

DRAFT

**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, February 10, 2015 at 6:00 PM

Board Members Present

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

Central Administrators Present

Patrick Nelson, Superintendent
Monica Nelson, Associate Superintendent
Todd A. Jaeger, J.D., Associate to the Superintendent and General Counsel
Scott Little, Chief Financial Officer

OPENING OF MEETING

Call to Order and Signing of Visitors' Register

Ms. Day called the meeting to order at 6:03 PM and invited members of the audience to sign the visitors' register.

Pledge of Allegiance to the Flag

Copper Creek Elementary School

Ms. Day asked Mr. Nelson to introduce our guests for the Pledge of Allegiance. Mr. Nelson commented on the outstanding students with us from Copper Creek Elementary School and asked Ms. Tanya Wall, Copper Creek Principal, to introduce them. Ms. Wall said that she was excited to be here tonight because of the exceptional students she has with her. Each one has been honored at a Spirit Assembly for being Student of the Month, and they bring so much to their school community. Pledge Leaders included: Aerie Draegeth, Makenzie Crane, Drayson Brynes, Cash Jerome, Brysen Barrios, Natalia Calderon, Mia Garcia Villa, Carson Weir and Zachariah Summerlin. She introduced each student and shared what their teachers said make them exceptional. Each student introduced their parents and guests. The students then led the Pledge of Allegiance. Mr. Leska thanked the students and presented each with a certificate of appreciation on behalf of the Board.

Recognition of Student Art

Copper Creek Elementary School

Ms. Day asked Copper Creek Art Teacher Linda McCoy to tell us about this month's art work. The styles of student art on display this month included: worm's eye view, inside-out stuffed animals, silhouettes, wire art, clay work and clay melted faces after the style of Edvard Munch's *The Scream* painting. Ms. McCoy said she loves teaching art all the way from pre-school up to adults. Copper Creek has a fantastic group of kids and she is lucky they enjoy coming to Art. They work with a lot of different mediums. Dr. Barrabee asked Ms. McCoy to tell everyone a bit more about the art and if any of our Pledge Leaders have art on display maybe they could say something as well. Several students spoke about their guitar art pieces they painted that look like a real guitars. Ms. McCoy said that they are doing Math integrated Art, they also create a lot of art from recyclables, and she loves to use wire and manipulatives.

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

Ms. Day announced the next Special Meeting of the Governing Board on Tuesday, February 24, 2015, 5:00 PM, at the Wetmore Center, 701 W. Wetmore Road.

1. RECOGNITION(S)

A. Recognition of Amphitheater High School Superintendent's Student Advisory Council

Grade 9: Pedro Medina, David Watson, Katie Kohlhorst and Hope Millsap.

Grade 10: Jesus Grijalva, Anthony Mercier, Mikayla Riccio and Cynthia Villanueva.

Grade 11: Erick Zendejas, Nicole Aquino, Michelle Garcia Lopez, Bryan Villalobos and Pablo Salayandia.

Grade 12: Tesla Chapa, Roxaria Velazquez, Dante Anderson and Isaiah Reffitt.

Board Book Information: *The students of Amphitheater School District are our most important assets. That is no more evident than when they step up to take leadership positions at their schools. The Governing Board would like to recognize the Superintendent's Student Advisory Council members of Amphitheater High School, and thank them for their service to their classmates and school. Their input during group discussions and their concern for Amphitheater High School provide the students and Superintendent an opportunity to talk informally about student issues and concerns. We know students have busy school, work, and extra-curricular schedules. Taking the time to discuss issues that are important to their peers is a clear indication that council members care about their school.*

Mr. Nelson said he meets three or four times a year with students from each High School on what is called the Superintendent's Student Advisory Council. It is a highlight and he enjoys meeting with them. The Amphi High group is a lot of fun and they are a great group of students. He asked Mr. Lansa to introduce the students. Mr. Lansa said that the students meet with Mr. Nelson and give him the heartbeat of Amphi High - what is going on, what the needs are, what the hopes and dreams are. They are a great representation of Amphi High. These students are involved in everything from the Cambridge to the AP program, sports, clubs and you see what our school has to offer. Mr. Lansa introduced each student. Dr. Barrabee asked the students to think about what kind of concerns they've had, how they feel about expressing their concerns, and what type of response they get and then share them with us. Dr. Barrabee then handed out the certificates and congratulated each student. Dr. Barrabee asked if anyone was ready to speak. One student said their concern was for their peers and their futures and the deep impact their teachers have on them and what they would become. So he wants the teachers to be really involved in the students' lives and guide them to make the right choices. Another student said the past three years she has got a lot done on the council, so she really has no concerns. She knows that the group of upcoming students will take her place and do as well. She likes the fact that the Superintendent, the Board and all the Administration at school listen to them and do their best to make sure that what they say happens, because they are the students and the people they need to listen to. The next student shared that he wants to make school fun and easy for kids to do, so they don't wake up first thing in the morning with a drag on their face, saying, "Ah, I gotta go to school." He wants to try to make it a happier place. Dr. Barrabee thanked them for sharing and was happy with what he heard.

B. Presentation of Distinguished Service Awards

Kelly Smith, Fifth Grade Teacher, Walker Elementary

Amy Richards, Food Service Coordinator, Food Service Department

Board Book Information: *The Distinguished Service Award was established to recognize employees' initiative, collaboration, loyalty, and contribution to the Amphitheater Public School District. Employees are recognized on a monthly basis during the school year. All Amphitheater employees are eligible to be nominated by their colleagues for this recognition.*

Mr. Nelson introduced the Distinguished Service Awards (DSA), which provides an opportunity every month to recognize two employees from our hardworking staff. Mr. Nelson invited Ms. Blake to introduce the recipients for February 2015.

Amy Richards - Ms. Richards is the Food Service Coordinator for Amphitheater Schools. She's worked very hard to assure that the District is in compliance with the new Federal guidelines regarding nutrition. She's embraced the changes that were required to move the department forward the last few years. Amy makes sure that the students have nutritious meals every day. And although she is in an office support position, she is known for rolling up her sleeves, putting on her food service gloves and hairnet and going to work wherever she is. Amy shared that she has been with the District for over 30 years starting part-time as a parent when her children were in school and it has grown as a career. Ms. Day presented Ms. Richards with the Distinguished Service Award.

Kelly Smith - Ms. Smith is a Fifth Grade teacher at Walker Elementary. One of the things that you will notice when you walk into her classroom is that her students are engaged. She says that her students can get her excited about any topic or idea. Kelly has a knack for incorporating Science into all academic areas and her love of Science and the fact that she is a self-proclaimed Science geek, is obvious. She is the lead teacher for the Science Fair extravaganza; she loves to work with the students after school while they are perfecting their Science presentations. It is her goal to help students be their very best. Ms. Day presented Ms. Smith with the Distinguished Service Award. Kelly shared that she remembers being in this very Board Room as a child leading the Pledge of Allegiance. She is honored to be here and appreciates everything everyone does. She is who she is because of everyone who has supported her. "Students first" is her passion.

C. Recognition of Stuff the Yellow Bus Coordinators

Nancy Montoya, Kurt Ijams and Hal Montoya-Ijams

Board Book Information: *Stuff the Yellow Bus is a neighborhood holiday donation drop-off site. Volunteers collect books, toys, clothing and food for children and families in need during the holiday season. In December 2015, an Amphitheater school bus was staged on the northeast corner of Oracle and Orange Grove for the purpose of collecting items donated to the drive. Nancy Montoya and Kurt Ijams have coordinated the effort for the past five years. Their son, Hal Montoya-Ijams "opened and closed" the bus for business during the 2015 collection effort. Recipients are The Amphitheater Foundation, Interfaith Community Services, United Cerebral Palsy of Southern Arizona, and El Rio Community Health Centers Foundation. Tonight we recognize the Ijams family for their dedication to making the drive a success, and for their service to the Amphi community.*

Mr. Nelson announced that we are honoring a couple and their son who have contributed so much to the District over the past 12 years, never wanting any credit and always asking what they can do. Tonight they are being recognized for the past 5 years working on the Stuff the Bus Program. Ms. Nelson asked Ms. Blake to introduce them. The Montoya-Ijams family has been a longtime supporter of the schools. They started Stuff the Yellow Bus 5 years ago to collect for families in need. The District provided a school bus to serve as a collection point during the holidays. It's all a volunteer effort and so far it has brought in \$50,000.00 worth of food, toys, books and clothing over the years. Many of the volunteers are from our District as well. Hal is a 2009 CDO graduate. He opened the bus every morning and closed it up every night. Mr. Ijams stated that they have worked on it for the past 5 years. The concept is to man a collection point at one location from Thanksgiving through Christmas that allows everyone to identify where the donation point is. Last year they were at ACE Hardware on Orange Grove and Oracle. It is a partnership with Amphi who provides B22, Gus the Bus, to collect the goods. Many volunteers, including Board Members come to sit on the bus. He thanked everyone for their help and they look forward to seeing everyone next year on the bus. Ms. Grant thanked them for everything they do for the students in the District and presented them with certificates of appreciation. Dr. Barrabee added that Stuff the Bus is only one of the many contributions they have made to the District. They have also taught students audio-visual techniques, and prepared outstanding audio-visual presentations both for the Amphi Foundation Gala as well as the Metropolitan Education Commission.

D. Introduction of New Administrator Leadership Academy

Jim Burns

Natalie Burnett

Tony Jacobsen

Brice Menaugh

Sarah Andricopoulos

Board Book Information: *At the beginning of the 2005-2006 school year, the District began a Leadership Academy for new administrators. This was initiated, in part, to assist new administrators as they learned the procedures, policies, and culture of the District. These administrators completed the New Leadership Academy in the 2014-2015 school year.*

Mr. Nelson explained that the New Administrator Leadership Academy is a program the District has offered for the last 9 years. Administrators are hired new to their position in the District, and they may be from inside or outside the District. They are required to go through approximately 40 hours of training and conversation with Senior Staff members and others so that as quickly as possible they learn the District, our culture, who to contact, etc. Mr. Nelson introduced each one and spoke briefly about their position.

2. PUBLIC COMMENT

Ms. Day read the open call to the audience. Mr. Linton submitted a speaker card to address the Board. Mr. Glenn Linton stated that he is a teacher at Ironwood Ridge High. He shared that on Saturday, January 31, 2015 he had the pleasure of attending the first Town Hall meeting run by Mr. Leska. It was wonderful to see grassroots American democracy at its fundamental finest where elected officials meet face to face with their constituents. This is in keeping with a tradition set forth by our country's forefathers, and follows the example set by our own Congresswoman Gabrielle Giffords in her Congress on the Corner and, by Tom Carlson, a Marana School Board Member, who holds Town Hall meetings. The meeting was attended by over 30 citizens including concerned parents and grandparents. There were teachers from many disciplines and multiple sites. There were many students and a State House Representative. Mr. Linton looks forward to additional Town Hall meetings and encourages everyone to attend including Board Members, Administrators, parents and students.

3. INFORMATION

A. Status of Bond Projects

Mr. Nelson asked Mr. Chris Louth to present the latest update on our Bond Project. Mr. Louth went over the presentation as noted below.

I. INSTRUCTIONAL SPACE / PORTABLE REPLACEMENT

A. Wetmore Center Portable Replacement / New Professional Development Building:

Construction is 32% complete.

Phase 1 renovations: School Operations, Federal Programs, Human Resources / Benefits, and Technology offices are all complete and occupied.

Phase 2 renovations: Student Services offices renovations are in process. Demo, interior framing and electrical rough-in are complete. Drywall is hung and being finished.

Phase 3 renovations: Professional Development Building construction is in process. The west portable has been removed and over-excavation of the building pad is being completed. Underground utility work is complete and footer and foundation installation is starting. The Wetmore project is on schedule and on budget.

B. Donaldson Elementary School Addition / Remodel:

Design Development drawings are complete and Construction Documents are being prepared.

C. Mesa Verde Elementary School Addition / Remodel:

Construction Documents are complete and being priced. Mr. Mark Bollard of Swaim and Associates is here tonight to give a “virtual tour presentation” of the project.

II. HEALTH, SAFETY, AND SECURITY

A. Wilson K-8 Playground Improvements: Courtyard playground improvements are complete.

III. NEW SCHOOL

A. New Elementary School: Programming of the new school is complete and Schematic Design is in process. A website is available for project updates www.amphi.com/stem-school-news

Mr. Louth said he would be happy to answer any further questions. Mr. Leska asked what phase the STEM School was currently in. Mr. Louth confirmed that we are working on the Schematic Design. Schematic design is the first of three phases of design. We are looking at concepts, building shapes and site configuration. Mr. Leska asked if we were in the very early stage, about 10% into the process. Mr. Louth stated there are three main phases. The second stage is Design Development where we work on the nuts and bolts of the project, the HVAC and electrical. The third and final stage is Construction Documentation which are the plans and specifications for fitting and the actual construction. Mr. Leska asked who the architect is that is doing the preliminary design concept. Mr. Louth confirmed it is Swain and Associates.

Ms. Grant thanked Mr. Louth for his service to the District as he is leaving us. We always like to hear “on time and on budget”. She thanked him for the good job and everything he has done for the District. Mr. Nelson added that he has been an exceptional employee who has a tremendous work ethic and great attention to detail. It is not unusual for Chris to be at a site on the weekend reviewing a project. As we are nearing the end of the projects he is moving on to other things. We all are sad to see him leave and we wish him luck. He has had a tremendous impact on the District.

Mr. Louth introduced Mr. Mark Bollard of Swain and Associates who gave an animated, virtual tour of the Mesa Verde project. He talked about the improvements. The west side of the campus has erosion issues that will be remedied with tiered walls with seating saving the trees. There will be handicap access on the South play area and complete resurfacing of the play courts. A major component of the project is removal and replacement of the portable classrooms. The buildings will have full student services and include a Music and Art area and two computer labs. Some resource rooms will be consolidated. The new buildings will pick up the language of the existing buildings and the roof is set up for future solar installation. The office will be reorganized and updated. New entry areas will provide a central access area for entry from the public side to the secure side of the campus.

Ms. Day asked if there were any questions. Mr. Leska asked what phase we were in with the Mesa Verde project. Mr. Bollard said we are in the Construction Documentation phase. They have been fully completed and all the disciplines have been signed and sealed. It has gone out to bid for pricing and we are waiting for that to come in. It is currently in Pima County for third party review as well and we expect permits in a couple of weeks. Mr. Leska asked when the bid openings will be. Mr. Bollard said the contractor had selection of subcontractor bids today; they will go through all of those and do a presentation to the group this next week. Mr. Leska asked if it was expected to be under budget. He said yes, at the time it was expected to be under budget and the contractor has been able to manage our costs. We have worked very closely with site staff to keep it within the budget we have set. Dr. Barrabee said, as always we extend our appreciation to the community for the support that they have provided through Bonds to help us better serve our students and the community.

B. Projections of Site Staffing and Non-Staffing Allocations

Board Book Information: *As the Governing Board knows, the District's budget is driven, even determined, largely by student enrollment. State funding formulas generally use enrollment measures to calculate several portions of budget authority for schools. Thus, at this time each year, the District begins budget planning for the subsequent fiscal year with a review of enrollment from the current fiscal year. This year's enrollment, as of the 40th school day (historically, a date of some significance in budgeting) is included with this item by attachment. It demonstrates a very modest decrease in enrollment from last fiscal year. Last year's 40th day student enrollment count (FTE) was 13,684. This year's 40-day count was 13,334, a decrease of some 350 students. Using the 40-day count from the current fiscal year, the budget preparation process begins with staffing and non-staffing allocations. After analyzing anticipated enrollment cohorts by grade level and other demographic information, such as expected property development, open enrollment trends and expectations, and other school level data, site staffing allocations are determined for the next fiscal year. These staffing allocations, as well as the enrollment projection data behind them, are then used in calculating the non-staffing allocations for each school. For the purpose of the Board's discussion and review of this annual administrative function, a sample staffing and non-staffing allocation (one each) for each school level (high, middle and elementary) has been attached. These allocations are based upon formulas established by the Governing Board and administration to ensure an equitable distribution of common resources to schools across the District. It should be noted that the allocations shown in the following pages represent only those funded by normal maintenance and operations funding. Other allocations augment these with funding from additional sources such as the M&O budget override, special education programs, Title I, K-3, and other grant funds.*

<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 3. B. attach] (Exhibit A)

Mr. Nelson introduced the item. This is the time of year where we begin the process of meeting with Ms. Nelson, Mr. Jaeger and Principals to go over staffing for next year. What we are presenting is an overview of both staffing and non-staffing allocations. Mr. Jaeger will provide background as to how this works. Mr. Jaeger explained how current enrollment is reviewed and used to project staffing needs for the next year. As of the 40th day total enrollment is down about 300 students. We were expecting some of decrease due to the opening of the Basis Charter School. We have not seen as much decline as might have been expected. On the chart enrollment is listed by school and grade level. Our budget is driven almost exclusively by enrollment. Given that fact, and that much of our budgetary needs are driven by enrollment as well, many allocations we make to a site for funding, staffing and other resources are also similarly tied to their enrollment. Sample allocations were shown for a High School, Middle School and Elementary School. Mr. Jaeger explained the staffing and funding that would be given based on a sample enrollment and programs.

Dr. Barrabee asked what the status of the announced 5% cut on non-classroom funding was and how we were responding to it. Mr. Nelson clarified that since that subject is not on the agenda as an item, it cannot be discussed tonight. A copy of the Budget Communique that is being sent to the entire staff regarding the Governor's budget, and some of its implications, will also be sent to the Board. If the Board would like a Friday Memo with a little more detail, it can be provided. Ms. Cozad asked how many students a school needed at the Elementary level to be self-sufficient. Mr. Jaeger said that ultimately whether a school is self-sufficient or not (as no school is truly self-sufficient) takes a governing board's consent to operate. We have seen in the other districts determinations made to keep schools open at very low enrollment levels and to close others. There are schools that operated and served the community with students in the range of 300. They can operate and provide a program. There are Middle Schools that can and do operate in the 500 student range. There are High Schools operating in the 1,200 student range. There is suggestion in some literature to have the diversity of programming needed at the High School level that you need to have at least 800 students. There are no set numbers. It is essentially what the community needs, desires and what the Governing Board directs. Mr. Leska asked with a 0.8 FTE such as PE, how we keep teachers if they are not fully employed. Does the PE teacher double in another capacity? Mr. Jaeger said we have teachers employed at different levels. That teacher might pick up another 0.2 position, or may just simply work 0.8. We have teachers who are referred to as itinerant, who are spread across

multiple schools. Mr. Leska asked what amount of FTE is needed to receive full benefits. Mr. Jaeger responded that employees at 0.8 are eligible for full District contribution. It fluctuates when lower than 0.8.

Ms. Day called for a short recess at 7:08 PM. The meeting came to order again at 7:16 PM.

C. Periodic Legislative Update

Board Book Information: *This Item is presented to permit the Governing Board to review and discuss the status of education-related legislation which has been proposed in the first regular session of the 52nd Arizona legislature this year.*

On November 18, 2014, the Governing Board approved the following District Legislative Priorities for the 2015 Legislative Session(s):

- 1. Increase Funding for K-12 Education.*
- 2. Restore Career Ladder Funding.*
- 3. Maintain Desegregation Funding.*
- 4. Provide Adequate Funding to Serve English Language Learners.*
- 5. Establish a Reliable and Adequate Source of Funding for the School Facilities Board.*
- 6. Provide User-friendly and Practical Reporting Requirements and Provide Funding Support for the Same.*
- 7. Protect and Support Educator Due Process Rights.*

A summary of bills introduced in the Arizona House of Representatives and the Senate follows and includes current status of those bills where available. In subsequent legislative updates, status updates on each bill will be provided. The currently proposed legislation is grouped together by the general topic.

<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 3. C. atch] (Exhibit B)

Mr. Nelson introduced the item. Mr. Jaeger will summarize some of the legislation and report on the known progress. The last day that bills were allowed to be presented in the Senate was February 2nd, and in the House was February 9th. Mr. Jaeger stated that the good news is we are not covering all the bills on the slide show. We are focusing on some of the bills that seem to be fast-tracking.

- **HB 2064** - Requires that students pass a Civics test as a requirement for graduation beginning in the 2016-2017 school year. It was introduced and passed in one day.
- **HB 2516** - If teachers or certificated personnel obtain continuing education in the area of Child Abuse, identification, prevention, etc., they can receive continuing education credits for it. It is on the way to the Senate.
- **HB2478** - Would allow JETDs to contract with any Charter School located within their jurisdictional boundaries to offer CTE programs with Charter Schools as they would school districts. It is on the way to the Senate.
- **Senate Bill 1093** - AZ online instruction. Requires and mandates that school districts accept concurrently enrolled students (enrolled both online and in classroom) and prohibits districts from charging for any examinations for core credits or any kind of end of course assessments. It is on the way to the House.
- **HB 2185** - Alternative to certification programs in the state. There is some funding set aside for it that will continue funding for several years. It specifies that 50% of the funding be spent in Counties with a population of 1 million or less. It is on the way to the House COW.
- **Senate Bill 1117** - Regarding online instructional programs allow Charter authorizers to sponsor Charter Schools to be online instruction providers or online schools. On the way to the House COW.
- **Senate Bill 1172** - Prohibiting School Districts from releasing directory information or other student information to anyone engaging in political activity. Directory information is the kind of information specified under the Family Educational Rights and Privacy Act, a Federal law that describes and directs how we maintain the confidentiality of student information. Directory information under the law is

defined to include the kind of things you would find in a student directory, like a student's picture, name, address, and phone number. The kind of things you would see in directories that might go home to families. The law says you can release that information generally to anyone who requests it. In our District we already limit what is defined as directory information and what it can be used for. First of all, excluded from our Directory information is: parent name, address and phone number. It never includes it to begin with. Additionally our District policy precludes use or release of any student information for political purposes. What remains to be seen is if the way the bill is crafted, it will withstand Constitutional scrutiny. There may be a less restrictive way to achieve it. It would also prohibit school districts and other LEAs, specifically Charter Schools, from accepting any compensation or gifts other than the fees we are allowed to charge for making copies of the records. It is on the way to the Senate COW.

- **Senate Bill 1289** - Is a hold harmless bill that would suspend the previous grading system for schools, the A - F system, for grading years 2014-2015 and 2015-2106. It prohibits ADE from assigning any of those grades, allowing them to focus on creating the new system. However it directs that ADE continues to assess and measure performance and publish the results. ADE is to develop criteria to identify districts that are at below average performance or failing levels. It also allows Governing Boards to adopt alternative policies regarding performance pay, given the changes about all the new testing requirements. It would be allow districts to adopt policies regarding dismissal and non-renewal of teachers who are in the two lower performance levels, recognizing things are up in the air regarding performance measures. In 2015-2016 to 2016-2017 school districts that are failing, that have 10% or more of their pupils in 3rd Grade not moving on in reading and schools that were assigned C, D or F grades last school year will receive additional K-3 reading money in addressing the deficiencies. By the end of this calendar year the Legislature requires that the ADE submit proposed legislation to implement a new accountability system based upon evaluation structures that hopefully will be resolved by then. This bill is on its way to the Senate COW.

If Board Members have interest in a particular bill they would like tracked, or to be provided with monthly updates on, they will be included in our next session. Regarding SB 1289, Mr. Leska asked if we have any schools that fall in the lowest rating category. Mr. Jaeger said we do not.

4. CONSENT AGENDA

Ms. Day asked if there were Board Member requests to have any items addressed separately. Mr. Leska asked to have Consent Agenda Items 4. A. and 4. L. addressed separately. A motion was made by Mr. Leska to approve Consent Agenda Items B - K, M and N. The motion was seconded by Ms. Cozad and passed unanimously 5-0. Appointment of personnel is effective provided all district, state, and federal requirements are met.

A. Approval of Minutes of Previous Meeting(s)

Minutes from the January 13th, 27th and 31st meetings were approved as submitted.

[<http://www.amphi.com/departments-programs/governing-board-minutes/2014-2015/january-2015.aspx>, Item 4. A.] (Exhibit C)

B. Approval of Appointment of Personnel

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

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 4. B.]

C. Approval of Personnel Changes

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

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 4. C.]

D. Approval of Leave(s) of Absence

Leaves of Absence requests were approved for certified and classified personnel as listed in Exhibit 3.
[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 4. D.]

E. Approval of Separation(s) and Termination(s)

Certified and classified personnel separations were approved as listed in Exhibit 4.
[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 4. E.]

F. Approval of Vouchers Totaling and Not Exceeding Approximately \$1,727,819.15 (Final Total)

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

FY 14-15

Voucher #979	\$836,289.28	Voucher #980	\$300,750.40	Voucher #981	\$309,840.29
Voucher #982	\$66,443.63	Voucher #983	\$103,242.15	Voucher #984	\$111,254.00
Voucher #986	\$51,272.38				

G. Acceptance of Gifts

The Board accepted the Gifts and Donations as listed.
[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 4. G. attach] (Exhibit 5)

H. Receipt of September 2014 Report on School Auxiliary and Club Balances

The report on School Auxiliary and Club Balances was accepted as submitted.
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.*
[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 4. H attach] (Exhibit 6)

I. Award of Contract for a Solar Photovoltaic Electrical System Provider Based Upon Responses to Request for Proposal (RFP) 14-005

Award of contract to Natural Power and Energy, LLC was approved based on their interview and Best and Final Offer to RFP 14-005

Board Book Information: *The Arizona Administrative Code R7-2-1070 covers the procurement of guaranteed energy production contracts through a competitive solicitation process for proposals. Request for Proposal (RFP) 14-0015 was e-mailed to 68 vendors and published on the District's website. Five vendors submitted proposals. The Evaluation Team scored each proposal based on the evaluation criteria listed in the RFP. The two highest-scoring vendors were asked to participate in interviews with the Evaluation Team. The Evaluation Team ranked each vendor based on the vendor's interview and their Best and Final Offer. The results were:*

Natural Power and Energy, LLC – Highest Ranking Vendor
SunEdison Government Solutions, LLC – Second Highest Ranking Vendor

J. Authorization to Enter Into a Multi-Term Contract for Request for Proposals 14-0022 Wide Area Network (WAN) Services District-wide

Authorization to enter into a multi-term contract for District-wide WAN services was approved.
Board Book Information: *The Arizona Administrative Code R7-2-1093 covers the duration of contracts for materials and services. The duration of contracts is limited to five years unless the Governing Board determines in writing that a contract of longer duration would be advantageous to the District. The*

expansion of bandwidth for Wide Area Network (WAN) services will require the installation of fiber cable within the Department of Transportation Right of Way. Federal E-Rate eligibility rules prohibit the district from owning this infrastructure so the district must enter into a long term lease with a qualifying communications company for the use of the fiber cables. Increasing the term of the contract will allow for additional competition among vendors which should result in a lower annual contract cost for the district for the services. The approval of this request will allow the district to consider a greater number of proposals from vendors. This procurement is for services to begin on July 1, 2017.

K. Receipt of Monthly Status Report for the Fiscal Year 2014-2015

The Monthly Status Report is accepted as submitted.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 4. K. attch] (Exhibit 7)

L. Approval of Out of State Travel

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

[<https://v3.boardbook.org/public/publicagenda.aspx?ak=1000433&mk=50132230>, Item 4. L.] (Exhibit 8)

M. Addendum to Out of State Travel

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

[<https://v3.boardbook.org/public/publicagenda.aspx?ak=1000433&mk=50132230>, Item 4. M.] (Exhibit 9)

N. Approval of Grants

The following Grant was approved and accepted by the Board.

Board Book Information: *Patricia Patchin from Holaway Elementary School has received a Target Field Trip grant in the amount of \$700.00. The funding will be used towards the cost of transportation and food for the Tubac One Room Schoolhouse and San Xavier Mission field trip.*

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 4. N.] (Exhibit 10)

Ms. Day called on Mr. Leska for questions on Consent Agenda Item 4. A. and 4. L. Mr. Leska stated that he pulled Item 4. A. to thank Ms. Gardiner for the very extensive and descriptive minutes. He is grateful and appreciates that they are very itemized. On Item 4. L. Out of State Travel, specifically Ironwood Ridge's competition trips, Mr. Leska asked if the Board could get an update on how they did as a team, and how we did as a District. Mr. Nelson noted that as we get the information from the sites, we will begin including the competition results through Ms. Blake's Amphi in the News report in the Friday Memo. Ms. Day asked the Board if there were any further questions. There were none. Mr. Leska then moved to approve Items 4. A. and 4. L. Dr. Barrabee seconded the motion. The motion passed 5-0.

5. STUDY

A. Study of Proposed 2015-2016 Student Code of Conduct

Board Book Information: *State law mandates that each school district Governing Board establish rules for student behavior and that such rules include consequences deemed appropriate. In some respects, state and federal law also compel specific outcomes to some degree, such as where a student threatens the safety or security of a school campus or a student possesses a firearm. The Governing Board's Student Code of Conduct is the mechanism through which the Board communicates its expectations for student behavior and the consequences for violating those rules, consistent with state and federal law. A student's failure or refusal to comply with the rules of the district and/or his school makes the student subject to disciplinary action. An effective Code must explain expectations for behavior so that all members of the school community can fully understand them; it must also provide fair and consistent guidelines for consequences to be applied when behavioral incidents do occur to help ensure schools are safe places for students, staff, and the public. The attached draft of the 2015-2016 Code of Conduct is intended to be easy to read, but at the same time comply with legal mandates for public schools which include the requirement for clear*

expectations and precise definitions. In that regard, the District's Code contains definitions directed for use by the Arizona Department of Education.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 5. A. attach] (Exhibit 11)

Mr. Nelson introduced the item. This time of year we tweak or modify our Code of Conduct depending upon the implementation of the previous year. This year we have just a few changes. This is a Study item for the Board tonight. Mr. Jaeger will review some of the changes and the rationale behind why the changes were made. Mr. Jaeger said that annually the Governing Board is required to adopt and set forth rules for student governance. State law mandates a list of such duties for the Board. Two of them are here. We must hold students accountable door-to-door going to and from school. We must also hold them accountable on school property. We do that through a number of mechanisms, but the most important is the Code of Conduct because it sets forth the community and Board's expectations for behavior, sets consequences for violation of those expectations and ensures uniformity of discipline. One of the key features of the Code of Conduct is that sets forth specified and typical consequences for disciplinary events. It can be varied from time to time for the specific circumstances involved, but generally is consistent from student to student, which is consistent with our agreement with the Office of Civil Rights from 1992. Our Code of Conduct also contains a number of provisions that ensures our compliance with State and Federal Law. For example, A.R.S. Section 15-841 that specifies that a student must be expelled for no less than a year if they threaten the safety or security of a school campus, unless the Governing Board individually waives that term and condition for that student. The Gun-free Schools Act, a Federal law that mandates the same outcome, requires expulsion for no less than a year for any student who brings a firearm to school, unless the Governing Board authorizes an exception to be made. The Student Code of Conduct, according to law, is given to every student within the first 10 days of school. Additionally the law requires that our teachers instruct the students in the Code of Conduct and our teachers take the time to review the content with them. A student's failure to comply with the Code must necessarily subject them to some disciplinary intervention. Those interventions are varied.

For the last several years we have prepared and disseminated two Codes of Conduct; an Elementary Code of Conduct, and a Code of Conduct for Middle and High School. That is so we can make distinctions in our approach with students and the language used and also keep age appropriateness with some of the rules. This year we are trying to reduce the visual clutter. One of the concerns from parents is that looking at the disciplinary charts is overwhelming. We have pulled notations to the bottom of the page, reduced the size of the charts, and did not repeat school-level actions referring to them as school-level actions with the page number to refer to. We have compound disciplinary descriptions that have been separated out. We assure we set forth clear definitions. It is a requirement by the ADE that we use very specific definitions so that district to district and school to school parents or others can compare apples to apples. We are required under the AZ Safe system to use certain definitions. The school-level actions mentioned are actions that a school administrator can impose without any additional permission from Central Administration, because the Code has authorized them to do so. They are appealable only to the highest level of administration at that school, because the Principal is the final word for discipline where it concerns school-level action. School-level actions, like all actions taken, are progressive in nature starting at the lowest level possible and then accelerating the discipline. Recognizing that - some behavior happens at such a level that law or the action itself requires a more serious consequence in a first time occurrence. Mr. Jaeger went over examples of the changes to format, definitions, separating offenses into students using tobacco or drugs vs. giving it to others, etc. The Board will need time to study the Codes so it will not come back on the agenda until March.

Ms. Cozad asked for a clarification where it is stated that schools "may" have established school specific rules. She asked if "may" should be stricken. Mr. Jaeger noted that not all schools have an individual rules in addition to the Code. Some have simply incorporated the very same rules from the Code into their handbooks, and some do not do that at all and simply provide the Code of Conduct. Ms. Cozad noted that under the first incident at the school level she did not see counseling as an option. Mr. Jaeger stated that "conference" is the word used to describe the counseling that would occur. It's a meeting that would occur where they are going to talk about what happened. If you would prefer as a Board that the word "counseling" be used, we can certainly include that word.

Ms. Cozad noted that she thinks of a conference as a parent conference and perhaps counseling would be better. Dr. Barrabee said it sounds more positive and professional. Mr. Jaeger stated his only concern with the word “counseling” would be a misinterpretation by the parents that the District will provide paid counseling services. He will work on the language. Ms. Cozad asked what was in a Probationary Contract. Mr. Jaeger briefed that a Probationary Contract usually sets forth the expectations we have for students to accomplish such as the number of absences, the number of tardies, etc. That can vary. For some students with too many absences, it can mean no more unexcused absences. Ms. Cozad asked when an Action Plan is developed and if the student is involved in it. Mr. Jaeger noted that sometimes they are included in the development of the requirements, or the hearing officer sets those conditions, and sometimes the Governing Board sets those terms for readmission after expulsion. The conditions are generally discussed with the student and their parent(s) when the plan is implemented as a disciplinary consequence of its own, or when returning from suspension or expulsion. It is a printed document signed by the student, parent/family member. Sometimes the contracts serve as an aid for the student so that when they feel led down the wrong path by a peer, they can say that not only are they not supposed to do that, but they are on a Probationary Contract and if they break it they will really in trouble.

Dr. Barrabee stated that he had editing inputs to suggest from punctuation to reorganizing some paragraphs so that perhaps it flows more meaningfully and how ideas are expressed. He requested that Mr. Jaeger present the Board with a comparison to see what was in the draft and what changes were made. Dr. Barrabee shared his thoughts on uniformity and fine differentiations in individual situations. Mr. Nelson commented to caution the Board that at this point, in application of the Code of Conduct, asking individual site administrators to differentiate, when on some cases they already have spent hours and hours investigating, puts them in a very challenging spot. The way this is written provides the opportunity for the Board to provide that differentiation in hearings, but not in the original investigation. Dr. Barrabee agreed and said that as Board Members they should differentiate.

Mr. Leska commented on the earlier discussion about use of the terms “conference” vs. “counseling”. He suggested the word “coaching” might be used. Mr. Leska noted that sexual conduct is noted in the High School Code of Conduct, but he didn’t see it in the Elementary Code of Conduct. From reading articles he has seen that younger children have actually been arrested for pinching someone on the buttocks. They probably don’t know that is inappropriate because of their age, or it is done at home. Another example is when younger children urinate outside or on a wall. They are not doing something in a sexual way, but there could be danger of being charged with exposing oneself. He asked if this is something to be worried about for our Elementary age children. Mr. Jaeger assured the Board that the District takes a much more practical approach. It is understood and taken into perspective in terms of age. While we have toned down the rules and omitted some rules from the Elementary code for reasons described we have had circumstances, at an elementary level, regarding behaviors that need to be addressed even in the younger ages where they do cross the line from innocent behavior. Behavior that is not done with any understanding or appreciation over to behavior that is potentially risky or dangerous to other students.

Going back to Dr. Barrabee’s concerns, Mr. Jaeger clarified that we also have mechanisms in place on an intervention basis at the lower levels of the Code that the Board has put in place to make those very kinds of qualitative judgments based upon the levels of involvement that students have. For example in an incident where multiple people are involved and they have various degrees of involvement, the hearing officers or site may well say that because of that student’s limited involvement they are requesting a waiver of the Long Term Suspension process, and the Board will not see the student at all. We are making the distinctions between the true parity of behavior. Dr. Barrabee thanked Mr. Jaeger for mentioning the waiver. He stated it is helpful at adjudication that the parent and student are there because it adds a deeper dimension to their understanding of the situation and human beings involved. When they aren’t there, the tendency is to lean on the Hearing Officer’s experience and recommendations. Dr. Barrabee asked for clarification on a few items in the Code. Such as, what happens to a student who only attempts to commit a prohibited act or acts to help someone else attempt or commit a prohibited act? Mr. Jaeger gave an example. For instance, a student may make the argument that they did not engage in the sale of drugs because the transaction never occurred. They approached a student, attempted to sell them drugs, and although the student declined, they were still soliciting sale of drugs to a student. And they are held

responsible for that action. The next question was regarding services for those awaiting expulsion. Mr. Jaeger noted that the provision was added in 2014 when there was concern that students who are eligible for the Alternative to Suspension Program should be encouraged to participate in the program fully. We recognized that there was still some potential for the student waiting on the decision, waiting for the expulsion hearing, who were simultaneously enrolled in the Alternative to Suspension Program called Amphi Academy. We wanted those students to take encouragement and ownership in their participation by recognizing that if they were actively participating and pursuing the program, it might end up helping them avoid expulsion. Dr. Barrabee then asked about the 24/7 rule for student representatives. The terms “other” behaviors and “happening at a community function” seem to be too vague, and may not help people understand what is meant. Mr. Jaeger explained it is not a rule, and does not specify a consequence for any particular violation of behavioral standards. It is simply a narrative that is intended to explain the Board and District’s philosophy with respect to behavioral matters. It says that we have set 24/7 rules and that when they are members of a team they represent their school and the District and should be mindful of that and how it can reflect on the school and District as well as themselves. Dr. Barrabee also noted that the words “decorum” and “etiquette” seemed rather vague as well. He asked if they are held accountable for decorum and etiquette, and of so what that means. Mr. Jaeger explained that it is simply a narrative to explain that when a student is engaged in the community as a representative of the school, they are expected to maintain proper behavior, that they will be polite and be good representatives. For example: not shouting, cursing, or being under the influence of alcohol, etc. Ms. Day added that decorum and behavior is discussed by coaches with their teams.

B. Review of Draft District Calendar for School Year 2016-2017

The Draft District Calendar for School Year 2016-2017 was approved as submitted.

Board Book Information: The District’s school year calendar must meet specific requirements under Arizona law for the number of instructional days; state law mandates that public schools must have a minimum of “180 instructional days”. Since the 180 day requirement went into effect, however, Arizona law has also provided permission for districts to meet the 180 day standard through an equivalent number of instructional minutes over fewer days. For several years, the Amphitheater District has utilized the equivalent instructional minutes option, resulting in slightly shorter school years of 178 school days. The attached draft calendar for the fiscal year after next (2016-2017) again reflects a calendar of 178 days. Because the District’s calendar does not have “extra” school days built into it, any emergency closure of schools due to weather or other factors must be addressed by ensuring the requisite instructional minute requirements are still met. The District and the Amphitheater Education Association (on behalf of District employees) have agreed that if any schools are closed as a result of any emergency, certificated staff at those schools will have an equivalent number of student reporting days added to their work calendar without additional compensation -- generally by turning the planning days at the end of each semester into student reporting days. As long as the state permits the district to use equivalent instructional minutes rather than 180 days, the district’s school calendars will be constructed in this same manner.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 5. B. attch] (Exhibit 12)

Mr. Nelson introduced the item. Some years the development of the School Calendar is fairly easy, things fall naturally. Some years, like 2016-2017, we are faced with making choices. The 2016-2017 calendar was a bit of a struggle in several respects. Mr. Jaeger will explain some of the issues we dealt with in order to figure out the best approach for parents, students and staff. Mr. Jaeger will be meeting with the Amphi Education Association (AEA) leadership soon to receive their inputs. Mr. Nelson called on Mr. Jaeger to elaborate. Mr. Jaeger said we have never been able to balance semesters. It is simply impossible given the typical start times for schools in Arizona and the number of days required in a school year. When unable to balance semesters, you are not going to be able to balance quarters. The yellow days represent school days, green days represent when the schools are closed and orange days represent when District Offices are closed. The District is not closed the same amount of days as the schools during holiday breaks and the summer. We are proposing the school year to begin on August 11, 2016. One of the things we know from our discussions with AEA and other teacher representatives is that they like to ease into the school year. We are able to have that by having returning teachers report on August 8, 2016. Returning teachers have already been with the District at least a year and have been through our training

program for new teachers. New teachers and returning teachers who have been through induction training yet, report on August 3, 2016. Holidays fall throughout the year. Fall Intercession October 10-14, 2016 is indicated in green and only the schools, not District Offices, take Fall Intercession. For Winter Break it is always important to understand that the law requires we provide two weeks of break specifically for teachers. We split that between 2 weeks in December and January. District staff who are on a fiscal year contract do not receive two weeks off; instead they receive 3 Winter Break days one week and 2 in the next. This means that we will be returning in January 2017 much later than we typically do. There is simply no other way to give the 2 weeks unless we make the first semester shorter and create a greater disparity in the days between semesters. And we know our teaching staff would not like that. We end up stretching the school year out just a few more days than the year before. We still wind up finishing the school year the week before Memorial Day on May 25, 2016, with Spring Intercession occurring mid-March, as it has for some time. The consensus over the past several years is that we should tie it as closely as possible, if not exactly, to U of A's Spring Break because so many parents and older siblings are tied to that calendar. That ensures the participation of families in vacations and also minimizes student absences due to family vacations that time of year as we make the rush to complete the rest of the semester. So between Spring Intercession and the end of the school year we have 49 days with no holidays.

Mr. Nelson said there is some good news in all this, in that we still have local control. Mr. Leska asked if the 2016-2017 calendar matches U of A's break. Mr. Jaeger confirmed it does. Mr. Leska noted that not all families have students in the U of A and sometimes going to locations that college-age students also frequent can be problematic. Perhaps if Spring Intercession was moved to the week of March 20-24 it would alleviate that problem and also help break up the long stretch until the end of school. Mr. Nelson reiterated that the consensus over the past few years has been that people want Spring Intercession to match with U of A's schedule. This item will be on the agenda at the March meeting for approval.

A speaker card was submitted to address Agenda Item 5. C. Update on AzMERIT by Mr. John Fife. Mr. Fife said that the AzMERIT test has been quite the topic of conversation at schools. It has been an agenda item at Staff meetings; staff has met about it as departments and grade-level groups. They've reviewed sample questions and taken sample tests to get an idea of what students will be going through. All of that has raised questions and concerns that they hope the Board can take a look at and investigate. Mr. Fife provided a hand out of concerns that he was asked to bring before the board which included with the following questions and concerns regarding AZMERIT:

- Technology skills/abilities for students
 - Keyboarding
 - Mouse use
 - Copy/Paste
- Glitches in the system during testing
- Calculated hours necessary to take the computer version
- Special Education modifications (paper/pencil at computer sites)
- How will results be utilized?
 - Teacher performance
 - Retention (move on when reading)
 - Graduation requirements
 - Final grades
- What happens when results are poor?
- ELD students and grade levels
- What happens if a child isn't finished with a test at the end of a testing session?

Mr. Nelson provided a reply to Mr. Fife. The District has dealt with many of the same questions over the past 3-4 months, and again some of those decisions are not the District's, they are made at the State level. Ms. Nelson checks the AzMERIT site daily to deal with some of those issues. At the last Board meeting we had a several questions from the audience. Ms. Nelson will answer those questions and provide an update.

C. Update on AzMERIT

Board Book Information: *The Board has requested a study item to provide an overview and update on the AzMERIT. Staff will provide information in an overview presentation.*

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 5. C. attch] (Exhibit 13)

Ms. Nelson presented an update on AzMERIT. Some of the things Mr. Fife addressed we do have answers to from the State Department of Education. She and Dr. Midyett go to the website daily, have attended webinars and emailed questions to the assessment division and receive a weekly update that is sent to test coordinators. On February 15th actual AzMERIT samples will be posted on the Department of Education website, instead of the Utah samples, for teachers, administrators, parents and students to look at and use. Information about paper/pencil samples are becoming available. In regards to comparability issues, AIR has been creating K-12 assessments for 37 years, including comparability computer based and paper/pencil assessment. We have found out some information about work that was done by Arizona teachers in December on utilizing the test bank questions and determining those questions which would be appropriate for the AzMERIT. The levels of performance are to all be in place in July. Like AIMS it will have 4 levels such as Exceeding (Ex), Meeting (M), Approaching (AP) and Falling Far Below (FFB). The State Board of Education may establish five levels the top two of which will be considered College and Career. End of Course (EOC) will not be available this summer. If a student takes a course this summer that would normally have an EOC assessment, they will never have to take the EOC because it is not available this summer. When we heard this information we asked for clarification to assure we understood correctly that if a student takes say, Algebra this summer, they will not take the EOC assessment. ADE said that is correct. EOC assessments will be available starting this fall for students needing to take them spring, summer, fall. AZ scores are comparable with UT, FL, CA, NV, OR, WA, ID, WI, CT, and Smarter Balance states. Because so much information is posted frequently on the ADE website, the District has asked that they put dates instead of simply callings something new. What we have discovered is things that are new sometimes get moved depending on what is added. With regard to the specific questions that were brought up at a recent Board meeting, they can be grouped together in three major areas. The first set of questions had to do with what if:

1. If the AZ legislature does not require students' course grades to be affected by or linked to their performance on the AzMERIT, will Amphitheater make it a requirement?
2. If the District decides to have students' course grades affected by their performance on AzMERIT, who's responsible for making that decision? How will that be made?
3. If students' course grades are linked to their performance on the AzMERIT Assessment what percentage of their course grades will be affected? Who will determine this percentage?
4. If students are passing their courses but fail the AzMERIT will they receive a failing grade or be forced to retake the class?
5. If AzMERIT is an end of the year assessment, why is it being given to our students in March and April? This effectively means students will be tested on material they have not learned.

Ms. Nelson noted that she sent a Friday Memo with some extensive information, much of which addressed these questions. She wants to report again and remind everyone that ADE has reported consistently from the beginning that no data will be available to school districts across the State regarding this first implementation until the fall. There can be no impact on student grades this year. Neither can there be any impact on teacher evaluations in our District for next year, because we use the previous school year's OWA. Posted on the ADE website is a statement that says, "The State Board of Education (SBE) will decide how End-of-Course (EOC) test scores will be included in course grades and if they will appear on student transcripts." This is from the "Accountability" information tab under General AzMERIT Information tab found at www.azed.gov/assessment/azmerit. No timeline for such a decision has been discussed yet. How much it could count, whether it could mean a student could fail the class, etc. while all good questions, they are questions that have no answers to at this time. There are simply too many factors to begin to consider even attempting to answer the question about "what if" at some point in the future the District would tie EOC to grades. That potential question would have to involve lots

of input from teachers and principals before a decision could even begin to be made. Regarding testing windows - we asked the assessment division and there is no state-wide curriculum so there is no way to determine what might still need to be taught. It is important to remember though, that 10th graders taking the AIMS test in years past were assessed on geometry; this was a class many of them were actively enrolled in at the time they took the test during the AIMS window. That window fell in early April. Last year, for example, the 10th graders took the AIMS math test on April 8th. Like before, education will continue through the end of the year. We are very aware of this issue and are working at the accountability level at ADE to recommend statistical adjustments depending on testing dates within the window.

The second set of questions had to do with the impact test scores might have on the evaluation of teachers, grading of schools and the ranking of the District. The ATEPS committee has held ongoing meetings for year. Mr. Fife is on that committee as well as teachers and administrators across the District. The committee recommended three possible scenarios at their last meeting and they will continue to develop these options further. Teachers (including AEA) and principals have worked on the most recent iteration of our evaluation system for six years. We are one of the few Districts that use 3 years' worth of data, instead of a single year, in teacher evaluations. We are awaiting additional information from the ATEPS committee about what the scenarios could look like for teachers in our District. The Superintendents in Arizona requested a Hold Harmless Bill. The State Board of Education approved it on December 8, 2014 and now there is legislative action to hold harmless for 2 years (2014-2015 and 2015-2016) which is in line with recommendations from many educational organizations.

The third set of questions had to do with how the District will protect student information and deal with privacy issues, and, if it is possible to opt out. The District abides by Family Educational Rights and Privacy Act (FERPA). According to FERPA the information is released only to parents or to whose whom the parent/guardian has approved. Sometimes a foster care organization needs that information, but we do not release it without appropriate approval. We provide limited directory information to colleges or military recruiters. Those requests by military recruiters are handled through the Legal Department. Where data will be stored and who can access it is an ADE issue and questions have been referred there. What we receive from ADE, regardless of which format the children take the test in, is information about their performance. We don't allow anyone else to look at that information except parents, teachers, principals for instructional purposes only. Questions regarding who the State might allow to view information should be referred to ADE. Parents cannot opt out of AzMERIT testing. Twice the Attorney General's opinion concluded that assessment isn't covered by the parental rights law. Under the current Elementary and Secondary Education Act (ESEA) waiver, schools are required to have a 95% testing rate. If parents were to pull their students out from testing, failure to meet that rate could pose problems with Federal funds for education (Title I, II, III, VII, Special Education).

Ms. Grant asked that new information continue to be added to the Friday Memos. Mr. Nelson said that if there is new information it will be included in the Friday Memo. Mr. Leska said his most pressing issue is protection of student data. The information lies with the State, but does it pass through the Cloud, because his understanding is that FERPA doesn't cover the Cloud. If it goes directly to the State's servers it is not an issue. If students use a Chromebook to take the test, that information does go through the Cloud. Mr. Leska was also concerned for the 10% of students who are color blind taking the test and how ADE will make accommodations for those students. If color coding is used in the test, those who are color blind might not be able to pass the test. His final concern is keyboarding for elementary students. His 2nd Grade son is typing essays on the computer, which is hard for a 2nd Grade student to do, and he doesn't really know how to write full, complete sentences yet. It also takes a long time. If they don't do well with the typing, it affects the student, school and District. Dr. Barrabee noted he appreciates Mr. Leska investigation into some of the concerns that others have not voiced, but which are significant. This is all a characteristic of any program foisted on schools without testing to find the problems, and refine it so that harm is not done in the interest of speedy application. Mr. Nelson stated that we will follow up on color coding in the test. He asked Mr. Little to speak to the electronic data transfer question. Mr. Little said that the issue of the data is actually a contract term in the contract between the State Board of Education and the test provider. The requirements for FERPA, what happens to the date and how the data is shared, is all a part of that

contractual agreement. He has not seen the contract, although he understands it was quite long. Mr. Nelson said we could ask for a copy of the contract and review it, because data security and privacy is a legitimate concern for all of us. Mr. Leska stated that his suspicion is that the third party will own the data because it is a private company and FERPA does not cover private companies. Mr. Jaeger clarified that whether the data belongs to a Local Education Agency (LEA) or it belongs to a State agency like the ADE or either use the services of a third party contractor, there is still an obligation under FERPA to maintain the confidentiality of the data because it is ultimately student data. It is not owned by the service provider because it is the student's data. What is proprietary and owned by them is the mechanical structure in place to gather the data. When we contracted with Tyler to retain student data, our contract includes terms that ensure the preservation of the data is still with us. It is our data and is not converted to their third party ownership. Mr. Leska has read material to the contrary and will provide the references to Mr. Jaeger.

6. STUDY/ACTION

A. Reauthorization of the Elementary and Secondary Education Act

Board Book Information: *The Board has requested a Study/Action item on the reauthorization of the Elementary and Secondary Education Act (ESEA). Action taken, if approved by the Board, would be the release of a resolution stating the District's position and recommendations on the reauthorization of ESEA. Administration recommends the adoption and dissemination of the attached resolution.*

<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50132230>, Item 6. A. atch] (Exhibit 14)

Ms. Day asked Mr. Nelson to introduce the item. Mr. Nelson said reauthorization is actually 373 pages, so we will only go into the key points. If you will remember the Elementary and Secondary Education Act (ESEA) has been around for a long time. The reauthorization has been stalled for a number of years. Senator Lamar Alexander is presenting a draft reauthorization to Congress, SB 1101, to Congress fairly quickly. There are several concerns such as the portability of Title 1 funds allowing for even distribution instead of basing funding to schools based on the specific poverty levels, the elimination of Maintenance of Effort (MOE) which requires states to maintain spending and not underinvest in schools, and overuse of standardized testing which has not resulted in improvement in student scores. One approach we toyed with was a Board resolution outlining our concerns. That might not be the best approach. The District is working closely with national organizations, such as National School Boards Association (NSBA), on the portions that are most onerous. Our resolution doesn't carry as much weight as one from a national organization that represents school districts across the country. We would like to act through lobbyists and national organizations. Dr. Barrabee said he appreciates the Title 1 portability being brought up as a priority. Dr. Barrabee presented two pieces of information and his thoughts on them. He shared information regarding SB1101 academic assessments and the State accountability system as well as information from NSBA and American Education Association (AEA) about lobbying and what Districts can do. Dr. Barrabee presented the information because it is surprising how many are uninformed, including ASBA. When he spoke to ASBA they referred him to NSBA. Mr. Leska shared that he read the bill expands data collection for the Federal government from "womb to career", noting that if we wait to do the resolution it will be too late. Mr. Nelson commented that the bill will be done about the fourth week in February, and we should target specific pieces. Ms. Cozad asked who recommended that Districts pass resolutions. Dr. Barrabee said NSBA recommended it as the major concern was to make people aware. Mr. Nelson said that the Board could take action tonight, if desired, and a pass the proposed resolution.

Ms. Day read the resolution. It was noted that without the ESEA, there would be no Title I. Ms. Day asked for a motion to approve the resolution. Ms. Cozad made the motion, Mr. Leska seconded and the motion passed 5-0. Copies of this resolution will be sent to the President, the Secretary of Education, the Arizona Congressional Delegation, the Governor, the Arizona Legislature, local government officials, the State Board of Education, and the State Superintendent of Public Instruction.

Board Book Note: *Ms. Gardiner mailed copies of the resolution with cover letter to the President, the Secretary of Education, the Arizona Congressional delegation, the Governor, Arizona Legislature, the State Board of Education, the State Superintendent of Public Education, local officials, ASBA leadership and NSBA leadership. A PDF file of the resolution and cover letter was emailed to those who had personal email, mainly state, local*

officials and national organizations. Positive responses were received from NSBA's Timothy Ogle - Executive Director and Michael Zola - Associate Executive Director. They passed the resolution on to their policy and lobby specialists. A response was also received from Representative Vince Leach, of the 11th Legislative District, Arizona House of Representatives.

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

Ms. Day asked the Board if there were any requests for future agenda items.

PUBLIC COMMENT

Ms. Day asked if there was any further comment. There was none.

ADJOURNMENT

Ms. Day asked for a motion to adjourn. Ms. Cozad moved that the meeting be adjourned and Mr. Leska seconded the motion. The motion passed 5-0. Ms. Day declared the meeting adjourned at 9:33 PM.

Respectfully submitted,
Karen S. Gardiner

Deanna M. Day, President

Date

Approved: TBD