

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, July 5, 2011, 7:00 p.m.

Board Members Present

Mr. Jeff Grant, President
Mrs. Diana Boros, Vice President
Dr. Linda Loomis, Member
Mrs. Susan Zibrat, Member

Board Member Absent

Dr. Kent Paul Barrabee, Member

Central Administrators Present

Dr. Vicki McLeod Balentine, Superintendent
Mr. Patrick Nelson, Associate Superintendent
Mr. Scott Little, Chief Financial Officer

Central Administrator Absent

Todd A. Jaeger, J.D., Associate to Superintendent and General Counsel

OPENING OF MEETING

Call to Order and Signing of Visitors' Register

Mr. Grant called the meeting to order at 7:00 p.m. and asked members of the audience to sign the visitors' register. Procedures for addressing the Board were described.

Pledge of Allegiance

Dr. Balentine led the Pledge of Allegiance.

Announcement of Date and Place of Next Special Governing Board Meeting

Mr. Grant announced the next regular meeting of the Governing Board: Tuesday, August 9, 2011, 7:00 p.m., Wetmore Center, 701 W. Wetmore Road.

PUBLIC COMMENT

There were no comments from the public.

1. CONSENT AGENDA

Mr. Grant asked if there were Board member requests to have items addressed separately; there were none. A motion was made by Dr. Loomis to approve the Consent Agenda items A-BB, as presented. The motion was seconded by Mrs. Boros, and it passed unanimously, 4-0. Appointment of personnel is effective, provided all district, state, and federal requirements are met.

A. Approval of Minutes

The minutes of the June 21, 2011, Regular Governing Board meeting were approved, as submitted.

B. Approval of Addendum to Appointment of Personnel

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

C. Approval of Addendum to Personnel Changes

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

D. Approval of Leave(s) of Absence

Leave of Absence requests were approved for certified and classified personnel, as listed in Exhibit 3.

E. Approval of Addendum to 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 \$2,322,772.29 (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:

Vo. 228 \$106,733.55 Vo. 229 \$ 508,862.44 Vo. 230 \$ 707,176.30

G. Acceptance of Gifts

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

H. Receipt of May 2011 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 month-end May 2011, as submitted (Exhibit 6, pp. 1-8).

I. Approval of Out of State Travel

Out of state travel was approved for students and staff from Amphitheater High School's football program to attend football camp in Irvine, California, July 23-28, 2011 (source of funding is student activity funds and tax credit donations).

J. Approval of Clarification of Student Fees

Board Book information: *On June 21, 2011, an updated Activity Fee List was presented to the Board for approval. The following fee structure is being provided for clarification.*

The Governing Board approved the two Activity Fee List items submitted for clarification: Middle School Athletic Fees: \$25.00 and High School Athletic Teams Fees: \$40.00.

K. Approval of Textbook(s) for Display

The Board voted to place the following textbook on display for a period of 60 days, as of July 5, 2011, in accordance with A.R.S. §15-721:

Textbook: Environmental Science; Publisher: Pearson; Author: Jay Withgott; Price: \$77.47

L. Approval of Amphitheater Assistant Principal Evaluation

Board Book information: *The Assistant Principal Evaluation Design Team met in a series of meetings over the past year to develop an assistant principal evaluation instrument. The instrument design is in alignment with the principal evaluation system. Modifications of indicators were made to ensure the best fit to the Assistant Principal role. The Assistant Principal Evaluation Instrument is presented for Governing Board approval in preparation for use in the 2011-2012 school year. This instrument will be modified slightly for 2012-2013 to align with the new indicators on the principal evaluation instrument addressing student progress.*

The Governing Board approved the Amphitheater Assistant Principal evaluation instrument, as presented (Exhibit 7, pp. 1-5).

M. Approval of Proposed Isolated School Attendance Boundary Modifications (Only Affecting Land without Current Residents) for Purposes of Enrollment Stabilization between Walker Elementary and Donaldson Elementary Schools

Board Book information: *This item was presented to the Governing Board for study at its June 21, 2011, meeting. The Administration is proposing consideration of changes to the existing Walker Elementary School attendance area boundaries by creation of four isolated exceptions to the current Walker boundaries. (A fourth area was added after Board discussion on June 21.) Under these isolated exceptions, the elementary school of attendance for students residing in these three areas would be Donaldson Elementary School, rather than Walker. Details concerning the reasons for the proposed action are detailed in the June 21 agenda item.*

In short, however, adoption of these proposed boundary exceptions would help stabilize enrollment for both Walker and Donaldson in the respective directions needed. Consideration of this approach and its consequences might also include the following additional facts:

- 1. All affected parcels currently have no residents. Thus, the proposed boundary change does not affect existing students or parents.*
- 2. District transportation from all three sites to Donaldson would be required.*
- 3. Long term implications of other development affecting both Donaldson and Walker are largely unknown given current economic conditions; accordingly the long term efficacy or efficiency of this proposal has potential to change over time.*
- 4. The proposed boundary changes do not preclude future residents from seeking open enrollment to Walker Elementary (or any other school) assuming capacity exists.*

This action will be taken with respect to the following parcels: 104-01-066B, 104-01-104E, 101-12-004A, 104-01-381A, and 101-09-005A (the additional one added by Ms. Boros)

The Governing Board approved changes to Walker Elementary School attendance-area boundaries for parcels 104-01-066B, 104-01-104E, 101-12-004A, 104-01-381A, and 101-09-005A by creation of four isolated exceptions to the current Walker boundaries, as submitted.

N. Delegation of Authority to Superintendent and Chief Financial Officer to Certify the District's Projected Ending Cash Balance for Any Fiscal Year

Board Book information: *During its second regular session, the 49th Legislature passed SB 1188 as emergency act. The bill modified existing statutory provisions relating to the estimation of property taxes by each county school superintendent.*

A.R.S. § 15-302 and A.R.S. § 15-991 presently outline the relevant duties of a county school superintendent. These elected officials are required to:

- distribute all laws, reports, circulars, instructions and forms that they receive for the use of school officers;*
- record all official acts;*
- appoint governing board members of school districts to fill all vacancies;*
- make reports, when directed by the Superintendent of Public Instruction, showing matters relating to schools in that county;*
- file, in writing, with the governing board of each school district in the county and the Board of Supervisors the estimate of monies required by each school district annually, based on the budgets adopted by the governing boards; and*
- recalculate equalization assistance for education and compute the additional amount to be levied for pupil transportation costs no later than August 1 (A.R.S. § 15-991).*

SB 1188 added the Property Tax Oversight Commission (PTOC) to the list of those to whom a county school superintendent must report the estimated amount of monies each school district needs for the upcoming year. The PTOC, established pursuant to A.R.S. § 42-17002, consists of the Director of the Department of Revenue (as chairman) and four persons who are knowledgeable in the area of property tax assessment and levy. The commission members are appointed by the Governor, the President of the

Arizona Senate, and the Speaker of the Arizona House of Representatives. The stated purpose of the PTOC is to further the public confidence in property tax limitations, provide a uniform methodology for determining those limitations, and provide a continuing review of practices for ensuring a fair and equitable administration of property tax laws.

SB 1188 also specifies that the county superintendent's estimate of the amount of funds required by each school district must include the projected ending cash balance from the previous year and be adjusted for encumbrances and payables as provided by the school district and as certified by the president of the school district governing board. The county superintendent is then required by the law to subtract from each school district's budgeted expenditures the total amount of estimated revenues including the projected ending cash balance from the previous year adjusted for encumbrances and payables in order to estimate the additional amounts needed from the primary and secondary property tax for each school district.

The county superintendent must then certify, in writing, the estimated additional amounts needed from the primary and secondary property tax for each school district to the Board of Supervisors and the PTOC. The county superintendent must also certify the amount of equalization assistance for education and the amount needed for each school district from the primary property tax to the Board of Supervisors and the PTOC

The timing of these processes, culminating in the setting of the school district tax rate can be exacting. In order to facilitate the certification and budgeting process, and allow for timely procedures, SB 1188 allows a school district governing board to delegate the authority to certify the district's projected ending cash balance to a school district superintendent or business manager. The administration recommends the Board delegate authority to the Superintendent and Chief Financial Officer certifying the projected ending cash balance for any fiscal year to the Pima County School Superintendent.

The Governing Board approved delegation of authority to the Amphitheater School District Superintendent and Chief Financial Officer to certify the projected ending cash balance for any fiscal year to the Pima County School Superintendent.

O. Award of Contracts for Fiction Library Books Based on Responses to Request for Bid 10-0056

Board Book information: *Request for Bid (RFB) 10-0056 for Fiction Library Books was mailed to 45 vendors registered with the Purchasing Department; 24 vendors responded. This bid award provides elementary and middle school librarians access to discounted publications, shipping and other library services. Vendors were asked to provide their catalog with available discounts. Vendors were also asked to provide no charge shipping for orders over \$500 and no charge processing to include: MARC records, spine label, bar code, Mylar book jackets, pockets and catalog cards to include main entry, shelf list, title, subject cards and series cards if available. Fifteen vendors met the bid requirement for no-charge freight on orders over \$500 and no-charge processing. They have been recommended for award. [Board Book holders were provided with vendor evaluation detail.]*

The Administration recommends the Governing Board make the determination a single award is not advantageous to the District and approve the Award of Contracts for Fiction Library Books to ABDO Publishing, Baker & Taylor, Crabtree Publishing, Davidson Titles, Delaney Educational, Follett Library Resources, Gareth Steven's Publishing, Garrett Book Company, Gumdrop Books, Junior Library Guild, Lerner Publishing, Pegasus Press, Perma-Bound Books, Rainbow Book Company and Rosen Publishing based on their responses to RFB 10-0056.

The Governing Board approved the award of contract for fiction library books to: *ABDO Publishing, Baker & Taylor, Crabtree Publishing, Davidson Titles, Delaney Educational, Follett Library Resources, Gareth Steven's Publishing, Garrett Book Company, Gumdrop Books, Junior Library Guild, Lerner Publishing, Pegasus Press, Perma-Bound Books, Rainbow Book Company and Rosen Publishing based upon their responses to RFB 10-0057, as submitted.*

P. Award of Contracts for Non-Fiction Library Books Based on Responses to Request for Bid 10-0057

Board Book information: *Request for Bid (RFB) 10-0057 for Non-Fiction Library Books was mailed to forty-five vendors registered with the Purchasing Department; 31 vendors responded. This bid award provides elementary and middle school librarians access to discounted publications, shipping and other library services. Vendors were asked to provide their catalog with available discounts. Vendors were also asked to provide no-charge shipping on orders over \$500 and no-charge processing to include; MARC records, spine label, bar code, Mylar book jackets, pockets and catalog cards to include main entry, shelf list, title, subject cards & series cards if available. Twenty vendors met the bid requirement for no-charge freight, on orders over \$500 and no-charge processing. They have been recommended for award. [Board Book holders were provided with vendor evaluation detail.]*

The Governing Board approved the award of contract for non-fiction library books to: *ABDO Publishing, Baker & Taylor, Bearport Publishing, Crabtree Publishing, Davidson Titles, Delaney Educational, Follett Library Resources, Gareth Steven's Publishing, Garrett Book Company, Gumdrop Books, Heinemann Raintree Library, Infobase Learning, Junior Library Guild, Lerner Publishing, Marshall Cavendish, Mason Crest Publishers, Pegasus Press, Perma-Bound Books, Rainbow Book Company and Rosen Publishing based on their responses as submitted based upon their responses to RFB 10-0057, as submitted.*

Q. Award of Contract for Starters and Alternators Based on Responses to Request for Bid 10-0058

Board Book information: *Request for Bid (RFB)10-0058 for new and rebuilt starters & alternators for White and Yellow Fleet Vehicles was mailed to eleven vendors registered with the Purchasing Department; 4 vendors responded. Tucson Alternator Exchange was the low responding vendor. [Board Book holders were provided with vendor evaluation detail.]*

The Governing Board approved the award of contract for starters and alternators to *Tucson Alternator Exchange* for new and rebuilt starters based upon their response to (RFB) 10-0058, as submitted.

R. Award of Contract for Library Supplies Based on Responses to Request for Bid 10-0060

Board Book information: *Request for Bid (RFB) 10-0060 for Library Supplies was mailed to nine vendors registered with the Purchasing Department. Brodart had the lowest prices based on a market basket cost. [Board Book holders were provided with vendor evaluation detail.]*

The Governing Board approved the award of contract for library supplies to *Brodart* based upon their response to RFB 10-0060, as submitted.

S. Award of Contract for Modified Bitumen Roofing Wetmore Center Based on Responses to Request for Bid 10-0071

Board Book information: *Request for Bid (RFB) 10-0071 for Modified Bitumen Roofing was mailed to fourteen roofing contractors registered with the Purchasing Department. The work requested is for the Governing Board roof; 5 roofing contractors attended the voluntary pre-bid site visit. One contractor responded to the RFB: Custom Roofing Company, Inc, with a net bid amount of \$17,982.*

The Governing Board approved the award of contract for modified Bitumen Roofing supplies to *Custom Roofing Company, Inc.*, based upon their response to RFB 10-0071, as submitted.

T. Award of Contracts for Art Education Supplies Based on Responses to Request for Bid 10-0074

Board Book information: *Request for Bid (RFB) 10-0074 for Art Education Supplies was mailed to seventeen vendors registered with the Purchasing Department; 9 vendors responded. This bid award provides District art teachers with access to discounted art supplies and freight cost. Vendors were asked to provide their catalog with available discounts. Six vendors met the bid requirement for discounted pricing and no-charge freight for orders over \$150. They have been recommended for award. The Administration recommends the Governing Board make the determination a single award is not advantageous to the District and approve the award of contracts*

The Governing Board approved the award of contract for art education supplies to *Ellison Educational Equipment, Lakeshore, Learning Services, Quill, S&S Worldwide, and Smile Makers* based upon their responses to RFB 10-0074.

U. Award of Contract for Automotive Batteries Based on Responses to Request for Bid 10-0075

Board Book information: *Request for Bid (RFB) 10-0075 for automotive batteries for white and yellow fleet vehicles was mailed to eleven vendors registered with the Purchasing Department; 11 vendors responded. Interstate Battery was the low responding vendor.* [Board book holders were provided with a spreadsheet with detailed bid response information.]

The Governing Board approved the award of contract for automotive batteries for white and yellow fleet vehicles to *Interstate Battery* based upon their response to RFB 10-0075.

V. Award of Contract for Brake Parts and Lights Based on Responses to Request for Bid 10-0076

Board Book information: *Request for Bid (RFB) 10-0076 for brake parts and lights for white and yellow fleet vehicles was mailed to eleven vendors registered with the Purchasing Department; 5 vendors responded. Fleetpride was the low responding vendor.* [Board book holders were provided with a spreadsheet with detailed bid response information.]

The Governing Board approved the award of contract for brake parts and lights to *Fleetpride* based upon their response to RFB 10-0076.

W. Award of Contract for Automotive Filters Based on Responses to Request for Bid 10-0077

Board Book information: *Request for Bid (RFB) 10-0077 for automotive filters for white and yellow fleet vehicles was mailed to nine vendors registered with the Purchasing Department; 7 vendors responded. Fleetpride was the low responding vendor.*

The Governing Board approved the award of contract to *Fleetpride* for automotive filters based upon their response to RFB 10-0077.

X. Award for Contracts for Appliance Repair Based Upon Responses to Request for Bid 10-0078

Board Book information: *Request for Bid (RFB) 10-0078 for Appliance Repair Services was mailed to seven vendors registered with the Purchasing Department; 3 vendors responded. A-United, the low responding vendor, will service all appliances except ice cream shake machines, which they do not service. These machines will be serviced by General Parts (Tresco).* [Board book holders were provided with a spreadsheet with detailed bid response information.] *The Administration recommends the Governing Board make the determination a single award is not advantageous to the District and approve the Award of Contracts for Appliance Repair Services to A-United and to General Parts, (Tresco) based upon their response to Request for Bid 10-0078.*

Having determined that a single award is not advantageous to the District, the Governing Board approved the award of contracts for appliance repair services to *A-United* and to *General Parts (Tresco)* based upon their responses to RFB 10-0078.

Y. Authorization to Utilize a TCPN Cooperative Contract for the Purchase of Office Supplies and Equipment

Board Book information: *Section R7-2-1191 of Arizona Administrative Code authorizes a school district to participate in a cooperative purchasing agreement with one or more public procurement units for the purchase of materials and services. A requirement for participation in a cooperative purchase agreement is that the public procurement unit administering the agreement complies with Article 10 of the Arizona Administrative Code, School District Procurement. The Purchasing Department has reviewed the TCPN (The Cooperative Purchasing Networks) procurement and determined it is in compliance with Article 10. With Governing Board approval the District will utilize a TCPN Contract for the purchase of office supplies and equipment from Office Depot.*

The Governing Board authorized use of The Cooperative Purchasing Networks' contract, known as a "TCPN," for District purchases of office supplies and equipment from Office Depot.

Z. Approval to Sell Donated Real Property

Board Book information: *On January 26, 2009 the Governing Board approved a Resolution accepting a gift from the Glenda J. Schottenstein Trust. The Trust specifically directed where funds were to go and how they are to be*

used within the District. Distribution of trust funds is to be made among the following seven (7) schools: Amphitheater Middle, Prince Elementary, Holaway Elementary, Keeling Elementary, Nash Elementary, Rio Vista Elementary, and Coronado K-8. Funds received by each school are to be used by the recipient schools for specified purposes: 50% for school clothing and shoes for "needy children" and 50% for the funding of art projects and field trips. As a result of the donation from the Schottenstein Trust, the District now owns real property located at 2060 E. Cyprus Canyon Drive Green Valley, AZ 85622. The property is a single family home located in the Quail Creek subdivision. With Governing Board approval the District will obtain the services of a licensed realtor, determine the market value of the property, and list for sale.

The Governing Board approved the sale of real property located at 2060 E. Cyprus Canyon Drive, Green Valley, AZ 85622 with proceeds from the sale to be deposited into the Gifts and Donations account for the Schottenstein Trust.

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

Board Book information: *As the Board is aware, A.R.S. § 15-910 permits Arizona school districts to:*

"... budget for expenses of complying with or continuing to implement activities which were required or permitted by a court order of desegregation or administrative agreement with the United States department of education office for civil rights directed toward remediating alleged or proven racial discrimination which are specifically exempt in whole or in part from the revenue control limit and the capital outlay revenue limit...."

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

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

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

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

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

In the case of HCR 2022, the legislature determined that new programs which go beyond the level, type and form of existing state programs should have their own funding source, so as not to burden the state and its current and

continuing programs. In the exact same way, the cost of new programs or services mandated or permitted by OCR agreements or court orders should have their own source of revenue, rather than burdening the existing and continuing programs and services of a school district. Presumably, the legislature agreed when it originally placed A.R.S. § 15-910 into law.

The Bases for Amphi's Desegregation Funding. Amphi's desegregation activities, and consequently its expenses under the statute, arise from two administrative agreements between Amphi and OCR. These agreements are known as "corrective action agreements".

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

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

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

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

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

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

- *Sufficient levels of specially trained teachers provide specialized instruction to LEP students, in Sheltered English Immersion classrooms in accordance with Proposition 203, to ensure timely provision of services to LEP students.*
- *Bilingual instructional assistants assist teachers in Sheltered English Immersion/ESL classrooms.*
- *Additional special education teachers have been placed at schools with high numbers of ESL students to ensure prompt access to special education services by ESL students and families.*
- *At schools with significant LEP populations, regular classroom teachers and administrators also play key roles in the provision of educational services, monitoring of student success, and assurance of LEP student access to other District services including special and gifted education.*

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

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

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

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

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

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

The Required Verifications. Pursuant to A.R.S. §15-910(J)(3), the Governing Board must now provide the following data and verifications concerning the above described desegregation program on or before July 1, 2011:

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

A substantial portion of the required information listed above is provided to the state through the budget forms for the District. Items (d) and (k) through (s), however, must be submitted as individual documents,

together with a verification form to be executed by the Governing Board president. These requisite submissions, including the verification form to be executed by President Grant, are included as attachments to this item.

The Governing Board approved the verifications of desegregation funding matters and authorized the Board President to execute/submit the Desegregation Verification Reporting for Fiscal Year 2011 to the Arizona Department of Education on behalf of the Board pursuant to A.R.S. §15-910(J)(3) (Exhibit 8, pp. 1-46).

BB. Approval of Bond-Related Projects:

1. Award of Contract for the Demolition of Modular Buildings at Amphitheater High School and Amphitheater Middle School Based Upon Responses to Request for Bid 10-0082

Board Book information: *Construction companies and demolition contractors registered with the Purchasing Department were notified Request for Bid (RFB) 10-0082 was posted to the District's website. The scope of work required the demolition of two modular buildings at Amphitheater Middle School and five at Amphitheater High School. Four bid responses were received. Please see below for net demolition costs less tax:*

<i>Building Excellence LLC</i>	<i>\$ 50,631</i>
<i>Kapp-Con</i>	<i>\$54,538</i>
<i>Presidio Construction</i>	<i>\$64,840</i>
<i>M&S Paving</i>	<i>\$140,895</i>

The Governing Board approved the award of contract for demolition of modular buildings at Amphitheater High School and Amphitheater Middle School to *Building Excellence, LLC*, based upon their response to RFB 10-0082.

2. Authorization to Issue Requests for Qualifications (RFQ) for Construction Manager at Risk (CM at-Risk) Services for Amphitheater Middle School and Canyon del Oro High School

Board Book information: *School District Governing Boards in accordance with Arizona Administrative Code*

Rule R7-2-1116, are required to make a written determination that the use of the Construction Manager at Risk (CM at-Risk) alternative project delivery method is in the best interest of the District. This determination has been made based on the consideration of the seven factors identified in A.A.C. R7-2-1116(B)(2) as listed below:

- Cost Control – The involvement of a Construction Management Team in the development of the project design will be extremely valuable in assisting the District to know the status of the project budget as the design is fully developed. Making decisions based on the budget as the project progresses will prove to be a benefit.*
- Schedule – It is important for the educational programs within the two schools to have additional and/ or renovated space and, it is critical for the Bond Program that these projects move forward. This process will allow construction to move forward without concern for re-design due to budget overruns and unexpected problems in the bidding process.*
- Market Conditions – Due to the decline in the construction industry overall, with many subcontractors either leaving the industry or operating with skeleton crews, it is critical for our General Contractors to work with subcontractors who have been pre-qualified as to their ability to do the work and to have the financial resources available to maintain their equipment.*
- Project Management – Amphitheater has assembled a team tasked with Bond Project Management. This team is composed of members with extensive background in commercial contracts as well as school construction. The addition of an Architect and a General Contractor to the Management Teams will complete the skills needed to manage these two projects.*
- Specialized Expertise – It is important that the Amphitheater Middle School and Canyon del Oro High School Management Team contain members with unique talents, one of which is scheduling. If the project is to minimize the impact to each school during construction, optimum scheduling is required.*
- Technical Complexity – The skills required to complete a construction project and provide the financial consultation necessary to meet budget & design requirements is unique to only a certain number of General Contractors and Construction Managers. This process clearly provides the district with General Contractors and Construction Managers who possess these higher level skills.*
- Value Engineering – Allowing General Contractors to work with Architects and Management Team Members prior to breaking ground to determine scheduling, system components, (fire safety, HVAC, security, etc. roofing, wall and framing requirements, etc.) will maximize the value of each dollar spent. A major goal of the Construction Manager at Risk process is to generate alternatives through the use of*

creative thinking to complete the work required at the lowest life-cycle cost without sacrificing safety, quality, and/or environmental attributes of the project.

The Administration recommends the Governing Board make the determination that the use of the Construction Manager at Risk alternative project delivery method is in the best interest of the District and authorize its use for the work required at Amphitheater Middle School and Canyon del Oro High School.

The Governing Board approved the use of the CM at-Risk alternative project delivery method for work required at Amphitheater Middle and Canyon del Oro High schools, as described.

2. PUBLIC HEARING

A. Public Hearing on the FY 2011-2012 Proposed Expenditure Budget and Truth in Taxation Hearing Board Book information: *The Governing Board proposed a budget for the 2011-2012 fiscal year at the June 21, 2011, meeting. The Governing Board is required by Arizona Revised Statutes §15-905 to hold a public hearing on the proposed budget and a Truth in Taxation Hearing is required by Arizona Revised Statutes §15-905.01. It is the recommendation of the Administration that the Governing Board declare at this time a public hearing concerning the 2011-2012 Proposed Budget and Truth in Taxation Notice and invite citizens to ask questions or make comments.*

Dr. Balentine invited Mr. Little to highlight updated information regarding the 2011-2012 preliminary budget, which had been presented to the Governing Board at its meeting on June 21, 2011. The Governing Board approved the proposed budget at that time and also directed that a public hearing be scheduled on the proposed 2011-2012 budget and Truth in Taxation prior to final adoption at its July 5, 2011 Board meeting. A notice for the public hearing about the proposed budget was published on June 22, 2011.

Mr. Little provided an update to the 2010-2011 fiscal-year budget. The District was notified last week by the Arizona Department of Education that final budget cuts for 2010-2011 totaled approximately \$1,652,000.00; these cuts are approximately 10% more than what had originally been estimated. This is particularly challenging in that these cuts are for last year's budget.

Mr. Little next reviewed the 2011-2012 budget, which is being submitted for adoption at this meeting. This budget is identical to the proposed budget reviewed on June 21, 2011. He noted that a significant number of pages have been added to the back of the budget document due to recent changes requiring the inclusion of school-by-school, Desegregation program detail. (This ties in with the consent-agenda item 'Verification of Desegregation Funding Matters' on which the District must provide a report on an annual basis to the Arizona Department of Education.)

Mr. Little noted that this is the time in the hearing that is provided to the public giving anyone an opportunity to address the Governing Board to make comments or ask questions. There were no public comments.

Mr. Grant declared a public meeting on the proposed expenditure budget for fiscal year 2011-2012 and truth in taxation, and invited anyone wishing to address the Board to come forward. There were no such comments and Mr. Grant officially closed the public hearing at approximately 7:20 p.m.

3. STUDY/ACTION

A. Adoption of the Expenditure Budget for Fiscal Year 2011-2012

Board Book information: *The State of Arizona requires governing boards to formally approve and adopt an operating budget for the school year immediately following the hearing on the budget. The budget being submitted for adoption is identical to the budget proposed on June 21st with the exception of the additional Desegregation pages required by state law.*

Desegregation

These budget pages detail desegregation expenditures on a school by school basis and are required by Arizona Revised Statutes §15-910(J). The Desegregation Budget total is unchanged from the prior year at \$4,025,000.

Adjacent Ways

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

Mr. Little added that because of statute related to the Adjacent Ways item within the budget, it is necessary to use the roll-call method in voting (versus acclamation) the adoption of the proposed budget.

A motion was made by Mrs. Boros to approve the Expenditure Budget for fiscal year 2011-2012, as presented and shown above. The motion was seconded by Mrs. Zibrat. There were no questions presented by Governing Board members. Mr. Grant called a roll-call vote as follows: Mrs. Zibrat – Aye; Mr. Grant – Aye; Mrs. Boros – Aye; and, Dr. Loomis – Aye. The final vote was 4-0 in favor of adopting the proposed budget; there was no discussion (Exhibit 9a, pp. 1-14; Exhibit 9b, pp. 1-66).

Mrs. Boros noted for the record that despite published notices there were very few people in attendance (at this meeting).O:\WPDOCS\Board Minutes\M-2011-2012\7-5-11_mh.doc

4. INFORMATION

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

Board Book information: *Dr. Kent Barrabee and Mrs. Diana Boros, Governing Board delegate and Alternate delegate, attended the ASBA Legislative Conference in Phoenix on June 25, 2011. Mrs. Boros will provide a summary of the Delegate Assembly.*

Mrs. Boros stated that the protocol for this meeting may seem somewhat daunting for someone who has not previously been in attendance; this was her second experience. She estimated the attendance at approximately 130 people. She cited some of the agenda item categories, stating that they represent the typical initiatives supported by Amphi. Dr. Barrabee was well-versed and displayed his experience; specifically, he presented an amendment to an item in which the stated item had omitted language from the state Constitution regarding taxation as necessary to insure the proper maintenance of our schools. Mrs. Boros found it interesting that the outcome of the vote did not rally support for inclusion of that language. Additionally, she observed ideological differences between rural and city school districts. She noted one topic of considerable discussion – Open Enrollment and the perception of ‘stealing students’ among school districts that results in lost revenue and, furthermore, the concerns related to the transportation of students. There was some discussion related to the climate of the legislature and the lack of successful lobbying efforts initiated by ASBA. Another topic of interest that generated discussion related to a number of school boards that are suffering from non-participation of school board member(s); there was a contingency supporting and voting to ask the Legislature to provide censure parameters and removal without election. This initiative was passed. Mrs. Boros expressed her concerns about this viewpoint; she does not support additional authority of school boards given to the legislature; and, that this type of censuring practice circumvents the ‘elective process’. The subject of Tax Credits was another topic of heated debate – the outcome of that discussion lead to language stating that if tax credits were eliminated, those funds should be directed to public, not charter-school funding; and, relatedly to more strictly govern STOs (School Tuition Organizations).

Mr. Grant speculated concerns by the ASBA related to legislative advances toward eliminating ASBA’s lobbying privileges that had been circulating last year.

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

There were no new Board Member requests.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

A motion was made by Mrs. Boros that the Board Meeting be adjourned; Mr. Grant seconded the motion; and it passed unanimously, 4-0. Mr. Grant declared the meeting was adjourned; the time was approximately 7:35 p.m.

Respectfully submitted,
Margaret Harris

Mr. Jeff Grant, President

Date

Approved: TBD