

## **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, September 6, 2011, 7:00 p.m.

##### **Board Members Present**

Ms. Diana Boros, Vice President  
Dr. Kent Paul Barrabee, Member  
Mrs. Susan Zibrat, Member  
Dr. Linda Loomis, Member

##### **Board Member Absent**

Mr. Jeff Grant, President

##### **Central Administrators Present**

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

##### **Central Administrator Absent**

Dr. Vicki McLeod Balentine, Superintendent

#### **OPENING OF MEETING**

##### **Call to Order and Signing of Visitors' Register**

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

##### **Pledge of Allegiance**

Mr. Mike Bejarano, Principal from Ironwood Ridge High School, invited Ms. Samantha Burgin, the student government teacher, to introduce her students that were in attendance to lead the Pledge of Allegiance; they are: Trevor Barroero, Micah Wenzel, Abbey Barbera, Holly Durr, and Molly Hansen. Each student was presented with a Certificate of Commendation.

##### **Announcement of Date and Place of Next Special Governing Board Meeting**

Mrs. Boros announced the next special meeting of the Governing Board: Tuesday, September 20, 2011, 6:00 p.m., Wetmore Center, 701 W. Wetmore Road.

#### **PUBLIC COMMENT**

There were no public comments.

#### **1. INFORMATION AND RECOGNITIONS**

##### **A. Status of Bond Projects**

Mr. Chris Louth, Bond Projects Manager, was introduced to present this month's (PowerPoint) status update on the current Bond-funded Projects (as provided with Board Book materials). Mr. Louth noted that the reporting format is listed within the five categories, as identified by the Blue Ribbon Committee, as areas of need. *[A Bond-election initiative to fund capital improvement projects was voter-passed on November 6, 2007; this is the monthly update, which began at the 12/11/07 Governing Board meeting.]*

##### **I. HEALTH, SAFETY, AND SECURITY**

###### **A. CDO and La Cima Tennis Court Replacement:**

La Cima: Demolition of the old courts started last week. Completion is scheduled for October 31, 2011.

CDO: Design is nearing completion and will be put out for bid once construction documents are complete. Final review is now being conducted by Amphi Bond Department, and front documents for an RFB are being prepared by Purchasing.

B. FSS Remodel to Transportation Offices:

Construction documents are 90% complete and being prepared for permitting. At the conclusion of tonight's bond update, Mr. Dino Sakellar of Sakellar and Associates, the project architect, will present an overview of the project.

**II. INSTRUCTIONAL SPACE / PORTABLE REPLACEMENT**

A. Rillito Center Addition: Construction is 94% complete. The new classroom building is complete and is in use. The remodel of the existing building is 80% complete and in use. There is still work to be completed in the existing building (teacher lounge remodel and pool room HVAC). Punch list corrections in the new building have started. Paving, landscaping, exterior playgrounds, and security fences are currently being installed. Rillito is on schedule and on budget. Front entrance with new bus drop zone, new admin reception, new Health Office, new main circulation hallway, remodeled old classroom, new classroom, new Life Skills room, and new classroom restroom.

B. Nash Elementary Classroom Addition: Construction is 52% complete. The new, two-story classroom building exterior walls, second floor deck, and roof framing are complete. Roof decking is being installed. The playground resurfacing and ADA accessible walkways are complete and in use. The new fire alarm and new IT re-cabling systems are installed and operational. Nash is on schedule and on budget. New two-story classroom building and new ADA ramps to playground.

C. Walker Elementary Classroom Addition: Construction is 62% complete. The new, two-story classroom exterior walls, second floor deck, and roof deck are complete. Roofing is being installed. Interior framing, mechanical, electrical, and plumbing work is ongoing. As reported last month, the new kitchen and MPR remodel is complete and in use. The new fire alarm and new IT re-cabling systems are installed and operational. Walker is on schedule and on budget. New two-story classroom building interior framing and MPE installation. New ADA-accessible bridge connecting new two-story to existing two-story.

D. Amphitheater Middle School Addition / Remodel:

Programming has begun with BWS Architecture, AMS staff, and the Bond Dept. A General Contractor recommendation is on tonight's consent agenda for Governing Board approval.

E. Canyon Del Oro High School Addition / Remodel:

Programming has begun with Swaim and Associates Architecture, CDO staff, and the Bond Dept. A General Contractor recommendation is on tonight's consent agenda for Governing Board approval.

Mr. Louth then introduced Dino Sakellar of Sakellar and Associates, who provided a virtual tour of the proposed Transportation Project. In response to board member inquiries, Mr. Louth stated that he anticipates this to be a sixth-month project. The Facilities Support Services department has moved into their new facility on Wetmore Road. The project will not impede the current operations as renovations will take place in the vacant building (former Facilities Support Services facility); once complete, the Transportation staff and operations will be moved. He highlighted plans for parking of busses and employee vehicles. The existing portables will be removed.

**B. Recognition of Betsy Wilkening, Selected by the Siemens STEM Institute as a 2011 Siemens STEM Academy Fellow**

The Governing Board congratulated Betsy Wilkening from Wilson K-8 School and presented her with a Certificate of Commendation for being selected as one of 50 middle and high school STEM (Science, Technology, Engineering and Math) educators from across the country to participate in the 2011 Siemens STEM Institute that was held this past summer.

**C. Recognition of Tina Schivone – School Coordinator of the Year**

The Governing Board congratulated Tina Schivone from Nash Elementary and presented her with a Certificate of Commendation for being selected School Coordinator of the Year by Junior Achievement in Southern Arizona.

**D. Recognition of Canyon del Oro High School – Excellence Award for the 2010-2011 School Year**

Governing Board recognized Canyon del Oro High School students and coaches for their excellence in music, speech, and athletics' competitions and being selected as the 4A Conference Overall Excellence Award recipient for the 2010-11 school year by the AIA Executive Board.

**E. Review of 2011-2012 Enrollment - Projections and Actual (Start of Year)**

Board Book information: *Each year, the District prepares a projection of the number of students anticipated to attend each of the District's schools the following year. The projection is based upon student cohort information for the then current year, combined with other demographic information, such as expected property development in neighborhoods served by individual schools, population trends, etc. These projections are used to help project substantial portions of the District's budget, including site-staffing allocations for the next fiscal year. Enrollment projections and staffing allocations are then used in calculating the non-staffing allocations for each school.*

*The method of calculating student enrollment projections was revised one year ago, following the District's commission of a comprehensive growth study in 2007. The data and predictions of the growth study, which were fairly accurate initially, proved less reliable as the impact of unpredicted economic developments in the state and locally proved to have a significant impact on the growth study model. This has required a more fluid and hands on approach to enrollment projections, requiring examination of even specific anecdotal information at the site – and even grade – level. Each site principal provides substantial input into the development of their school's enrollment projection.*

*Attached to this item is a table, which reflects the original enrollment projections for the current fiscal year (studied by the Board in February 2011). The table compares those projections with 40<sup>th</sup> day enrollment from last fiscal year as well as 10-day enrollment from the current year.*

Mr. Jaeger provided a brief update on student enrollment for the new school year. He displayed a chart and reviewed data collected showing comparisons between the previously forecasted enrollment and then the actual numbers as of the 10<sup>th</sup> day of school. The enrollment projections are used to determine budgets for the forthcoming year; collectively from all school districts, the State's education budget is similarly developed. In recent years, the District, as well as statewide, student enrollment in public schools has been declining. So far this year, the decline is less steep. Hopefully, this is indicative of a trend ending this demographic shift. The numbers reported as of the 10<sup>th</sup> day indicate a reduction of approximately 160 students for a total enrollment of 14,048. This number reflects the legislative changes made last year for kindergarten funding; students are now again being counted as half-day students. In the coming weeks, appropriate adjustments will be made to school budgets.

Mr. Jaeger responded to Board member questions. There is no data at this time to explain the differences between the projected enrollment and the actual enrollment numbers. There is high mobility in and amongst some schools; mobility factors can be common.

**2. CONSENT AGENDA**

Mrs. Boros asked if there were Board member requests to have items addressed separately; Dr. Barrabee requested so regarding Item M. A motion was made by Dr. Loomis to approve consent agenda items A – L and N – T, as presented. Mrs. Zibrat seconded the motion and it passed unanimously, 4-0. Appointment of personnel is effective, provided all district, state, and federal requirements are met. [See detail related to Item M below.]

**A. Approval of Minutes of Previous Meeting**

Minutes of the Special Governing Board Meeting and Executive Session Meeting held August 23, 2011, were approved.

**B. Approval of Appointment of Personnel**

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

**C. Addendum to Approval of Personnel Changes**

Certified and classified personnel changes were approved, 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 Separation(s) and Termination(s)**

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

**F. Approval of Curriculum Writing Increase**

Board Book information: *The District uses an established pay schedule for extra duty such as tutoring, curriculum work, and providing staff development classes, workshops and training. In January 2007, the professional development rate was increased while curriculum writing remained unchanged.*

The Governing Board approved an increase of \$25.00 per hour to the curriculum-writing stipend.

**G. Approval of Vouchers Totaling and Not Exceeding Approximately \$1,250,026.97 (Final Total)**

The following vouchers were approved as presented and payment authorized:

Vo. 317	\$ 314,225.98	Vo. 318	\$ 89,102.91	Vo. 319	\$ 59,468.55
Vo. 320	\$ 245,873.49	Vo. 321	\$ 541,356.04		

**H. Acceptance of Gifts**

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

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

Out of state travel was approved for students and staff (source of funding indicated): from Amphitheater High School to take 2 Amphi FFA students to the National FFA Convention in Indianapolis, Indiana, October 18-23, 2011 (state funds and student activity funds); from Ironwood Ridge High School to take 20 students from the Wrestling Club to the Clash Wrestling Tournament in Rochester, Minnesota, December 29, 2011-January 1, 2012 (tax credit donations and student activity funds); from Canyon del Oro High School to take 20 students from Academic Decathlon to the Academic Decathlon Competition in Dallas, Texas, October 27-30, 2011 (tax credits and student activity funds); and, from Ironwood Ridge High School to take 15 students from the Women's Volleyball Varsity Team to the La Jolla Beach City Volleyball Invitational in San Diego, California, September 21-25, 2011 (tax credits, gifts and donations, and student activity funds).

Out of state travel was approved for staff (source of funding indicated): from the District Offices to attend the SunGard Public Sector 2011 Client Conference in Baltimore, Maryland, October 5-8, 2011 (gifts and donations); from the District Offices to attend the EdLeader21 Annual Meeting in Irving, Texas, October 4-6, 2011 (federal funds designated for staff development); from the District Offices to attend the National School Boards Association COSA Conference in New Orleans, Louisiana, October 12-16, 2011.(federal funds designated for staff development);

Travel was previously approved at the February 8, 2011 Board meeting for staff from Canyon del Oro High School to attend the International Baccalaureate Training in Montezuma, New Mexico, June 27-July 1, 2011. The dates of travel for one teacher were changed to June 20-26, 2011 and travel for the other teacher stayed an additional day making her dates of travel June 27-July 2, 2011.

**J. Approval of Grant(s)**

The Governing Board approved the ACA Honorarium grant in the amount of \$2,000 for the purchase of supplies from the Arizona Commission on the Arts.

**K. Approval of P.E. Waiver**

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

The Governing Board approved the waiver request from Student #: 11804178 from Canyon del Oro High School, for 1.5 physical education credits, as submitted; and, in so doing also agrees to replace those 1.5 with other course work credits.

**L. Approval of Textbooks(s) for Adoption**

The Governing Board approved the textbooks (as shown below) for adoption, which have been on display to the public for (a minimum of) 60 days in accordance with Section 15-721 of the Arizona Revised Statutes.

Textbook: Economics; Publisher: Prentice-Hall/Pearson; Author: Arthur O'Sullivan, Steven M. Sheffrin, Grant Wiggins

Textbook: Environmental Science; Publisher: Pearson; Author: Jay Withgott

**M. Approval of Board Communiqué to Arizona School Board Association Regarding Quality Leadership and Advocacy for Children in Public Schools**

Board Book information: *Dr. Kent Barrabee, Member of the Governing Board, recently attended ASBA's annual Delegate Assembly at which the organization (through votes by the delegate body) develops its policies on a broad range issues and topics affecting public schools and education. At the Governing Board's meeting of August 2, 2011, Dr. Barrabee provided information to the Board regarding the ASBA Delegate Assembly and some of the policy statements adopted there.*

*The Governing Board discussed some policy statements of concern and directed the development of a letter to be signed by the entire Governing Board. A letter has been drafted based upon the Board's discussion and direction and is attached for approval and signature.*

Dr. Barrabee requested having this item heard separately in order to provide some attention and information of specific concern regarding verbiage changes to some of the policy statements adopted by ASBA at their Delegate Assembly, which was held in June. Following discussion among the Board members at the August 2<sup>nd</sup> Board meeting, it was agreed that the Board would convey these concerns to the ASBA leadership by way of a letter. It is this letter or communiqué that is submitted herein for approval.

A motion was made by Dr. Barrabee to approve Item M, as presented. Mrs. Zibrat seconded the motion and it passed unanimously, 4-0. (Exhibit 6, pp. 1-4. This letter is available via the link: <https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=31619609>)

**N. Approval to Implement the Department of Defense Fresh Produce Entitlement Program**

Board Book information: *The Department of Defense (DOD) Fresh Produce Entitlement Program provides fresh produce to Title One Schools. The DOD allocation to Amphitheater in school year 2011/12 is \$90,000.00. This allocation for produce must be purchased through Stern Produce, the DOD Arizona authorized vendor. This program will provide fresh fruits and vegetables to Amphitheater Students whose household income meets the federal guidelines for Free & Reduced Lunch. With Governing Board, approval the Administration will implement the DOD Fresh Produce Entitlement Program as administered by the Arizona Department of Education Food Distribution Program.*

The Governing Board approved the proposed implementation of the *Department of Defense Fresh Produce Entitlement Program* for the District's Title One Schools as administered by the Arizona Department of Education Food Distribution Program.

**O. Award of Contracts for Travel Agency Services Based on Responses to Request for Bid (RFB) 10-0079**

Board Book information: *Request for Bid (RFB) 10-0079 for travel agency services was mailed to nine vendors registered with the Purchasing Department. Travel agency services may be required for staff attending professional development training or for travel to academic competitions such as*

*Odyssey of the Mind. Vendors were asked to price their services and if they would accept purchase orders for billing purposes.*

*Four vendors responded; Avenues to Travel and Sunward Travel, the low responding vendors will accept purchase orders. Sunward Travel provides a fully staffed 24/7 hotline to assist with travel delays or other travel needs. This service is not available from Avenues to Travel, however Avenues to Travel has a local office in the District, which can assist District staff on a walk-in basis. Depending on the traveler, one of these two vendors may be required per the services they offer. [Comparative bidding detail was provided to Board Book holders.]*

The Governing Board approved the awards of contract for travel agency services to *Avenues to Travel* and *Sunward Travel* based upon their responses to RFB 10-0079.

**P. Award of Contracts for Professional Development Consultant Services Based on Responses to Request for Proposal (RFP) 11-0005**

Board Book information: *Request for Proposal (RFP) 11-0005 was mailed to eight vendors; consultants providing full and half day certified staff professional development training. The successful vendor(s) are to provide training relating to:*

- *Developing Individual Education Plans*
- *Procedures to measure student progress*
- *Strategies for co-teaching & collaboration with Special Education Teachers*
- *Managing Special Education meetings*
- *Training to support the District's IEP System*

*Two vendors responded, Ms. Carol Kosnitsky, a Special Education consultant, and EES, Exceptional Education Services Company. Cathy Eiting, Director of Student Services reviewed both vendor responses based on the evaluation criteria provided in the request for proposal; availability, references provided, cost of service and RFP submittal information. Ms. Eiting determined both vendors were qualified to provide professional development consultant services to the District.*

*Ms. Kosnitsky provided a training syllabus, a schedule of available dates, references and cost of service. EES located in the Phoenix metropolitan area, offered a number of qualified consultants, also provided their syllabus, references, cost, etc. Ms. Kosnitsky would be utilized for training sessions covering multiple days and large groups of certified staff, which would justify the cost for airfare and hotel accommodations.*

*EES offers the advantage of reduced cost due to their mid-state location and ability to travel to the district and return on the same day. Ms. Kosnitsky has a strong résumé as K-12 Director of Special Education, a university-level instructor in Special Education Leadership, and as a nationally-recognized Special Education Consultant.*

The Governing Board approved the awards of contract for professional development consultant services to: *Ms. Carol Kosnitsky and EES based upon their responses to RFP 11-0005.*

**Q. Award of Contracts for Library Books Based on Responses to Request for Bid (RFB) 11-0006**

Board Book information: *Request for Bid (RFB) 11-0006 for library books was mailed to forty-eight vendors registered with the Purchasing Department. Vendors were asked to price a sample library book order of sixty books ordered by high school and middle school librarians that do not require library binding or MARC records. The bid required a fixed discount off either a vendor's catalog price or the publisher's list price for all books purchased to include reference books, with no-charge freight for orders over \$250.00. Twenty-one vendors responded.*

*Book sellers prefer to use a sliding scale, (by publisher) for the discounts offered which may vary considerably from vendor to vendor. For ease of ordering and to assure the best pricing, the District requires a fixed rate. Three responding vendors provide a fixed rate discount regardless of the book's publisher and freight terms as specified in the bid text. [Comparative bidding detail was provided to Board Book holders.]*

The Governing Board approved the awards of contract for library books to *Chapters Group, Rainbow Book Company, and Unique Books based upon their responses to RFB 11-0006.*

**R. Approval of Bond Related Projects**

**1. Award of Contract for New Construction and Facility Improvements to Canyon del Oro High School Based on Responses to Request for Qualifications (RFQ) 10-0092**

Board Book information: *The Arizona Administrative Code R7-2-1116 covers the procurement of construction using alternate delivery methods. Alternate delivery methods for construction are defined as; construction manager at risk, design build and job order contracting services. The Governing Board at their July 5, 2011 meeting approved the use of a construction manager at risk alternate delivery method for site improvements at Canyon del Oro High*

*School which include two new classrooms, a renovated kitchen & multi-purpose room, ADA compliant restrooms, locker room upgrades, technology cabling requirements, security fencing and building access needs.*

*Request for Qualifications (RFQ) 10-0092 was issued to general contractors (contractors) registered with the Purchasing Department and advertised in the Legal Section of the Territorial Newspaper. Nine contractors responded. The Amphitheater Evaluation Team ranked each contractor based on the evaluation criteria listed in the RFQ. The three highest ranked contractors were asked to meet with the Evaluation Team. A meeting agenda was provided to each contractor.*

The Governing Board approved the award of contract for new construction and facility improvements at Canyon del Oro High School to *Lloyd Construction Company* based upon their response to RFQ 10-0092, as submitted.

## **2. Award of Contract for New Construction & Facility Improvements to Amphitheater Middle School Based on Responses to Request for Qualifications (RFQ) 10-0093**

Board Book information: *The Arizona Administrative Code R7-2-1116 covers the procurement of construction using alternate delivery methods. Alternate delivery methods for construction are defined as; construction manager at risk, design build and job order contracting services. The Governing Board at their July 5, 2011 meeting approved the use of a construction manager at risk alternate delivery method for site improvements at Amphitheater Middle School to include six new classrooms, a renovated kitchen, cafeteria, gymnasium, locker room, nurses office, and administration building, technology upgrades/ cabling requirements and security fencing.*

*Request for Qualifications (RFQ) 10-0093 was issued to general contractors (contractors) registered with the Purchasing Department and advertised in the Legal Section of the Territorial Newspaper. Eight contractors responded. The Amphitheater Evaluation Team ranked each contractor based on the evaluation criteria listed in the RFQ. The three highest ranked contractors were asked to meet with the Evaluation Team. A meeting agenda was provided to each contractor.*

The Governing Board approved the award of contract for new construction and facility improvements at Amphitheater Middle School to *Core Construction Company* based upon their response to RFQ 10-0093, as submitted.

## **3. Authorization to Issue Requests for Qualifications (RFQ) for Construction Manager at Risk (CM at-Risk) Services for Holaway Elementary School and Rio Vista Elementary 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 Holaway Elementary School and Rio Vista Elementary 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 Governing Board approved the proposed use of the Construction Manager at Risk (CM at-Risk) alternative project delivery method for necessary work required at Holaway and Rio Vista elementary schools and authorized issuance of RFQ, as submitted.

### **3. STUDY**

#### **A. Discussion of Governing Board Input to Arizona School Board Association (ASBA) Regarding Development of Top Ten Legislative Priorities for ASBA; Discussion of Amphitheater District Legislative Priorities for the 2012 Legislative Session(s)**

Board Book information: *Following the ASBA Delegate Assembly on June 25, 2011, ASBA developed a listing of legislative priorities for the organization based upon the input of membership present at the assembly. A copy of this listing is attached to this item. ASBA is now requesting that each of its member Governing Boards provide input regarding the prioritization of the legislative goals for the organization. ASBA specifically requests that each Governing Board pick their "Top 10" legislative goals from among ASBA's identified listing.*

*As Board members will recall, one component of the services provided by ASBA to its members is lobbying and advocacy at the state level. This is done on a statewide basis, typically based upon input derived from the delegate assembly. To our knowledge, ASBA has never before requested that each Board then provide their "Top 10" preferences.*

*In addition to providing input to ASBA's legislative agenda, the Amphitheater Governing Board has for several years established its own legislative priorities for the District to guide and direct District representatives in their communications with Arizona legislators. This guidance is necessary to ensure that communication with state law makers is consistent with the Board's philosophies and the District's mission.*

*The priorities set for the District are separate from, but may overlap, those adopted by the Arizona School Board Association.*

*In October of 2010, the Governing Board set the legislative agenda for the District for the 2011 legislative sessions. That information follows below to facilitate discussion of the District's agenda for the upcoming session and also to aid in the discussion of the District's input to ASBA on the top ten priorities for that organization. As usual, the list below includes the main priority statement, as well as "talking points".*

**Amphitheater Public Schools**  
**Legislative Agenda for 2011 Session(s)**

**1. Increase Funding for K-12 Education.**

- *AZ LEARNS and NCLB demand higher levels of achievement.*
- *The stakes for students and their families under these systems of accountability are high; mastery of state standards is mandatory for promotion and graduation.*
- *Increasing student achievement goals is warranted; but support of those increases through increased school funding is essential to support those goals.*
- *Special programs which increase student success require financial support.*
- *Funds are required to attract and retain the best and most qualified staff, particularly in high needs areas such as science, math, technology and career and technical education.*
- *School funding long failed to keep pace with inflation until state voters overwhelmingly approved Prop 301. But even with 301's inflation factor (2% max.), school district budget increases in recent years were largely absorbed by increases costs for state retirement contributions, energy and fuel, and health care.*

**2. Expand Career Ladder Funding.**

- *While Career ladder is available in less than 30 school districts, this important program serves a substantial number of the majority of Arizona students, approximately half of the students in the state in fact.*
- *The number of school districts participating should not be the issue; it should be the value of the program to the students of our State.*
- *Substantial benefit has been observed in the achievement of students in districts with the program.*
- *The program supports staff development requirements under NCLB .*
- *Programs which help students and schools succeed should never be a target for cuts at a time when the stakes for success have never been higher.*
- *The recent ruling in the Gilbert School District illustrates that the program has been wrongfully denied to other districts; all of Arizona's students deserve its proven benefits; the program should be expanded.*
- *All communities throughout the state can benefit from the successes of program.*
- *Cutting this program would mean the loss of services to thousands of students across the state and it would also mean the loss of thousands of dollars in income to teachers all across the state.*

**3. Maintain Desegregation Funding.**

- *Desegregation and OCR orders typically mandate that school districts undertake some form of corrective action, through the implementation of new programs, services or policies.*
- *A.R.S. §15-910 (the desegregation funding statute) provides a separate source of revenue for school districts compelled to implement new programs and services by operation of court orders or OCR decrees.*
- *In November 2004, the legislature put forward Prop 101, which mandated that initiatives or referendums requiring the expenditure of state revenues also had to provide a source of increased revenues to avoid impacting the State's general fund and existing state programs.*
- *Through Prop 101, legislature correctly recognized that new programs imposed upon government should have their own funding source.*
- *In the same way, §15-910 protects existing school district programs and services.*
- *Programs and services of school districts directly serving Arizona's children deserve no less protection than the general fund of the State.*
- *Argument that voters have no control over the desegregation taxes is faulty; Voters disapproving this levy or any other for that matter can evidence their disapproval at the polls in Governing Board elections.*

- *Use of desegregation funding for purposes not provided for in consent orders or decrees (compliance with State-directed SEI/ELL programs) risks legal intervention due to violation of orders.*

**4. Provide Adequate Funding to Serve English Language Learners.**

- *Arizona law mandates Sheltered English Immersion; methodology is no longer a school district or local community choice.*
- *ELL student success is measured as a cohort/subgroup by AZ LEARNS and NCLB systems.*
- *Language disparities affect the learning of children and must be taken into account; additional services beyond those needed by English speaking students are required.*
- *The extra services require additional financial support.*
- *The Flores decision recognized -- even before high stakes programs -- that level of state ELL funding was inadequate.*
- *With our ELL students' ability to graduate at stake, appropriate funding must happen.*

**5. Establish a Reliable and Adequate Source of Funding for the School Facilities Board.**

- *The purpose of the SFB cannot be achieved without consistent funding.*
- *Building renewal funds have not been fully supported (if supported at all) for the several years throughout the SFB's history.*
- *New school construction support has also become woefully inadequate given increases in building material costs.*
- *Anecdotes of concrete gymnasium floors and inadequate site preparation illustrate a lack of funding to support even the most ordinary school elements*
- *Current reliance upon the State's general fund as the funding source cannot and should not continue; it creates not only a burden upon the State, but also an unavoidable reality of insufficient facilities which do not mirror our public's expectation for the best in education.*
- *In November 2004, the legislature put forward Prop 101, which mandated that initiatives or referendums requiring the expenditure of state revenues also had to provide a source of increased revenues to avoid impacting the State's general fund and existing state programs.*
- *Through Prop 101, legislature correctly recognized that new programs imposed upon government should have their own funding source.*
- *A new funding mechanism -- bonding, perhaps -- could reduce or eliminate the competition between the need for schools and other crucial State priorities.*

**6. Provide User-friendly and Practical Reporting Requirements and Provide Funding Support for the Same.**

- *Federal and state reporting and data requirements combine to create a substantial administrative burden for school districts.*
- *Recent requirements of AzSAFE actually require submission of data prohibited by federal law, marking the sometimes unnecessary aspects of many demands.*
- *Annual submissions of certain documents serve no useful function (e.g., Declaration of Curricular Alignment) and raise questions as to why "one-time" submissions suffice in other equally important situations (i.e., oath of office).*
- *The worthy goal of putting more funds in the classroom must be reconciled with the ongoing effort to put more burden in administrative functions.*

**7. Protect and Support Education Due Process Rights.**

- *While the interests of the student must be the paramount focus of all education decisions and policies, those interests will never be met if educators are led to believe that their rights do not matter.*
- *A careful balance must be drawn between ensuring students receive services from the most-qualified and effective staff possible and protecting the rights of teachers to due process and opportunities for professional growth.*

**8. Provide Adequate Support for Special Education**

- *The state supports special needs students by providing extra funds.*

- *In 2010, apart from Kindergarten and K-3 students, Amphitheater had 3,261 special needs students (including ESL students). Of these, 57% or 1,858 were in a category that includes emotional disability, mild mental retardation, specific learning disorder, speech/language impairment, and other health impairments.*
- *For each of these 1,858 students, the state only provided the district an additional \$9.93 in funding – an unconscionable amount.*
- *The legislature's dereliction of duty puts a huge burden on a district dedicated to providing appropriate support, not only for its special needs students, but for the needs of all of its students.*

**9. Eliminate All Student Tuition Organization Tax Credits.**

- *Legislators are, by oath to the state constitution, required to support, develop and advance public education.*
- *Contrary to that oath, the legislature has reduced funding for public education using scarcity of general funds as a rationale for these actions, without acknowledging the constitutional duty to provide funding through taxation.*
- *Concurrently, the legislature's steadily increasing diversion of tax revenues to private schools through student tuition organizations and tax credits has exacerbated the "scarcity of funds" cited by the legislature as the reason for cutting public education.*

**10. Eliminate the Extracurricular Tax Credit Program**

- *If the legislature believes that enhancements to extracurricular funding are needed to provide adequate programs, the legislature should provide adequate funds directly to the districts.*
- *The district's rebate-obtained public funds are derived entirely from money that has been diverted from the state's general fund where they could have been distributed in an equitable manner.*
- *The current program requires districts to distribute these diverted funds in a manner that favors wealthier school populations.*
- *A report in 2008 showed that a wealthier school received from the district over five times as much of these diverted funds per student than did students in a less wealthy school.*

*This item is presented for discussion and direction. An agenda item for the final determination of the input to ASBA and the determination of the District's separate legislative agenda will be presented for action later this month.*

Mr. Jaeger stated that ASBA has provided a listing of legislative priorities for 2012; this list is a compilation of input received from member school districts at the ASBA 's annual Delegate Assembly. This compilation has been forwarded to member school districts requesting that a Top Ten prioritization be considered and returned to ASBA in preparation for its final version of the 2012 Legislative Priorities for the 2012 legislative session. Included in the Board book materials for this item, was a listing of Amphi's legislative agenda for 2011; this information was provided to highlight previous focus and to assist in determining the current task.

Mr. Jaeger recommended open review of the 2012 Political Agenda Priorities listing provided by ASBA for purposes of discussion and articulation of the ten action proposals felt to be the most important by Amphi's Board, which ASBA has requested be returned to them not later than September 30<sup>th</sup>.

Significant discussion ensued. Dr. Barrabee recommends that ASBA make one of its Priorities the lobbying of the legislature to honor its oath to support the Arizona State Constitution with regard to public education.

The legislative session is intended to begin in January; however, lawmakers typically begin meeting with constituents in the fall. Mr. Jaeger offered clarification on the complexities of the current taxation structure. There is an increased focus and discussions developing concerning support of a more comprehensive approach for tax reform to ensure balance among all affected entities – homeowners, business owners, etc. Board members reviewed the priorities' list and came to agreement on the ten items to support. Board

Members felt that some of the items were ambiguous and offered stronger language or additional emphasis.

Mr. Jaeger offered to prepare an agenda item for the September 20<sup>th</sup> Governing Board meeting that identifies the Board's Priorities and intent as discussed; the item will be available for review and approval in time for the September 30<sup>th</sup> deadline.

Mrs. Zibrat expressed appreciation to Mr. Jaeger for his efforts in compiling the materials presented thereby simplifying this evaluation process.

Mrs. Boros invited Mr. Fife on behalf of AmphiEA, to offer any additional feedback regarding this item to forward those comments to the Board through Dr. Balentine. (Exhibit 7, pp. 1-10)

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

There were no Board Member requests.

#### **PUBLIC COMMENT<sup>1</sup>**

Chris Ackerly, Vice President of the AmphiEA, addressed the Governing Board. The Association has filed suit against the State related to three (3) issues: interpretation of Proposition 301; the ASRS contribution rate change from 50/50 employee/employer to 53/47 employee/employer; and, revenue management of state trust lands.

#### **ADJOURNMENT**

A motion was made by Dr. Loomis to adjourn the meeting. The motion was seconded by Dr. Barrabee and passed it passed unanimously, 4-0. Mrs. Boros declared the meeting adjourned at 8:54 p.m.

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Respectfully submitted,  
Margaret Harris

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Mrs. Diana Boros, Vice President

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Date

Approved: tbd