the below-described grants from said organizations in accordance with the terms set forth herein.

BE IT FURTHER RESOLVED that the Duluth Public Schools wishes to extend its grateful appreciation to these various organizations.

	Organization	Author/Contact	Project Title	Award Amount	Terms
1.	Northland Foundation	Bonnie Wolden	S.M.A.R.T. Workshop	\$5,000	Funds from this grant award will be used to help cover costs associated with sponsoring a S.M.A.R.T. workshop in Duluth for pre-kindergarten-grade one educators in Duluth and the

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					surrounding area from August 17-20, 2010. The S.M.A.R.T. Curriculum is a multi-sensory approach to learning, designed to develop and enhance physiological and neurological readiness skills students need to succeed in school.
2.	Minnesota Department of Education	Jody LeBlanc	State Fiscal Stabilization Funding CFDA #84.394	\$1,975,745.79 (This amount is in addition to the initial allocation of \$4,010,932.72, which the Duluth School Board approved on September 17, 2009.)	Funds from this grant award will be used to offset the State unallotment for the salary and fringe of elementary FTE's.
3.	St. Louis County Family Services Collaborative	Pam Rees	Head Start Grant	\$36,000	Funds from this grant award will be used to hire a mental health consultant.

Resolution #E-7-10-2791

July 20, 2010

M-Seliga Punyko, S-Wasson, to approve Resolution E-7-10-2791 - Acceptance of Grant Awards to the Duluth Public Schools. Upon a vote taken, the same was approved – unanimously.

M-Seliga Punyko, S-Cameron, to approve the remainder of the Education Committee report as presented.

Member Kasper withheld Items 3.A.1. and 3.A.2.

Member Cameron withheld 1.B.

Member Cameron withheld Item 1.B. – State Assessment Results to thank Tawnyea Lake for the presentation on the State Assessment results, but expressed her concern with the continued achievement gap among students of color.

Member Kasper withheld Item 3.A.1) Study Island Presentation to express some concerns with the program being after school and students ability to participate if they normally take the bus or don't have computer access from home.

Member Kasper withheld Item 3.A.2) Response to the Resolution of Concurrence/Non-concurrence Report to ask for more information. Bill Gronseth, Assistant Superintendent, explained that the response is what administration has been doing to work toward closing the achievement gap, like hiring integration specialists, adopting new curriculums, and involving parent groups.

Member Glass withheld Item 3.E. – Policy 5085 – Student Discipline Policy to ask who will be implementing the policies. Discussion took place regarding the policies and the need for continued work on improved culture among staff as well.

Upon a vote taken on the remainder of the Education Committee as presented - the same was approved – unanimously.

Human Resources Committee Report

July 2010

Member Cameron presented the Human Resources Committee report, a copy of same being in the hands of each school board member.

M-Cameron, S-Seliga Punyko, to approve the individual contract for Bill Gronseth, as Interim Assistant Superintendent. Upon a vote, the same was approved – unanimously.

Member Cameron presented the resolution:

R E S O L U T I O N

RE: Termination of Certified Probationary (Non-Tenured) Staff –Change in Dates

WHEREAS, during the first three years of consecutive employment all teachers in the public schools in cities of the first class are deemed to be in a probational period of employment during which period the School Board may renew, or not renew, any teachers' annual contract as the School Board shall see fit; and that the District will lack a sufficient number of pupils to support all non tenured teachers currently employed by the District.

NOW, THEREFORE, BE IT RESOLVED by the School Board on Independent School District No. 709, St. Louis County, Minnesota, as follows:

1. The employment contracts of the following probationary teachers shall not be renewed and their employment shall terminate at the end of the school day on June 11, 2010, unless another date is indicated below, in which case the employment of the particular teacher shall terminate on that date.

Cronin, Vicki (08/27/10)
Schminski, Lori (07/29/10)
Wangerin, Clarissa (08/05/10)

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2. **BE IT FURTHER RESOLVED** the Clerk of the School Board shall notify such teachers in writing before July 1, 2010, of the termination of their employment.

HR-7-10-2788

July 20, 2010

M-Cameron, S-Seliga Punyko, to approve Resolution HR-7-10-2788-Termination of Certified Probationary (Non-Tenured) Staff Change in Dates.

Tim Sworksby, Certified Staffing Manager, explained the changes to the dates of termination.

Upon a vote, the same was approved – 6-1 as follows:

Yea: Cameron, Glass, Grover, Kasper, Seliga Punyko, Wasson
Nay: Johnston

Member Cameron presented the resolution:

R E S O L U T I O N

RE: Termination of Certified Hourly Staff – Change in Dates

BE IT RESOLVED by the School Board of Independent School District No. 709, St. Louis County, Minnesota, that the employment of the following hourly teachers shall terminate effective at the end of the school day on June 11, 2010, unless another date is indicated below, in which case the employment of the individual shall terminate on that date.

BE IT FURTHER RESOLVED that the Clerk of the School Board shall notify such teachers in writing before July 1, 2010, of the termination of their employment.

Dalager, Sherry (08/06/10)
Docauer, Randall (08/06/10)
Frank, Angie (08/06/10)
Hill, Elaine (08/06/10)
Rud, Jay (08/06/10)

HR-7-10-2789

July 20, 2010

M-Cameron, S-Seliga Punyko, to approve Resolution HR-7-10-2789 – Termination of Certified Hourly Staff Change in Dates. Upon a vote, the same was approved – 6-1 as follows:

Yea: Cameron, Glass, Grover, Kasper, Seliga Punyko, Wasson
Nay: Johnston

Member Cameron presented the resolution:

R E S O L U T I O N
RE: Termination of Certified Tenured Staff

WHEREAS, enrollment in the School District is declining;
WHEREAS, during the 2010-2011 school year, the District will lack a sufficient number of pupils to support all tenured teachers currently employed by the District;
WHEREAS, the School Board has found it necessary to discontinue certain positions;
NOW, THEREFORE, BE IT RESOLVED by the School Board of Independent School District No. 709, St. Louis County, Minnesota, as follows:

1. The Board proposes that the employment of the following tenured teachers terminate effective at the end of the school day on June 11, 2010, unless another date is indicated below, due to discontinuance of position or lack of pupils.

Bradley, Elaine .400FTE – (Change In FTE)

2. The Clerk of the School Board shall notify all such teachers in writing of the proposed layoff, the grounds for the proposed layoff, and the right to request a hearing within ten (10) calendar days after receiving said notice. The Clerk shall also notify all such teachers that if they fail to request a hearing within ten (10) days, they will be deemed to have acquiesced in the Boards action.

HR-7-10-2790

July 20, 2010

M-Cameron, S-Seliga Punyko, to approve Resolution HR-7-10-2790 – Termination of Certified Tenured Staff.

Discussion took place regarding the resolution and total numbers of teachers that have been laid off.

Upon a vote, the same was approved – 5-2.

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Member Cameron presented the resolution:

R E S O L U T I O N
Duluth Federation of Teachers Local 692, A.F.T.

RESOLVED, By the School Board of Independent School District #709, St. Louis County, Minnesota, that the Collective Bargaining Agreement between Independent School District #709 and the Duluth Federation of Teachers Local 692, A.F.T., a summary of which is in the hands of all

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School Board members, be approved and adopted for the period July 1, 2011 to June 30, 2013, inclusive, and that the Chairperson and Clerk of the School Board be hereby authorized to execute said Agreement on behalf of the School District.

HR-7-10-2792

July 20, 2010

M-Cameron, S-Seliga Punyko, to approve Resolution HR-7-10-2792 – Approval of Duluth Federation of Teachers Contract from 7/1/11 to 6/30/13.

Board discussion took place regarding the contract, the timeline for settling the contract, and cost of the contract to the District.

M-Johnston, S-Glass, to table the resolution to get a legal opinion on the contract. Upon a vote the same failed 3-4 as follows:

Yea: Glass, Johnston, Kasper

Nay: Cameron, Grover, Seliga Punyko, Wasson

Boar discussion continued regarding concerns with the cost of the contract and the lack of funding to cover the costs in the future. Chair Grover stated that the public discussion regarding the contract was out of order.

Member Johnston called a point of order that he wanted to discuss the contract further in public. Chair Grover ruled Member Johnston out of order and called for a vote.

Upon a vote on the resolution, the same was approved 4-0-3 as follows:

Yea: Cameron, Grover, Seliga Punyko, Wasson

Abstain: Glass, Johnston, Kasper

Member Johnston stated that it was rude to cut off discussion and asked to give prior notice to ask Chair Grover to step down.

M-Cameron, S-Seliga Punyko, to approve the remainder of the Human Resources Committee report as presented. Upon a vote taken, the same was approved – unanimously.

The school board took a brief recess at 8:50.

Business Committee Report

July 2010

Member Wasson presented the Business Committee report, a copy of same being in the hands of each school board member.

Member Wasson presented the resolution:

RESOLUTION AUTHORIZING THE DISTRICT TO ENTER INTO A LINE OF
CREDIT AGREEMENT WITH A FINANCIAL INSTITUTION

709 Duluth, Minnesota (the District), as follows:

WHEREAS, the District is authorized to enter into a line of credit agreement (the Agreement) with a financial institution, pursuant to Minnesota Statutes, Section 123B.12(b);

WHEREAS, the District has negotiated and reached a tentative Agreement, subject to Board approval and Bank acceptance, with Associated Bank N.A., in Minneapolis, MN (the Bank); and

WHEREAS, the Board desires to enter into the Agreement with the Bank;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. Upon the effective date of this resolution, the District hereby agrees to enter into the Agreement with the Bank and, thereby, establish a revolving line of credit (the Line) with the Bank whereby the Bank will advance funds to the District. The Agreement shall have a term not exceeding five years.
2. The amount advanced in any fiscal year under the Line will not exceed ninety-five percent (95%) of the District's average expenditure per month of operating expenditures in the previous fiscal year.
3. Each advance under the Line will be repaid no later than forty-five (45) days after the day of advancement with interest on the outstanding principal amount at an interest rate not exceeding 3.25% per annum.
4. The Director of Business Services or a designee selected by the Director of Business Services is directed to prepare, or have prepared, and execute such documents as may be necessary to comply with the above paragraphs or any other requirements for the Agreement.
5. The amounts advanced under the Line are not designated as "Qualified Tax Exempt Obligations" for the purposes of Section 265 of the Internal Revenue Code of 1986, as amended.
6. This resolution shall be effective upon receipt by the Director of Business Services on behalf of the Board of written acceptance of its terms by an authorized official of the Bank, and thereafter shall constitute the terms of the Agreement.

B-7-10-2794

July 20, 2010

M-Wasson, S-Seliga Punyko, To Approve Resolution B-7-10-2794- Resolution Authorizing The District To Enter Into A Line Of Credit Agreement With A Financial Institution.

Member Johnston asked for an explanation of why we have to borrow money. Bill Hanson, Director of Business Services, explained how delayed payments from the state have caused a short term cash flow issue.

Upon a vote taken, the same was approved-unanimously.

Member ~~Cameron~~ Wasson presented the resolution:

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
FULL TERM CERTIFICATES OF PARTICIPATION, SERIES 2010C,
IN AN AMOUNT NOT TO EXCEED \$3,675,000, TO FINANCE A PORTION
OF THE LONG-RANGE FACILITIES PLAN

BE IT RESOLVED, by the School Board (the "School Board") of Independent School District No. 709, St. Louis County, Minnesota (the "District"), as follows:

Section 1. Authority. Under and pursuant to the authority contained in Minnesota Statutes, Section 126C.40, Subd. 6, as amended (the "Act"), the District is authorized to purchase real or personal property under an installment contract or may lease real or personal property with an option to purchase under a lease purchase agreement upon application to, and approval by, the Minnesota Commissioner of Education. The District has approved a Long-Range Facilities Plan (the "Plan") and the Minnesota Commissioner of Education has approved the District entering into an installment contract in the amount of \$111,442,577 under the Act to finance the purchase of real and personal property as set forth in the Plan (other than costs for the new Piedmont/Lincoln Elementary School and the new West Middle School, which was subsequently approved and financed). The District determined to acquire, construct and equip the projects approved by the Minnesota Commissioner of Education, pursuant to the Act, through an Installment Purchase Contract, dated as of June 1, 2008 (the "Installment Purchase Contract"), between U.S. Bank National Association ("U.S. Bank"), as vendor, and the District. In order to provide funds for the projects, the District authorized the issuance of \$111,440,000 Full Term Certificates of Participation, Series 2008B, dated June 1, 2008, pursuant to a Declaration of Trust by and between U.S. Bank, as trustee, and the District (the "Declaration of Trust"). The District has approved an amendment to the Plan and the Minnesota Commissioner of Education has approved the District's financing of an additional \$3,675,000 under the Act to provide additional funds for the purchase of real and personal property as set forth in the Plan, as amended.

Section 2. The Plan of Finance. The School Board hereby determines that it is necessary, expedient, and in the best educational interest of the District's pupils and residents that the District enter into an Amendment to the Installment Purchase Contract under the Act to provide additional funds to purchase the real and personal property described in the Plan, as amended, and as approved by the Minnesota Commissioner of Education. Full Term Certificates of Participation, Series 2010C (the "Certificates of Participation"), will be issued pursuant to a Supplement to the Declaration of Trust as additional certificates under the Declaration of Trust. The principal amount of the Certificates of Participation to be issued shall not exceed \$3,675,000 and such Certificates of Participation shall evidence the proportionate interest of the registered owners thereof in the Installment Payments to be made by the District under the Installment Purchase Contract, as amended.

Section 3. Official Terms of Offering. The District's administrative staff is hereby authorized and directed to work with Northland Securities, Inc., independent financial advisor to the District, and Fryberger, Buchanan, Smith & Frederick, P.A., bond counsel, to solicit bids and arrange for the sale of the Certificates of Participation in substantial compliance with the Notice of Sale attached hereto as Exhibit A. The Chief Financial Officer/Executive Director of Business Services, after consulting with the District's financial advisor and bond counsel, is authorized to modify the terms of the Notice of Sale prior to accepting the bids, including, but not limited to,

reducing the size of the issue and rescheduling the sale. The bids shall be received by the Chief Financial Officer/Executive Director of Business Services or his designee until 11:00 a.m. central time on August 17, 2010, and consideration for the award of the Certificates of Participation will be by the School Board at 6:30 p.m. central time on the same date.

Section 4. Repayment of Obligations. The form, specifications and provisions for payment of the Amendment to the Installment Purchase Contract and the Certificates of Participation and the form of the Supplement to the Declaration of Trust shall be set forth in a subsequent resolution of the School Board.

Section 5. Consideration of Bids. The School Board shall meet on August 17, 2010, in accordance with the Notice of Sale, to consider bids for the purchase of the Certificates of Participation and to take whatever actions are necessary for the acceptance or rejection of the bids.

Section 6. Credit Enhancement. (a) The Board Chair, Superintendent or Chief Financial Officer/Executive Director of Business Services are hereby authorized and directed to submit a Minnesota School District Credit Enhancement Program Application for Default Preclusion to the Minnesota Department of Education, as provided by Minnesota Statutes, Section 126C.55.

(b) The District hereby covenants and obligates itself to notify the Minnesota Commissioner of Education of a potential default in the payment of principal and interest on the Certificates of Participation and to use the provisions of Minnesota Statutes, Section 126C.55 to guarantee payment of the principal and interest on the Certificates of Participation when due. The District further covenants to deposit with the trustee/bond registrar or any successor paying agent three (3) days prior to the date on which a payment is due an amount sufficient to make that payment or to notify the Minnesota Commissioner of Education that it will be unable to make all or a portion of that payment. The trustee, as bond registrar for the Certificates of Participation, is authorized and directed to notify the Minnesota Commissioner of Education if it becomes aware of a potential default in the payment of principal or interest on the Certificates of Participation, or if, on the day two (2) business days prior to the date a payment is due on the Certificates of Participation, there are insufficient funds to make that payment on deposit with the trustee. The District understands that as a result of its covenant to be bound by the provisions of Minnesota Statutes, Section 126C.55, the provisions of that section shall be binding as long as any Certificates of Participation remain outstanding.

(c) The District further covenants to comply with all procedures now or hereafter established by the Department of Finance and the Department of Education of the State of Minnesota pursuant to Minnesota Statutes, Section 126C.55, subdivision 2(c) and otherwise to take such actions as necessary to comply with that section. The Chair, Clerk, Superintendent or Chief Financial Officer/Executive Director of Business Services are authorized to execute any applicable Minnesota Department of Education forms regarding such program.

B-7-10-2795

July 20, 2010

M-Wasson, S-Cameron, To Approve Resolution B-7-10-2795- Resolution Authorizing The Issuance And Sale Of Full Term Certificates Of Participation, Series 2010c, In An Amount Not To Exceed \$3,675,000, To Finance A Portion Of The Long-Range Facilities Plan.

Board members expressed concerns with the resolution. Bill Hanson and Bob Toftey explained the bond issue and history behind the financing.

Upon a vote taken, the Same was approved-5-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Member ~~Cameron~~ Wasson presented the resolution:

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
CERTIFICATES OF PARTICIPATION, SERIES 2010D,
IN AN AMOUNT NOT TO EXCEED \$1,605,000, TO FINANCE A PORTION
OF THE LONG-RANGE FACILITIES PLAN**

BE IT RESOLVED, by the School Board (the "School Board") of Independent School District No. 709, St. Louis County, Minnesota (the "District"), as follows:

Section 1. Authority. Under and pursuant to the authority contained in Minnesota Statutes, Section 465.71, as amended (the "Act"), the District is authorized to purchase real or personal property under an installment contract or may lease real or personal property with an option to purchase under a lease purchase agreement. The District has approved a Long-Range Facilities Plan (the "Plan") and the Minnesota Commissioner of Education has approved the District entering into a lease purchase agreement in the amount of \$35,404,371 under the Act to finance a portion of the Plan. The District determined to acquire, construct and equip the projects approved by the Minnesota Commissioner of Education, pursuant to the Act, through a Lease Purchase Agreement, dated as of October 1, 2009 (the "Lease Purchase Agreement") between Associated Trust Company, National Association, as lessor ("Associated") and the District. In order to provide funds for the projects, the District authorized the issuance of \$35,400,000 Certificates of Participation, Series 2009B, dated October 1, 2009, pursuant to a Declaration of Trust by and between Associated, as trustee, and the District (the "Declaration of Trust"). The District has approved an amendment to the Plan and the Minnesota Commissioner of Education has approved the District's financing of an additional \$1,605,000 under the Act to provide additional funds for the purchase of real and personal property as set forth in the Plan, as amended.

Section 2. The Plan of Finance. The School Board hereby determines that it is necessary, expedient, and in the best educational interest of the District's pupils and residents that the District enter into an Amendment to the Lease Purchase Agreement to provide additional funds to purchase the real and personal property described in the Plan, as amended. Certificates of Participation, Series 2010D (the "Certificates of Participation") will be issued pursuant to a Supplement to the Declaration of Trust. The principal amount of the Certificates of Participation to be issued shall not exceed \$1,605,000 and such Certificates of Participation shall evidence the proportionate interest of the registered owners thereof in the Rental Payments to be made by the District under the Lease Purchase Agreement, as amended.

Section 3. Official Terms of Offering. The District's administrative staff is hereby authorized and directed to work with Northland Securities, Inc., independent financial advisor to the District, and Fryberger, Buchanan, Smith & Frederick, P.A., bond counsel, to solicit bids and arrange for the sale of the Certificates of Participation in substantial compliance with the Notice of Sale attached hereto as Exhibit A. The Chief Financial Officer/Executive Director of Business Services, after consulting with the District's financial advisor and bond counsel, is authorized to modify the terms of the Notice of Sale prior to accepting the bids, including, but not limited to,

reducing the size of the issue and rescheduling the sale. The bids shall be received by the Chief Financial Officer/Executive Director of Business Services or his designee until 11:00 a.m. central time on August 17, 2010, and consideration for the award of the Certificates of Participation will be by the School Board at 6:30 p.m. central time on the same date.

Section 4. Repayment of Obligations. The form, specifications and provisions for payment of the Amendment to the Lease Purchase Agreement and the Certificates of Participation and the form of the Supplement to the Declaration of Trust shall be set forth in a subsequent resolution of the School Board.

Section 5. Consideration of Bids. The School Board shall meet on August 17, 2010, in accordance with the Notice of Sale, to consider bids for the purchase of the Certificates of Participation and to take whatever actions are necessary for the acceptance or rejection of the bids.

B-7-10-2796

July 20, 2010

M-~~Cameron~~ Wasson, S-Seliga Punyko, To Approve Resolution B-7-10-2796- Resolution Authorizing The Issuance And Sale Of Certificates Of Participation, Series 2010d, In An Amount Not To Exceed \$1,605,000, To Finance A Portion Of The Long-Range Facilities Plan.

M-Johnston, S-Glass, to amend the resolution to add a final paragraph that the bonding will go on a referendum at the general election in the fall.

Bob Toftey explained that there cannot be an advisory referendum for this type of bond issuance.

Chair Grover ruled member Johnston's motion out of order because there can't be an advisory referendum on this bond issue.

M-Johnston, ~~S-Glass~~ to appeal Chair Grover's decision. Upon a vote on Member Johnston's motion to appeal the chairs decision ruling his motion to put the bond issue up for a referendum out of order, the same failed 2-5 as follows:

Yea: Glass Johnston

Nay: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Upon a vote taken on Resolution B-7-10-2796, the same was approved-5-2 As Follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Member ~~Cameron~~ Wasson presented the resolution:

RESOLUTION
Ten-Year Capital Facilities Plan – 2010 Update

BE IT RESOLVED, by the School Board of Independent School District No. 709, St. Louis County, State of Minnesota, that the Ten-Year Capital Facilities Plan – 2010 Update, be approved.

B-7-10-2798

July 20, 2010

M-~~Cameron~~ Wasson, S-Seliga Punyko, to approve Resolution B-7-10-2798- Ten-Year Capital Facilities Plan – 2010 Update.

Discussion took place regarding the plan and changes to plans for Historic Old Central High School in the long range plan.

Upon a vote taken, the same was approved – 5-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

Member ~~Cameron~~ Wasson presented the resolution:

RESOLUTION
Adopting the District's Health, Safety and Environmental Management
Program, for 2010-2011

RESOLVED, by the School Board of Independent School District No. 709, St. Louis County, Minnesota, to direct administration to implement the 2010 – 2011 Health, Safety & Environmental Management Program, as summarized below and including completed Attachment #10 to the MDE 2010 Health and Safety Revenue Application Packet.

Summary of 2010-2011
ISD 709 – Duluth Public Schools
Health, Safety, & Environmental Management Program

The purpose of this program is to ensure that the District provides a safe and healthy work and learning environment for its employees and students. Every reasonable precaution must be taken to protect the safety of students, employees, and other citizens present on School District property or at school approved events. It is the basic responsibility of all supervisory personnel to assure that safe conditions exist and that those who they supervise use safe practices for the conduct of their work. In addition, all students and employees shall adhere to all applicable safety and health regulations through the implementation of the following programs and such other safety regulations as may be promulgated from time to time by the Superintendent. The rules and regulations are to be on file in the School District's Safety Office, and available through the District's Human Resource Office.

AWAIR Program
Asbestos
Bloodborne Pathogen
Chemical Hygiene/Lab Safety
Community Right-to-Know
Compressed Gas
Confined Space
Electrical Safety
Emergency Action Plan

First Aid /CPR
Food Safety Inspection
Forklift Safety
Hazardous Waste
Hearing Conservation
Hoist Lift
Indoor Air Quality
Infectious Waste
Lead in water

Machine Guarding
OSHA Inspections
Personal Protective Equip.
Pest Management
Playground Safety
Radon
Respiratory Protection
Underground Storage Tanks
Welding, Cutting or Brazing

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Employee Right-to-Know

Lockout/Tagout

Implementation:

The District, with advice from its Health and Safety Committee, will conduct assessments of current conditions and develop plans to address needs and set timelines for implementation of the programs.

The District will monitor and evaluate potential hazards through routine inspections and surveillance, train district staff and maintain records required by state, federal and local agencies.

The District administration will demonstrate its commitment to school safety and environmental health by incorporating safety rules into all employees work routine.

The Board will ensure that appropriate funding and resources are available to implement and maintain compliance with federal, state and local government health and safety requirements, and to meet the criteria outlined in the MDE 2010 Health and Safety Revenue Application Packet Attachment #10.

Resolution # B-7-10-2797

July 20, 2010

M-~~Cameron~~ Wasson, S-Seliga Punyko, to approve Resolution B-7-10-2797- Health, Safety, & Environmental Management Program. Upon a vote taken, the same was approved - unanimously.

Member ~~Cameron~~ Wasson presented the resolution:

Resolution

Approving Revision to Schematic Design Related to New Construction at
Grant Nettleton Elementary School

WHEREAS, the School Board by Resolution #B-2-10-2730 approved a Schematic Design Related to New Construction at Grant Nettleton Elementary School on February 23, 2010; and

WHEREAS, design development efforts have determined there are significant modifications to the approved design that should be made to improve the project that should receive School Board acknowledgement; therefore

BE IT RESOLVED, by the School Board of Independent School District No. 709, St. Louis County, State of Minnesota, that the Revised Schematic Design Related to New Construction at Grant Nettleton Elementary School, as presented at the July 12, 2010 Business Committee Meeting and attached hereto is hereby approved.

B-7-10-2803

July 20, 2010

M-~~Cameron~~ Wasson, S-Seliga Punyko, to approve Resolution B-7-10-2803- Approving Revision to Schematic Design Related to New Construction at Grant Nettleton Elementary School:

Member Kasper asked about the questionnaire that was given out. Gregg Repensky gave a brief overview of the results.

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Upon a vote taken, the same was approved-5-2 as follows:

Yea: Cameron, Grover, Kasper Seliga Punyko, Wasson

Nay: Glass, Johnston

M-Wasson, S-Seliga Punyko, to approve the remainder of the Business Committee report, as presented.

Member Johnston withheld Items 1.A.-F., 2.A.3, 4.A.1., and 4.B.1.

Member Glass withheld Items 1.B., 2.A.1., 2.A.3, and 3.B.1.

Member Glass withheld Items 1.B. – Approval of Payment of Claims to note payments to JCI and the Duluth News Tribune.

Member Johnston withheld Items 1.A.-F. and asked for a separate vote because he feels they should be submitted under signature by someone responsible.

Upon a vote on Items 1.A.-F., the same was approved 6-1 as follows:

Yea: Cameron, Glass, Grover, Kasper Seliga Punyko, Wasson

Nay: Johnston

Upon a separate vote on Item 2.A.1) Bid 1194-Western Middle School, the same was approved 5-2 as follows:

Yea: Cameron, Grover, Kasper Seliga Punyko, Wasson

Nay: Glass, Johnston

Upon a separate vote on Item 2.A.3. – Bid 1197-Asbestos Abatement-Phase 2 at Denfeld High School, the same was approved – unanimously.

Upon a separate vote on Item 2.B.1) - Special Inspection Services at Lincoln Park Middle School, the same was approved 5-1 as follows:

Yea: Cameron, Grover, Kasper Seliga Punyko, Wasson

Nay: Glass

Abstain: Johnston

Upon a separate vote on Item 4.A.1)-Workers Compensation and Property Liability Policies and Premium Designations, the same was approved – unanimously.

Upon a separate vote on Item 4.B.1. – Eastern (Ordean) High School change Order, the same was approved 5-2 as follows:

Yea: Cameron, Grover, Kasper, Seliga Punyko, Wasson

Nay: Glass, Johnston

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Upon a vote taken on the remainder of the Business Committee, the same was approved 6-1 as follows:

Yea: Cameron, Grover, Johnston, Kasper, Seliga Punyko, Wasson

Nay: Glass

**Other
July 2010**

Peter Witzig, student representative, stated that he participated in an American Legion program that involved running government and parliamentary procedures. He stated that he had received many compliments on his grasp and abilities in meeting procedures and that one thing he learned is that it's not always about following every rule to a tee but following accord and being respectful.

Chair Grover adjourned the regular school board meeting of July 20, 2010 at 10:04 p.m.