

DRAFT

**AMPHITHEATER PUBLIC SCHOOLS
Tucson, Arizona**

MINUTES OF SPECIAL PUBLIC MEETING OF THE GOVERNING BOARD

Place, Date and Time of Meeting

Wetmore Center, 701 West Wetmore Road, Leadership & Professional Development Center, August 2, 2016,
4:30 PM

Board Members Present

Deanna M. Day, M.Ed., President
Jo Grant, Vice President
Julie Cozad, M.Ed., Member
Scott A. Leska, Member

Board Members Absent

Kent P. Barrabee, Ph.D., Member

Central Administrators Present

Patrick Nelson, Superintendent
Monica Nelson, Associate Superintendent
Scott Little, Chief Financial Officer

Others Present

Mr. Don Johnsen, Attorney, Gallagher and Kennedy

OPENING OF MEETING

Ms. Day called the meeting to order at 4:30 PM and requested a motion be made to recess into Executive Session.

Ms. Grant made a motion to recess the Open Meeting and hold an Executive Session for: Student Disciplinary Action pursuant to A.R.S. §15-843(F)(2); The Administration's Presentation to the Governing Board of a Statement of Charges Regarding, and its Recommendation to Dismiss, a Professional Employee; Discussion or Consultation for Legal Advice with the Attorney or Attorneys of the Public Body Regarding the Administration's Presentation of a Statement of Charges, Pursuant to A.R.S. § 38-431.03(A)(3); Discussion, Consideration and Decision Upon the Employment, Discipline, Dismissal, or Resignation of a Professional Employee, Pursuant to A.R.S. § 38-431.03(A)(1); and Discussion or Consultation for Legal Advice with the Attorney or Attorneys of the Public Body Regarding the Resolution of Case 16C-DP-065-ADE With Regard to the Individuals with Disabilities Education Act, 20 U.S.C. § 1415, Pursuant to A.R.S. § 38-431.03(A)(3). Mr. Leska seconded the motion and the motion passed 4-0. The Board recessed into Executive Session at 4:31 PM.

1. EXECUTIVE SESSION

A. Motion to Recess Open Meeting and Hold an Executive Session For:

1) Student Disciplinary Action in the Consideration and Decision Upon Expulsion Hearing Officer's Recommendation, Pursuant to A.R.S. §15-843(F)(2), Regarding:

- a. Student # 30056584;
- b. Student # 30048976;
- c. Student # 30023980;

- d. Student # 30042607;
- e. Student # 30038374;
- f. Student # 30032846;
- g. Student # 30032839;
- h. Student # 30055918; and
- i. Student # 30045340.

2) The Administration's Presentation to the Governing Board of a Statement of Charges Regarding, and its Recommendation to Dismiss, a Professional Employee; Discussion or Consultation for Legal Advice with the Attorney or Attorneys of the Public Body Regarding the Administration's Presentation of a Statement of Charges, Pursuant to A.R.S. § 38-431.03(A)(3); Discussion, Consideration and Decision Upon the Employment, Discipline, Dismissal, or Resignation of a Professional Employee, Pursuant to A.R.S. § 38-431.03(A)(1).

3) Discussion or Consultation for Legal Advice with the Attorney or Attorneys of the Public Body Regarding the Resolution of Case 16C-DP-065-ADE With Regard to the Individuals with Disabilities Education Act, 20 U.S.C. § 1415, Pursuant to A.R.S. § 38-431.03(A)(3).

B. Motion to Close Executive Session and Reconvene Open Meeting

Upon return to the Board Room Ms. Grant made a motion to close the Executive Session and reconvene the Open Meeting. Ms. Day seconded the motion and the motion passed 4-0. Open Meeting resumed at 6:21 PM.

Call to Order

Ms. Day called the meeting to order at 6:21 PM and invited any visitors who had not already signed the register to do so.

Pledge of Allegiance

Mr. Nelson led the Pledge of Allegiance

Announcement of Date and Place of Next Regular Governing Board Meeting

Wetmore Center, 701 West Wetmore Road, Leadership & Professional Development Center, August 9, 2016, 6:00 PM.

2. PUBLIC COMMENT

Mrs. Laurie Burrell submitted a "yellow" speaker's form used to address an issue that is not on the agenda. Ms. Day asked Ms. Burrell if she wished to speak at Public Comment or speak to a specific item on the agenda. Ms. Burrell said that she would like to speak at Public Comment. *(A copy of the speaker's form is attached.)* Ms. Day read the Call to the Audience instructions.

Ms. Burrell: Distinguished Board Members, my name is Laurie Burrell and I reside at 1783 W. Quartz Rock Place in Oro Valley. I am a 5th grade teacher at Wilson Elementary School [Wilson K-8 School] where I have worked for the past 13 years. I feel compelled to say a few words regarding proceedings here, and my potential termination, but can't speak directly to these charges due to pending legal action. I also understand you'll hear no negativity towards my school and district leadership. I am and have been reporting immoral, unethical and illegal actions at my campus to this district for the past five years, without consequence. As a result, I began

reporting these activities to the state and federal authorities since April of this year [2016], prior to any termination proceedings which I was served with and notified Saturday morning [July 30, 2016]. But, I would like to propose a few thoughts for the Board to consider. Where were the checks and balances for the ATEPS teacher evaluation systems, Principal's and Superintendent's actions? Even our founding fathers set up branch of powers to ensure no one person has the sole power to make decisions that don't reflect the integrity and morality of a group of people. I believe that this is one of your roles, Board Members. Are you being told the whole story, the truthful story? Or are you only getting what I believe to be one person's biased review and inadequate investigation? Can it really have been a just and impartial investigation to terminate my 19 year teaching career if no one from this district ever asked me any questions? Not a single one. Are you getting to see the formal complaints of abuse of power and improper activity I submitted to the district over these past years, to Monica Nelson, who is sitting right in front of me? If a principal has had these and other allegations made against him by me, how can they be the only investigator to this, to determine my future? Where are the checks and balances ladies and gentlemen? How many teachers have also made complaints against this principal? Do those ever get to you? Have you ever heard any of them? Do they all sign mediation and not be a target as I was? Like the mediation I agreed to in the past right here with Monica Nelson, that the district now says they have no record of, and Monica won't speak of it. Where are the checks and balances? I think those checks and balances are you. And I am looking at you right now, and I want you to look at me. I am a face, I am a teacher, I have taught your children for 12 years in this district, 14 [years] actually. As you continue to represent the district I hope, with all of my heart, that that includes us teachers as well. Please consider that you may not have received...you are being asked to pass judgement based on one person, one person... (*The beeper began sounding indicating time was up.*) I am almost done.

Ms. Day: Your time is up.

Ms. Burrell: Would you like a copy of this? [A printed copy of her comment.]

Ms. Day: Sure, you can give it to Ms. Gardiner.

Mrs. Burrell handed Ms. Gardiner a printout of her comment and requested that it be published in its entirety for the record. (*A copy of Ms. Burrell's comment page is attached. The comment as transcribed above is what Ms. Burrell said verbatim in the meeting, from the meeting recording. Her actual comments varied from the printed copy she provided.*)

3. CONSENT AGENDA

Ms. Day asked if there were Board Member requests to have any items addressed separately. There were no requests. A motion was made by Ms. Cozad to approve Consent Agenda Items A-P. The motion was seconded by Ms. Grant and passed unanimously 4-0. Appointment of personnel is effective provided all district, state, and federal requirements are met.

A. Approval of Minutes of Previous Meetings

Meeting Minutes from the March 8, 2016, June 21, 2016 and July 5, 2016 meetings were approved.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.A.] (Exhibit A)

B. Addendum to 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=50209485>, Item 3.B.]

C. Addendum to Approval of Personnel Changes

Certified and classified personnel changes were approved as listed in Exhibit 2.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.C.]

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

Certified and classified personnel separations were approved as listed in Exhibit 3.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.D.]

E. Approval of Vouchers Totaling and Not Exceeding Approximately \$4,012,212.41 (Final Total)

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

FY 15-16 Encumbered

Voucher #372	\$330,659.40	Voucher #373	\$262,270.07	Voucher #374	\$330,805.94
Voucher #375	\$128,807.68	Voucher #376	\$256,301.17	Voucher #377	\$79,032.65
Voucher #378	\$75,333.67	Voucher #380	\$3,183.96	Voucher #381	\$17.09
Voucher #379	\$116,810.06	Voucher #382	\$217,565.70	Voucher #383	\$6,200.10

FY 2016-2017 Current Vouchers

Voucher #400	\$659,718.36	Voucher #401	\$61,398.66	Voucher #402	\$259,378.43
Voucher #403	\$59,308.54	Voucher #404	\$34,207.38	Voucher #405	\$102,826.37
Voucher #406	\$24,031.39	Voucher #407	\$75,687.55	Voucher #408	\$36,005.68
Voucher #409	\$2,737.64				

FY 2015-2016 Encumbered 8/2/16 Meeting

Voucher #384	\$64,043.88	Voucher #385	\$15,996.24
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FY 2016-2017 Current Vouchers 8/2/16 Meeting

Voucher #410	\$647,335.38	Voucher #411	\$39,469.32	Voucher #412	\$119,263.58
Voucher #413	\$3,766.52				

F. Approval of Parent Support Organization(s) - 2016-2017

Parent Support Organizations were approved as submitted.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.F.] (Exhibit 4)

G. Acceptance of Gifts

Gifts and Donations were accepted as submitted.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.G.] (Exhibit 5)

H. Receipt of June 2016 Report on School Auxiliary and Club Balances

School Auxiliary and Club Balances were approved as submitted.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.H.] (Exhibit 6)

I. Approval of Out of State Travel

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

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.I.] (Exhibit 7)

J. Approval of School Facilities Board (SFB) Grant for: Amphitheater High School Roof Replacement

The Governing Board executed the Terms and Conditions and accepted the Building Renewal Grant for the roof replacement at Amphitheater High School, Project Number 100210281-1045-016BRG in the amount of \$12,740.00.

Board Book Information: *The existing built-up roof at the Amphitheater High School 900 building has reached the end of its useful life and needs to be replaced. This roof is original to the building and was constructed in 1982.*

A Building Renewal Grant was submitted to the School Facilities Board (SFB) requesting funding for engineering and design in the amount of \$12,740.00. This grant request was approved. To accept the Building Renewal Grant, the District's Governing Board must approve and execute Terms and Conditions. These Terms and Conditions apply to the distribution of funding by the SFB from Building Renewal Grant Fund pursuant to Arizona Revised Statutes, §15-2032.

Project Information:

Amphitheater High School

Project Number: 100210281-1045-016 BRG

Project Scope: Roof Replacement - 2016

SFB Funding: \$0

SFB Engineering: \$12,740

SFB Contingency: \$0

District Funding: \$0

Total SFB Funding: \$12,740

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.J.] (Exhibit 8)

K. Award of Contract for Amphitheater High School 900 Building Roof Replacement Based Upon Responses to Request for Bid (RFB) 07-26-2016

The Governing Board awarded the contract to Epic One Builders, LLC based on their bid response to RFB 07-26-2016 contingent upon approval from the School Facilities Board (SFB) for this project.

Board Book Information: *Request for Bid 07-26-2016 was e-mailed to 132 contractors, e-mailed to General Contractors via Procure AZ (Arizona State Bidder's List), and published on the District's website. This solicitation requested pricing for a roof replacement for the 900 building located at Amphitheater High School. Four contractors responded with responsive, priced bids. The low, responsive net bid amount was \$143,160.00. The tabulation of responses is below. The Administration recommends that the Governing Board award a contract to Epic One Builders, LLC based on their bid response to RFB 07-26-2016 contingent upon approval from the School Facilities Board (SFB) for this project.*

ITEM DESCRIPTION	Epic One Builders, LLC	Flynn Southwest	Kappcon Incorporated	Sprayfoam Southwest, Inc. dba Roofing Southwest
Base Bid	138,812.00	163,764.00	171,008.00	154,852.00
Performance Bond Cost	2,174.00	1,228.00	1,246.00	2,829.00
Payment Bond Cost	2,174.00	1,229.00	1,246.00	50.00
Net Bid Amount	143,160.00	166,221.00	173,500.00	157,731.00
Tax	6,100.00	6,344.00	<i>Included in Above</i>	6,830.00
Total Bid Amount	149,260.00	172,565.00	173,500.00	164,561.00

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.K.]

L. Job Description for Elementary STEM Teacher

The job description for STEM elementary school teachers was approved as submitted.

Board Book Information: *In the fall of 2017, Amphitheater Public Schools will open a STEM elementary school. Because of the unique instructional requirements which will be crucial to this STEM school's success, we have made some revisions to the Elementary Teacher job description. These revisions were made after 2 years of curriculum/design committee work involving teachers, parents, community members, and administrators from throughout the district as well as review of similar job descriptions utilized in STEM schools in the country. Approving these revisions and publication of the same will allow potentially interested staff to participate in courses, workshops, webinars, etc. in order to prepare for the hiring process this coming year.*

<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.L.] (Exhibit 9)

M. Affiliation Agreement with Western New Mexico University for Practicum Supervision of School Social Work Graduate Student

The affiliation agreement with Western New Mexico University for practicum supervision of graduate students enrolled in the School of Social Work program was approved.

Board Book Information: *Amphitheater Public Schools professional non-teaching staff, School Psychologists, School Social Workers, Speech and Language Pathologists, Audiologists, Occupational Therapists and Physical Therapists are often asked to supervise graduate students who must complete shadowing, practicum or internship experiences. Participation by district professional non-teaching staff members promotes an influential and collaborative working relationship with university, college and local training programs and establishes relationships with prospective employees, who because of our efforts, have better job readiness skills. Our district currently has a number of affiliation or intergovernmental agreements with universities, colleges and local training programs. Approving this affiliation agreement with Western New Mexico University will allow our district School Social Work staff to supervise the practicum experience of graduate students enrolled in the School of Social Work program.*

<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.M.] (Exhibit 10)

N. First Amendment to Professional Services Agreement - Banner University Medical Group (BUMG)

The request by BUMG to amend the Professional Services Agreement to allow renewal for two (2) additional 1-year periods was approved.

Board Book Information: *The District has a professional services agreement with Banner University Medical Group (BUMG) who provides consultation services to the Director of Health Services and district health services staff. This consultation includes the establishment of guidelines for emergency management of anaphylactic reactions, guidelines for over the counter medications, guidelines on the treatment of head lice and hypoglycemia and other similar concerns. The BUMG physician also consults with district health services staff for the management of student care, develops health education programs, provides an annual professional development activity and advises district staff regarding preventive health planning, immunizations and communicable disease control. BUMG has requested that the original agreement, which began on July 1, 2015, be amended to automatically renew for two (2) additional 1-year periods unless otherwise terminated.*

<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.N.] (Exhibit 11)

O. Approval of Revisions to Governing Board Policy Exhibit CCB-E (Line and Staff Relations: Organizational Chart)

The Board approved and adopted the revision of the 2016-2017 District Organizational Chart as submitted.

Board Book Information: *Governing Board Policy CCB (Line and Staff Relations) sets forth that, unless otherwise specifically limited by statute or Board action, any of the powers and duties specifically assigned to the Superintendent may be delegated to others serving under the Superintendent.*

The policy provides for lines of authority to be outlined by the Superintendent by means of organization charts, job descriptions, and administrative regulations and directives. The Superintendent prepared a draft Organizational Chart for the 2016-2017 fiscal year, which the Board approved and adopted at the July 5, 2016 Board Meeting. Revisions have since been made and a revised Organizational Chart is now presented for the Board's approval and adoption.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.O.] (Exhibit 12)

P. Approval of Confidential Settlement Agreement in Resolution of Case 16C-DP-065-ADE, Pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. § 1415

The Board approved the Confidential Settlement Agreement reached in resolution to Case 16C-DP-065-ADE.

Board Book Information: *This item is presented to permit the Board to determine whether to approve the Confidential Settlement Agreement, discussed at this evening's Executive Session, and prepared in resolution of Case 16C-DP-065-ADE with regard to a student entitled to accommodation under the Individuals with Disabilities Education Act, 20 U.S.C. § 1415.*

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50209485>, Item 3.P.] (Exhibit 13)

4. ACTION

A. Statement of Charges: Administration's Presentation to the Governing Board of a Statement of Charges Regarding, and its Recommendation to Dismiss, a Professional Employee.

Board Book Note: *Employees have the option to have the matter of dismissal heard by the Governing Board in a private Executive Session or in public. On August 1, 2016 Ms. Burrell notified the Superintendent that she desired a public discussion of the Statement of Charges and Recommendation to Dismiss at the August 2, 2016 meeting.*

Mr. Nelson: I would like to introduce Mr. Don Johnsen of Gallagher and Kennedy who will address the Board.

Mr. Johnsen: Thank you Mr. Nelson, members of the Board. My name is Don Johnsen and I am an attorney with the law firm of Gallagher and Kennedy working with the school district advising and counseling the school district on the administration's presentation of a Statement of Charges against a certified teacher. I will be happy to take your questions as we go through the presentation. I will manage the presentation of the charges. I believe that you all have received a copy of the written Statement of Charges that is being formally submitted to you this evening. I will manage that presentation and answer any questions you may have.

Laura Burrell is a certified teacher employed by the District. She has been employed as a teacher since 2003 and under Arizona law she is considered a continuing teacher. She is a 5th Grade teacher at Wilson school. She is the designated faculty sponsor of a couple of different student organizations, including the STEM Club of Wilson School. These charges arise from a submission that Ms. Burrell made for reimbursement from the student activity fund account of the STEM Club in February of 2016. She submitted requests for reimbursement from the student activities fund for expenses she said she incurred in the course of her work as sponsor of the club. She submitted certain documentation to the school's business office in support for her request for reimbursement. On reviewing the request for reimbursement, the business staff noted certain serious concerns about the documentation that supposedly supported the request for reimbursement. For example, Ms. Burrell submitted a February 19th request referencing certain STEM Club meetings at which she claimed student members of the STEM Club had approved the expenditures for which she was requesting reimbursement. The meetings that she designated in reference in her submissions supposedly occurred on Saturday, January 2nd and Sunday, January 3rd, 2016. The school office was on Winter Break at that time and

the staff [business office staff] was extremely concerned about whether the meetings referenced in the documents actually took place as Ms. Burrell had represented. The February 19th request also failed to include sign-in rosters for the meetings that supposedly had occurred. This is a direct violation of the District's written policies governing student activities policies and procedures. It's a very comprehensive manual, as some of you may know, which lays out very clear guidelines about how faculty sponsors are to manage student organizations, including meetings. And Ms. Burrell signed for her copy of that manual on several occasions during the course of her work as faculty sponsor. The accounting staff also noted that Ms. Burrell's February 18th request referenced a club meeting at which student member supposedly approved expenditures. That meeting supposedly took place on December 18, 2015. The staff noted that that day was a teacher work day in the District and that no students would routinely be present on campus on that date. That fact also gave the staff serious concern about whether the meeting took place as Ms. Burrell had described. The February 18th request also failed to include a sign-in roster for that December 18th meeting. As noted, that's a violation of the written policy manual covered in the conduct of student meetings. On the basis of these serious concerns about the accuracy of the submissions from Ms. Burrell, the business staff denied her request for reimbursement. The business staff also referred the matter to Mr. Adrian Hannah, the Principal at Wilson school, and Ms. Burrell's direct supervisor. Mr. Hannah reviewed the matter closely. He reviewed the minutes of the meetings that Ms. Burrell had submitted in connection with her request for reimbursement. He interviewed various student members and officers of the organization. He interviewed parents of some of the student members of the organization. And he came to several conclusions about the submissions Ms. Burrell had made for her request for reimbursement.

His conclusions included that she submitted some documentation purporting to be minutes of a meeting of the STEM Club that supposedly occurred on **February 16, 2016**. He concluded that there was no sign-in sheet or sign-in roster for that meeting and based on his interviews with students and their parents, he concluded that no such meeting actually occurred. He also concluded that no student members had moved at any such meeting to approve the use of their club's funds for the expenditures for which Ms. Burrell was requesting reimbursement. He also concluded that there was never any vote to approve such expenditures at any such meeting. He also concluded that the student members did not act at any such meeting to approve any such motion or such use of such funds. He also concluded that the student's signatures that Ms. Burrell submitted as part of those minutes in support of her request for reimbursement were the product of her approaching the students individually and simply telling them to sign this paper; without discussion about what it was and certainly without any approval from them for the use of their funds for that expenditure. His conclusion, with respect to that set of minutes that she submitted, was that she had falsified that documentation in terms of misrepresenting the events that led to her submission.

He also concluded that she submitted another document that purported to be minutes of a STEM Club meeting on **January 28, 2016**. He reached the same essential conclusions with respect to that meeting that I just described for the February 16th meeting. Specifically that there was no sign-in sheet for the meeting, that there was actually no meeting on that date, that no student members had moved to approve the use of their funds for this purpose, and that there was no vote at any such meeting for the approval of their funds, and that the student members of the club did not act at any such meeting to approve the use of their funds for that purpose. His conclusion similarly was that the student signatures on the document were the product of Ms. Burrell simply approaching the students one by one and telling them to sign, without any discussion or explanation about what it was or what it meant. And that she therefore had falsified the documentation that she submitted in support of her request for funds.

Mr. Hannah also concluded that Ms. Burrell submitted a document purporting to be the minutes of a STEM Club meeting that supposedly occurred on **January 27, 2016**. He concluded, as with the other two meetings, that there were no minutes, there was no sign-in sheet or roster for that meeting, that the meeting actually did not take place as represented, that no student members had voted or moved to approve the use of their funds, that there was no vote to that effect at that meeting, and that the student members of the club had not approved the use of their funds as represented in the minutes. That their signatures in the document were the product of Ms. Burrell approaching them and telling them to sign, and that she had therefore falsified the substance of the document that she was presenting for her request for reimbursement.

Mr. Hannah also concluded that she also submitted a document purported to be minutes of another meeting of the STEM Club on **January 26, 2016**, the day before the previous meeting. As with the other meetings his conclusion was that there was no sign-in sheet or roster, that there was no such meeting that took place on that day, that no students moved to approve the use of their funds for this purpose, that no students voted to approve the use of their funds for this purpose, and that no students took any action to vote on or approve the use of their funds, that the student signatures in the document were the product of Ms. Burrell approaching them and telling them to sign, and that she had in fact falsified the statements in the minutes that she was submitting to accounting.

Mr. Hannah also noted that Ms. Burrell, or concluded that Ms. Burrell had submitted a document that purported to be a student signature form referencing a meeting for the election of officers for the STEM Club, another matter that is governed by the Student Activities policy and procedure manual. On the basis of his review of the document, and his interviews with the students and their parents, his conclusion was that there was no sign-in sheet for that meeting, that no such meeting actually occurred, that no such election occurred, that Ms. Burrell unilaterally appointed the officers and wrote their names on the form, and that any student signatures on the form were not a product of the students taking a vote and writing in the names of the officers who had been selected but the product of Ms. Burrell approaching them and telling them to sign the form, and that she had therefore falsified that documentation as well.

Mr. Hannah also concluded that Ms. Burrell submitted a document that purported to be minutes of a meeting of the STEM Club on **January 3, 2016** again during holiday break. He noted as with, he concluded as with the other meetings or minutes she submitted that there was no sign-in sheet or roster for that meeting, that no such meeting actually occurred, that no student members moved at any such meeting to approve the use of their funds for the purpose for which she was seeking reimbursement, that no vote or any such motion occurred, that the student members did not approve the use of their funds for that purpose, that any signatures on documents were a product of her approaching them and telling them to sign, and not the result of normal minute taking at any such meeting, and that she had therefore falsified that documentation.

Mr. Hannah also concluded that Ms. Burrell submitted a document purporting to be minutes of a **January 2nd** meeting of the STEM Club. The same conclusions with respect to that meeting. No sign-in sheet, not student signatures at any such meeting, no vote at any such meeting to approve the use of student fund, no action by any such students to approve any such use of their funds, and that no such meeting had in fact occurred, and that she had therefore falsified that documentation.

Mr. Hannah also concluded that she submitted minutes that purported to be, or a document that purported to be minutes of a STEM Club meeting on **December 18, 2015**. His conclusions based on interviews with the

students and review of the paperwork, and interviews with the parents was that no such meeting occurred, there was not a vote at any such meeting, that the student members had not approved the use of their funds as represented in the documentation, that their signatures were the product of Ms. Burrell approaching them and telling them to sign, and that she therefore had falsified the information purporting to be minutes of that meeting.

Mr. Hannah noted that he asked Ms. Burrell to explain the apparent discrepancies in what he was hearing from students and parents, and in what had been represented in the documents that were submitted to accounting. She responded to him that the meetings had all taken place as described in her documentation with the exception of one date that she had written in error, the meeting actually occurred on a different day. But she said that all the meetings took place, that the students deliberated and voted, discussed and approved the use of her funds, the use of their funds for her purpose. On the basis of her statements to him in contradiction to the student's reports to him and the parent's reports to him, he concluded that her statements to him in this context were false. Mr. Hannah noted as part of his investigation that Ms. Burrell had taken steps in late 2015 to merge several different student organizations, of which she was faculty sponsor, into one organization, the STEM Club. He noted that the balance for the various organizations in the students, for those organizations in the student activities fund was not sufficient to cover the expenses that Ms. Burrell expected to incur in connection with an upcoming conference trip. He noted that the effect of the merger of those organizations into one organization was to create one balance, one account with a balance that was sufficient to cover the expenses that she expected to incur. On the basis of his interviews with students and parents and his review of the documents his conclusion was that no students had requested any such merger of their different organizations, or any such aggregation of the accounts or their funds in the student activities fund. He also noted in the course of his review, as I mentioned earlier, that Ms. Burrell had confirmed in writing on numerous occasions over the years, including most recently during this, during the pertinent school year, that she had received her copy of the District Student Activities policy and procedure manual which very carefully and explicitly lays out the proper procedures for the management of student organizations, the meetings of such organizations and the creation of minutes of such organizations.

On the basis of, Mr. Hannah also noted that Ms. Burrell had received a letter of direction from Assistant Principal Judy LeWinter in late 2013, in which Ms. LeWinter gave Ms. Burrell a certain direction concerning her failure to follow appropriate policies in purchasing materials for the student organizations of which she was the designated faculty sponsor. Ms. LeWinter noted several instances in the weeks preceding the letter of direction, in which she concluded that Ms. Burrell had failed to follow specific written procedures for requesting reimbursement. And she gave Ms. Burrell direction, as Mr. Hannah noted, Ms. LeWinter warned Ms. Burrell that any future failure to follow the procedures for management of student meetings and student activities funds could lead to dismissal. On the basis of his review of all of these facts, and all of this evidence, and all of the statement from students and parents and others, Mr. Hannah concluded that Ms. Burrell had engaged in conduct that merits dismissal.

That is the basis of the charges against Ms. Burrell. I will say under Arizona law, as I mentioned, a teacher in Ms. Burrell's position is subject to termination for cause, regardless of whether that teacher may be under contract for a specified period of time. In this case, for example, Ms. Burrell is under contract for the 2016-2017 school year. Regardless of the term of that contract, however, under Arizona law, a teacher who engages in conduct that is just cause for dismissal may be dismissed before the expiration of the contract. Under Arizona law legal cause exists for dismissal of a certified teacher when a teacher engages in any conduct

that violates the rules, policies, procedures of the Governing Board, or bears any reasonable relationship to the teacher's fitness or unfitness to carry out the duties of his or her position, or is in any way detrimental to the students under his or her charge. Any conduct that affects any of those factors is good cause for dismissal. Good cause also includes any behavior under Arizona law that the Governing Board believes in its own good faith judgement merits dismissal and that is not arbitrary, irrational, unreasonable or irrelevant to the Board's task of managing the District. The administration submits that good cause for dismissal exists in this case. Ms. Burrell's submission of requests for reimbursement from the student activities fund based on based upon the documents that she submitted, that she purported to be minutes of the student meetings that did not occur as she was describing them. That behavior clearly bears a relationship to her unfitness to discharge the duties that she had been hired to perform, and in a reasonable sense is detrimental to the young people for whom she is responsible. That kind of behavior, a dismissal based on that kind of behavior would not be arbitrary, would not be irrational, would not be unreasonable or would not be irrelevant to the Board's task of managing the District. Such conduct also would discredit the teaching profession in violation of Arizona Administrative Code R72-1308, which is the statutory regulatory definition of unprofessional conduct. That kind of behavior also violates Ms. Burrell's duty to maintain professional ethics at all times in violation of Governing Board Policy GBEA, Staff Ethics. That kind of behavior also violates Ms. Burrell's duty to act with mutual respect between staff members and students and her duty to support the dignity of the profession in violation of your Governing Board policy GBEBB, Staff Conduct [With Students]. Ms. Burrell's conduct also violates her duty to comply with all rules, regulations and policies of the Governing Board that relate to her duties in violation of your Governing Board policy GCMF, Professional Staff Duties and Responsibilities. Such behavior also violates Ms. Burrell's duty to comply with the rules, regulations and policies of the Governing Board in violation of your policy GCQF, which is your policy governing Discipline, Suspension and Dismissal of Professional Staff Members. Her conduct also constitutes a failure to comply with her duties and conduct in violation of the rules, regulations of the Governing Board including disobedience, falsification of records, insubordination and or dishonesty in violation of your regulation GCQF-R [GCQFA-R] that governs dismissal of professional staff members. Ms. Burrell's conduct also violates her duty to comply with the Governing Board's policies JJA governing Student Organizations, JJF governing Student Activities Funds, and regulation JJF-R governing Student Activities Funds. Ms. Burrell's behavior also violates her duty to comply with the directions of the District as set forth for the sponsorship of student clubs, student organizations, and student activities funds; all that is set forth in writing in the Amphitheater District's Student Activities Policy and Procedure Manual. It also violates her contractual obligation, under her written contract with the District to faithfully perform all duties assigned to her according to the law, and according to the rules, policies and regulations legally established for the governance of the District. The administration also submits that Ms. Burrell's manipulation of the student members of the organization, for which she was the faculty sponsor, by telling them to sign documents that she then submitted later purported to be accurate minutes of meetings that did not in fact occur, that that manipulation of the young people also violates the standards I have just described. Including: lack of professionalism, failing to deal properly with students, and conduct that brings disrespect and discredit to the profession. The administration submits that Ms. Burrell's false statements to the accounting staff in support of her request for reimbursement and to her direct supervisor in which she falsified, made false statements about the documents that she was submitting and trying to explain herself, that behavior also violates the standards that I have just described and constitutes sufficient grounds for dismissal.

Based upon all of these facts, the rules and regulations of the District and Arizona law and Ms. Burrell's contract, the administration asserts and submits that she has engaged in conduct in violation of Arizona law, in violation of the policies, regulations and rules of the Governing Board and in violation or breach of her

employment contract. And, on that basis, there exists good cause for her suspension without pay for a period of greater than 10 school days or for her dismissal. I would be happy to answer any questions that the members of the Board may have about this submission.

Ms. Day: Board Members? Mr. Leska.

Mr. Leska: I don't know if this is the correct venue to ask, but did any...what were the reimbursements for, or is this part of that procedure? Could you...

Mr. Johnsen: It is discussed, I believe, in some of the portions of the Statement of Charges there was a conference, an academic conference, out of state in Houston, TX that Ms. Burrell and another staff member attended, and that part of the request for reimbursement at issue here was for expenses incurred in that conference. Other expenses include miscellaneous supplies and other materials that were to be used for various tasks; supplies, storage, things of that nature.

Mr. Leska: Madam President, if I may. Was this conference specifically for this club or STEM program?

Mr. Johnsen: Yes indeed, yes indeed. I will say if one had approached the students of the organization and asked, had presented to those students, this is the conference that's coming up I think that your faculty sponsor and you will benefit from your faculty sponsor's attendance at this conference, and I would like you the students to approve the use of your funds for me to go to that conference, then that would have been a completely appropriate request for any Science teacher to make.

Mr. Leska: Okay.

Mr. Johnsen: And if the students had considered it and voted on it and approved it, then I think the request for reimbursement would have been appropriate.

Ms. Day: Ms. Grant.

Ms. Grant: Did I understand you correctly that another teacher went with her to this conference?

Mr. Johnsen: Yes, that's right.

Ms. Grant: And did that teacher ask to be reimbursed?

Mr. Johnsen: No.

Ms. Grant: Okay. And is it normal, isn't it policy that when a teacher attends a conference it goes before the Board for approval first?

Mr. Johnsen: This conference was approved...

Ms. Grant: By the Board.

Mr. Johnsen: ...by the administration and Board.

Ms. Grant: Okay.

Mr. Johnsen: On the Statement of Charges, I guess to go back to Mr. Leska's question, the substance or subject matter of the conference was completely appropriate.

Ms. Grant: Okay. It's just the other. Okay.

Mr. Johnsen: The misrepresentations about the documentation submitted in response to the request for reimbursement, that's the problem.

Ms. Grant: Okay.

Ms. Day: Anyone else?

Ms. Grant then made a motion reading the Proposed Motion To Adopt Notice Of Intention To Dismiss.

MOTION: I move that, pursuant to Arizona Revised Statutes § 15-539, the Governing Board adopt the Statement of Charges that the administration has presented against Laura C. Burrell, that the Board adopt an intention to dismiss Ms. Burrell, that the Board issue a written Notice of Intention to Dismiss Ms. Burrell (a draft of which is incorporated into this Motion and which shall be made a part of the minutes of this meeting), that Ms. Burrell also be placed on administrative leave of absence, with pay, effective immediately, that the Superintendent be authorized and directed to serve the Notice of Intention to Dismiss upon Ms. Burrell promptly, and that Ms. Burrell be dismissed at the expiration of 30 days from her receipt of such notice.

Ms. Day: Is there a second?

Ms. Cozad: Second.

Ms. Day: Any further discussion? Mr. Leska?

Mr. Leska: I have one clarification question. Um, we could, you did recommend that there's the possibility of having a suspension without pay of 10 days, is that correct?

Mr. Johnsen: That's phrased in terms of Arizona state law, permits the Board to impose any discipline starting at a level of suspension without pay for 10 days, anything beyond that up to dismissal. The administration's recommendation would be to dismiss. The law gives the Board authority to impose discipline short of dismissal.

Ms. Day: Any further discussion? Ms. Gardiner, would you please read back the motion?

Mr. Johnsen gave Ms. Gardiner a copy of the Proposed Motion to Adopt Notice of Intention to Dismiss.

Ms. Gardiner: Ms. Grant moved that - pursuant to Arizona Revised Statutes § 15-539, the Governing Board adopt the Statement of Charges that the administration has presented against Laura C. Burrell, that the Board adopt an intention to dismiss Ms. Burrell, that the Board issue a written Notice of Intention to Dismiss Ms. Burrell (a draft of which is incorporated into this Motion and which shall be made a part of the minutes of this meeting), that Ms. Burrell also be placed on administrative leave of absence, with pay, effective immediately, that the Superintendent be authorized and directed to serve the Notice of Intention to Dismiss upon Ms. Burrell promptly, and that Ms. Burrell be dismissed at the expiration of 30 days from her receipt of such notice.

Ms. Day: Thank you. Okay, we have a second. Any further discussion? All those in favor of the motion as read please say "Aye". Opposed? Motion...

Mr. Leska: Do you mind if I...

Ms. Day: Let me finish. Motion carries 3-1.

Mr. Leska: And I'm going to clarify why my "Nay" is... I still feel that we should move forward, but I think, um, a 10-day suspension without pay is merited instead, so, possibly, or a discussion of that.

Ms. Day: Okay.

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

Ms. Grant asked if Board Members had any requests for future agenda items. There were none.

PUBLIC COMMENT'

Ms. Day asked if there was any further Public Comment. Ms. Gardiner said there was none. Mr. Nelson pointed out that a comment form had been placed on her desk that she was unaware of. Mrs. Gardiner handed the comment form to President Day. Ms. Day called on Mr. Paul Burrell saying that the same Call to the Audience rules applied as before.

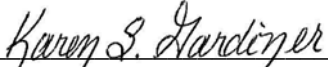
Mr. Burrell: Board Members thank you. I'd just like to continue where Laurie left off on her letter and put it in the record.

Ms. Day: Sure.

Mr. Burrell: Speaking on Laurie's behalf: I am an award winning 19 year teacher, passionate about my students and my profession. I'm one of the best teachers in this District, and awarded as one of the top 5 teachers in this state by a board which included Patrick Nelson. I have a history of nothing but stellar performance reviews. Parents move to this school to request I teach their children. My afterschool clubs have been continually lauded for over a decade at Amphi and yet my principal has never attended a single event or meeting. I speak up as I see improper activity and teach that to your children. And now I believe I'm being terminated as a result. All of these allegations leading to my termination are solely related to after school clubs which I volunteer my time and my personal funding to and do the best I can for our kids. I ask that you consider whether there is a good system of checks and balances over matters like this one that is before you tonight and encourage you to please get the facts. Please consider that the teacher may not always be at fault.

Thank you for your efforts to make Amphi great and your time for my comments tonight. I'll close by also thanking all the parents, staff and students for their encouragement and prayers. Thank you.

Ms. Day asked for a motion to adjourn. Ms. Grant made the motion to adjourn, Ms. Cozad seconded and the motion passed 4-0. The meeting adjourned at 7:01 PM


Respectfully submitted,
Karen S. Gardiner

Deanna M. Day, Board President

TBD
Date

Approved: TBD

3 Attachments:

1. Public Comment form - Laura Burrell
2. Hard Copy of Ms. Burrell's Comments
3. Public Comment form - Paul Burrell