

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, May 11, 2010, 7:00 p.m.

Board Members Present

Mr. Jeff Grant, President
Mrs. Diana Boros, Vice President
Mrs. Patricia Clymer, Member
Dr. Linda Loomis, Member (departed at 6:45 p.m.)

Board Member Absent

Dr. Kent Paul Barrabee, Member

Central Administrators Present

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

OPENING OF MEETING – 6:15 p.m.

Call to Order

Mr. Grant called the meeting to order at 6:15 p.m.

1. EXECUTIVE SESSION

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

Discussion and Consultation with Representatives of the Governing Board in Order to Consider Its Position and Instruct Its Representatives for the Meet and Confer Process Pertaining to Compensation and Benefits for Certificated, Professional Non-Teaching, Support and Administrative Staff for the 2010-2011 Contract Year Pursuant to A.R.S. §38-431.03(A)(5).

A motion was made by Mrs. Boros that the Board recess into Executive Session pursuant to A.R.S. §38-431.03(A)(5), as presented. Mrs. Clymer seconded the motion and it passed unanimously, 4-0. Mr. Grant called a recess at 6:16 p.m. for the purpose of holding Executive Session.

B. Motion to Close Executive Session and Reconvene Open Meeting

Upon return to the Board Room, Mrs. Boros moved to reconvene the meeting into open session. Mrs. Clymer seconded the motion and it passed, unanimously, 3-0. Mr. Grant declared the meeting in open session. The time was 7:16 p.m.

Note: Dr. Loomis did not return to the open meeting following Executive Session due to illness.

CONTINUATION OF OPEN MEETING – 7:16 p.m.

Signing of Visitors' Register

Mr. Grant invited members of the audience to sign the visitors' register. Procedures for addressing the Board were described.

Pledge of Allegiance

Jon Lansa, Principal from Walker Elementary School, introduced Holly Albrecht, Patricia Bernabe, Dana Harper, Antwan Hermosillo, Derrick Riemer, and Eddie Vargas. These students led the Pledge of Allegiance and were presented with certificates of commendation.

Mr. Grant acknowledged the Art Display in the Board Room. He commended the student artists and their teacher, Ms. Jane Peterson, from Walker Elementary School for their contributions.

Announcement of Date and Place of Next Special Governing Board Meeting

Mr. Grant announced the next special meeting of the Governing Board: Tuesday, June 8, 2010, 6:00 p.m., Wetmore Center, 701 W. Wetmore Road.

PUBLIC COMMENT

There were no comments from the public.

2. INFORMATION AND RECOGNITION(S)

A. Status of Bond Projects

Mr. Louth was present to provide report on the status of Bond-funded projects. *[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].* Mr. Christopher Louth, Bonds Project Manager, was introduced to present this month's status update on the current Bond-funded Projects (as provided with Board book materials). He noted that the reporting format is listed within the five categories as identified by the Blue Ribbon Committee as areas of need.)

I. Health, Safety, and Security:

A. Facility Support Services Center: Construction Documents for the new Facility Support Service Center are complete and have been submitted to the county for permitting.

II. Instructional Space / Portable Replacement

A. Ironwood Ridge High School - Classroom Addition: Water main and gas main relocation is complete. Excavation is under way. Underground utility installation and foundation work is scheduled to begin this week.

B. Coronado K-8 School - Classroom and Fine Arts Addition / Remodel: Construction permits have been obtained by the district. Guaranteed Maximum Price development is under way. At the end of my update, Mr. Mark Bollard of Swaim and Associates will present a virtual tour of the proposed addition.

C. Rillito Center - Addition: Programming of the addition at Rillito Center is ongoing. Schematic Design and Design Development documents are complete. These documents are being reviewed by district facility personnel for accuracy and for the completion of Construction Documents.

D. Canyon del Oro High School - Theater Sound, Lighting, and Theater Updates: Programming of the theater upgrades is ongoing. Schematic Design and Design Development documents are complete and are being reviewed by district facility personnel for accuracy and for the completion of Construction Documents. CDO administration and CDO user groups have been involved in all programming with a strong emphasis on safety and upgrading the facility to make it an up to date learning environment for the student population.

E. Nash and Walker Elementary Schools - Classroom Additions: Procurement of a general contractor for this project is under way.

Mr. Louth introduced Mr. Mark Bollard of Swaim and Associates. Mr. Bollard presented a virtual tour of the proposed renovation, classroom-addition space, and site improvement projects at Coronado K-8 School. Mr. Bollard responded to questions by Mrs. Boros regarding the west wall in the band classroom; she expressed concerns about heat penetration. Mr. Bollard explained the efficiency measures being incorporated into plans, as well as, the high "R" value.

B. Review of Proposed Modifications to the All Day Kindergarten Fee Structure

Board Book information: *On April 13, 2010, the Governing Board approved the proposed budget reduction scenarios for fiscal year 2010-2011. Contained in that reduction plan was the proposed fee schedule for all day kindergarten. The original plan proposed a deposit of \$300 and tuition of \$500 per semester, for a total cost of \$1,300. The District desires a small modification to the plan in order to facilitate the issuance of Extracurricular Tax Credit receipts.*

The new plan maintains the same total cost, but increases the deposit to \$400 and lowers the tuition payments to \$450 each semester. In addition, the Administration wishes to clarify that all payments are non-refundable, semesters may not be prorated, and a late fee of \$100 may be assessed if tuition payments are not received by the due dates (Semester 1 – August 4th, and Semester 2 – December 10th).

Dr. Balentine invited Mr. Little to describe the modifications being requested to the All Day Kindergarten fee structure that will better account for tax credit dollars. [The Board is being asked to approve proposed modifications to the fee structure, Item K, Consent Agenda below.]

Mr. Little responded to Mrs. Clymer's inquiry about the use of tax credit donations; tracking prepaid tax donations is difficult.

C. Recognition of Eric Epstein and Assistant Coach Jeanne Hollabaugh

Board Book information: *Canyon Del Oro High School freshman, Eric Epstein and his mother, Jeanne Hollabaugh, were recognized for their organizational efforts and his participation in the Tucson Area Public Schools (TAPS) in the 2010 West Regional Tournament of the Gallaudet University Academic Bowl for Deaf and Hard-of-Hearing students. Eric was instrumental in organizing the TAPS team, which placed 2nd. The team included two juniors from another local school district. Eric's mother, Jeanne Hollabaugh served as the Assistant Coach for the team. TAPS qualified for the national competition at Gallaudet from April 24th-27th, 2010.*

Mrs. Marcia Volpe, Principal from Canyon del Oro High School, was invited to introduce Eric and Mrs. Hollabaugh.

The Governing Board congratulated Eric on his achievements and expressed appreciation for the efforts by Eric and Mrs. Hollabaugh, and presented each of them with a Certificate of Commendation.

D. Recognition of Wilson K-8 – Johns Hopkins Top 10 Award

Board Book information: *Johns Hopkins University has recognized Wilson K-8 as one of the top 10 schools in Arizona – the only school (public, private, or charter) recognized in Southern Arizona. This award is reflective of the level of participation, the high standards of Wilson and Amphi, the quality of the teaching and leadership, as well as the talent of Wilson students. The talent search is open to students who have scored in the 95th percentile or higher on any reasoning section or subtest of a national norm-referenced standardized test. Wilson has participated in the Johns Hopkins Talent Search for more than 10 years. Johns Hopkins Center for Talented Youth was founded in 1972 to identify, challenge, and reward academically able students. Students from all 50 states and over 100 countries annually participate.*

Mr. Adrian Hannah, Principal from Wilson K-8 School, was invited to provide an overview of the Johns Hopkins University Top 10 Award and Wilson's participation in the Talent Search. He credited Ms. Anne Held, the school's REACH teacher, for coordinating the talent search each year.

The Governing Board congratulated the accomplishments of student and staff and presented Mr. Hannah with a Certificate of Commendation on their collective behalf.

E. Recognition of AMS MESA Winner

Board Book information: *On Saturday, April 24th, Amphitheater Middle School won the state title in the overall category at the middle-school level in the state MESA competition. They will be competing in the national competition in June in Colorado. The team is coached by Ron Pierce.*

MESA (Math, Engineering, Science Achievement) is a collaborative undertaking with the University of Arizona and works to engage minority and low-income students in the technology fields. The state championship had students using math, science, and engineering skills to complete several challenges, including: an on-site engineering competition, a paper truss bridge contest, a solar oven challenge, and rocketry contest. AMS earned gold in 3 competitions. The individual winners are as follows:

***Expedition Earth and Beyond** – 1st Place: Nick Waller, Abigail Borbon, Lenin Pinto Eliopulos, and Troby Rose; **On Site Engineering** – 1st Place: Jack Pierce, Tesla Chapa, Cameron Duff, and Alexandra Zavala; and, **Wind Energy Challenge** – 1st Place (Attending Nationals): Calistro Valenzuela, Lillian Garcia, Ashleigh Woolridge, and Austin Adams.*

Mr. Charles Bermudez, Principal from Amphitheater Middle School, was invited to introduce Mr. Ron Pierce, MESA Team Coach, who introduced students and provided an overview of the competition.

The Governing Board congratulated the students and Mr. Pierce on their successful bid for the State championship title and extended best wishes to them on their upcoming (June) national competition in Colorado. The students and Mr. Pierce were presented with certificates of commendation.

F. Recognition of Grand Prize Winner – Congressional Art Competition

Board Book information: *For the third year in a row an Ironwood Ridge student is the Grand Prize Winner of the Congressional Art Competition sponsored by Gabrielle Giffords of District 8. The recipient of this award is junior Lindsay Bahureksa, who won top prize for a drawing created last year in Intermediate Art titled, "Best Friend" featuring her sleeping beagle named "Jack". The competition this year was judged by esteemed professionals from the art community including the Dean of Architecture from the U of A, the curator of The Center for Creative Photography, and artists from Friends of Western Art, among others. The competition was open to all schools from Congressional District #8.*

Lindsay's award winning piece will hang in the U.S. Capitol in Washington D.C. for a full year. Lindsay receives a trip to D.C. with her family to tour Congress in session with Ms. Giffords and the White House, and to attend the National Art Award Ceremony with student winners from the country's other Congressional Districts. She also receives scholarship money and other prizes. Most of the winning student works---including the Grand Prize piece---will be exhibited at the Tohono Chul Gallery through the month of May.

Mr. Mike Szolowicz, Assistant Principal from Ironwood Ridge High School, was invited to introduce Lindsay.

The Governing Board congratulated her on her top prize achievement and year-long display at the U.S. Capitol, and presented her with a Certificate of Commendation.

G. Recognition of Odyssey of the Mind Teams

Board Book Information: *Amphitheater Public Schools continues to be the top district in participation and achievement in the Arizona Odyssey of the Mind program, which promotes divergent and critical thinking in students from kindergarten through college. This year, five teams will travel to Michigan State University, May 25-30, 2010 to compete at World Finals.*

The following teams and coaches were recognized for their accomplishments in the 2009-2010 Odyssey of the Mind competition:

*Principal Marcia Volpe, Canyon del Oro High School, introduced the students and coaches from the: **"Theatrical" Team** - Coach: Texanna Sonnefeld; Members: Jimmy Sonnefeld, Dion Heimink, Michael Schmitt. Texanna Sonnefeld, Victoria Heimink, Emma Merry, and Michael Phillips; and,

“Vehicle” Team - Coach: Diane Hilton; Members: Daniel Hilton, Emily Ralston, Sheridan Gibson, Marcus Molina, Britten Hernandez, and Maya Gort;

*Principal Tassi Call, Prince Elementary School, introduced the students and coaches from the

“Structures” Team – Coaches: Chris Prinz, Kristin Prinz, and Leigh Kechley; Members: Samuel Alcantar, Mara Navarro, Michael Wood, Richard Wood, Thomas Urias, and Cassidy Knight;

*Principal Monica Nelson, Coronado K-8 School, introduced the students and coach: **“Discovered Treasures” Team** - Coach: Linda Allyn; Members: Ryan Hornby, Chris Porteous, Abigail Pye,

Alexander Pye, Kamden Kautz, and Chloe Tellos; and,

*Principal Kevin Corner, Cross Middle School, introduced the students and coach: **“Nature Trail”**

Team - Coaches: Bob and Kathy Cramb; Members: Amelia Gotobed, Erin Ferber, Samantha Koenig, Evan Cramb, Josh Case, and Landon Walsh.

The Governing Board congratulated the students and teams’ coaches on their achievements and extended best wishes on their upcoming (May) world finals’ competition at Michigan State. The students and coaches were presented with certificates of commendation.

H. Recognition of Dr.’s Robert and Carla Springer – Website Math Support

Board Book information: *Dr.’s Robert and Carla Springer were recognized for their work in implementing a math support program on the Amphi website. This program, located under Teaching and Learning, offers teachers and parents an opportunity to download lessons and homework in such topics as Vertex Edge Graphs, Measuring with a Ruler, and Geometric Transformations. It is user friendly and a great resource for our teachers.*

The Governing Board expressed appreciation to Drs. Robert and Carla Springer. Dr. Carla Springer accepted the recognition and certificates presented by the Board on behalf of her husband explaining his inability to attend tonight’s meeting due to illness.

I. Recognition of CDO Academic Decathlon Team

Board Book information: On March 13th, 2010, CDO placed 2nd in the Arizona State Decathlon Competition in Phoenix. Out of 60,000 points possible, the top three scores in the state were: 1) 48,759 Mesa Mountain View High School; 2) 47,892 Canyon del Oro High School; and, 3) 41,874 Mesa Red Mountain High School. CDO’s score puts them as 7th of all programs in the U.S. for the year. CDO won the Super Quiz Relay portion of the competition with a state record score of 42 out of 45.

Earning medals for placing at the top of their divisions were Nicolas Baird, Seungwoo Sun, Chelsea Parraga, and Jordan Kurker-Mraz. Also earning individual medals were Anna Hainsworth, Jordan Neerhof, Ellie Strasser, and Rush Moore. The team earned more than more than \$4,000. in individual scholarships.

The Governing Board congratulated the students and Mr. Yetman, on their successes; all were presented with certificates of commendation.

J. Recognition of 2009-2010 National Merit Competition Finalists

The following students were recognized for their accomplishments in the 2009-2010 National Merit competition:

Ironwood Ridge High School: Peter Fesz-Nguyen, Dorothy Joseph, Jamie Lines, Eric Xiao, and David Zeng; **Amphitheater High School**: Jacob Ioane; and, **Canyon del Oro High School**: Ebaa Al-Obeidi, Charles Baird, Gabriel Kishi, Jocelyn Kishi, Daniel Papajohn, and Seungwoo Sun.

Mr. Mike Szolowicz, from Ironwood Ridge High School and Mrs. Marcia Volpe introduced their students (Jacob from Amphitheater High School was unable to attend).

The Governing Board congratulated the students on their achievements, and presented them with certificates of commendation.

Note: Mr. Grant announced a five-minute recess at 8:56 p.m., the meeting resumed at 9:04 p.m.

3. CONSENT AGENDA

Mr. Grant asked if there were Board member requests to have items addressed separately; there were none; however, he asked to have Item S heard separately in order to accommodate public comment requests. A motion was made by Mrs. Clymer moved to approve consent agenda items A-R and T. The motion was seconded by Mrs. Boros and it passed unanimously, 3-0. Appointment of personnel is effective, provided all district, state, and federal requirements are met. (See Item S below for detail.)

A. Approval of Minutes of Previous Meeting(s)

The minutes of the Regular Governing Board meeting and Executive Session of April 13, 2010 and of the Special Governing Board meeting and Executive Session of April 27, 2010 were approved, as submitted.

B. Appointment of Personnel

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

C. Personnel Changes

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

D. Leave(s) of Absence

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

E. Addendum to Separation(s) and Termination(s)

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

F. Approval of Vouchers Totaling and Not Exceeding Approximately \$1,570,559.24 (Final Total)

The following vouchers were approved as presented and payment authorized:

Vo. 904	\$ 134,771.87	Vo. 905	\$ 85,824.67	Vo. 906	\$ 16,499.39
Vo. 907	\$1,084,832.70	Vo. 908	\$248,630.61		

G. Approval of Annual General Statement of Assurance

Board Book information: *All recipients of grants from the Arizona Department of Education are required to have a current General Statement of Assurance (GTSA) on file at the Arizona Department of Education (ADE). Completion and submission of the GSA is required to receive assistance funding for fiscal year 2011. The statement also authorizes designated school district staff to act on behalf of the school district.*

The Governing Board approved the completion of the General Statement of Assurance document authorizing designated school district staff to act on behalf of the District; the document will be submitted to the Arizona Department of Education, which is required to receive assistance funding for fiscal year 2011 (Exhibit 5, pp. 1-13).

H. Acceptance of Gifts

Donations were accepted by the Governing Board, as listed in Exhibit 6.

I. Receipt of March 2010 Report on School Auxiliary and Club Balances

Board Book information: *Arizona Revised Statutes §15-1121 and 15-1125 provide for the operation of Student Activity and Auxiliary Operations funds, respectively. The Uniform System of Financial Records for Arizona School Districts (USFR) outlines procedures to be followed by school districts in the disbursements of monies from either of these funds. One requirement for the operational compliance is to provide a report to the Governing Board summarizing the transactions for the month.*

The Governing Board received the Monthly Report on School Auxiliary and Club Balances for month-end March 31, 2010, as submitted (Exhibit 7, pp. 1-8).

J. Monthly Status Report for the Fiscal Year 2009-2010

A summary of comparative totals as of April 2009 is as follows:

Budget Capacity \$94,168,976.00 Expenditures & Encumbrances\$99,034,479.00

Totals' Comparisons:

Expenditures as of 4/30/09.....\$74,317,829.93	M & O Budget Capacity for 2008-09.....\$96,073,175.00
Expenditures as of 4/30/10.....\$69,401,086.80	M & O Budget Capacity for 2009-10.....\$94,168,976.00

Bond Balance Outstanding: \$46,705,000.00

Tax Rates: Primary – 3.1469; Secondary – 1.5143

K. Adoption of Proposed Modifications to the All Day Kindergarten Fee Structure

Board Book information: *On April 13, 2010, the Governing Board approved the proposed budget reduction scenarios for Fiscal Year 2010-2011. Contained in that reduction plan was the proposed fee schedule for All Day Kindergarten. The original plan proposed a deposit of \$300. and tuition of \$500. per semester for a total of \$1,300. The District desires a small modification to the plan in order to facilitate the issuance of Extracurricular Tax Credit receipts.*

The new plan maintains the same total cost but increases the deposit to \$400. and lowers the tuition payments to \$450. each semester.

The Governing Board approved the revised All-Day Kindergarten Fee Structure and stipulations for 2010-2011: deposit increased to \$400. (thereby lowering the tuition payments to \$450. for each semester); all payments are non-refundable; semesters may not be pro-rated; and, a late fee of \$100. may be assessed if tuition payments are not received by the due dates: Semester 1 - due on August 4, 2010 and Semester 2 - due on December 10, 2010.

L. Award of Contracts for Football Protective Equipment Based on Responses to Request for Bid 09-0075

Board Book information: *Annually, the Athletic Department bids the District's requirements for football protective equipment. Vendors registered with the Purchasing Department are notified bids are available for downloading at the District's website. The bid text advises vendors of the internet to award each bid to a single vendor; however, the District reserved the right to award to multiple vendors if it is in the District's best interest. Multiple awards are utilized only when a single vendor cannot supply all the required items or, if in the District's best interest based on price. Six vendors responded with priced bids for 27 line-items. [Board Book holders were provided with vendor evaluation detail.]*

The Governing Board approved the awards of contract for football protective equipment to *Riddell All American, Buddy's All Stars, and Sunvalco Athletics* based upon their responses to RFB 09-0075.

M. Award of Contract for Playground Equipment Based on Responses to Request for Bid 09-0076

Board Book information: *Harelson Elementary School received a grant from Lowe's Home Improvement Charitable and Educational Foundation. The grant provided funding for an outdoor learning center and playground equipment. The Purchasing Department bid the following playground equipment to be procured with grant funding. [Board Book holders were provided with vendor evaluation detail.]*

The Governing Board approved the award of contract for playground equipment to *Dave Bang Associates* based upon their response to RFB 09-0076.

N. Approval of Out of State Travel

Out of state travel was approved for students and staff (source of funding indicated): from Ironwood Ridge High School to take 20 students to Las Vegas and Reno, Nevada, June 13-21, 2010 (tax

credit and student activity funds); Amphitheater School District has a strong tradition of participation in contests of academic challenges, including Odyssey of the Mind and Future Problem Solving; students and chaperones from the following school will travel to attend the Odyssey of the Mind World Finals, May 25-30, 2010 at Michigan State University: from Cross Middle School to take 6 students (tax credit donations, auxiliary account funds, gifts and donations, and state funds designated for student travel); from Coronado K-8 School to take 6 students (tax credit donations, auxiliary account funds, gifts and donations, student activity funds, and state funds designated for student travel);

Prince Elementary School to take 6 students (tax credit donations, M & O funds, and state funds designated for student travel). The Governing Board approved a change in chaperones listed for a travel request from Ironwood Ridge High School, which previously approved at the March 9, 2010 Board meeting for students and staff to travel to San Diego, California, May 20-23, 2010.

The Governing Board approved a change in chaperones listed for a travel request from Wilson K-8 School, which was previously approved at the November 17, 2009 Board meeting for students and staff to travel to Valencia, California, May 13-16, 2010.

Out of state travel was approved for staff (source of funding indicated): from Ironwood Ridge High School to attend the National Federation of State High School Associations 91st Annual Summer Meeting in San Diego, California, July 6-10, 2010 (no cost); from the District Offices to attend the Teacher Incentive Fund (TIF) Grant Annual Meeting in Washington, D.C., August 22-25, 2010 (federal staff development funds).

O. Approval of Career Ladder Resident and Entry to Instructional Skills Level Stipends

Board Book information: *The attached lists include names of teachers at the Resident and Entry to Instructional Skills levels, who have successfully completed their module requirements and are eligible for a stipend. The Resident Stipend is \$500. and the Entry to Instructional Skills stipend is \$1,500. This is the second year the stipend has been available for teachers at the lowest levels of the Career Ladder.*

The Governing Board approved the Performance Pay *Resident Stipend* and *Entry to Instructional Skills*, as submitted (Exhibits 8a, and 8b, pp. 1-2)

P. Approval of Amendment to Extend Intergovernmental Agreement with Mesa Unified School District for Distance Learning

Board Book information: *On July 5, 2005, the Board approved an intergovernmental agreement (IGA) with Mesa Unified School District (MUSD) for participation in its proprietary, on-line curriculum and distance learning system. On July 1, 2008, the agreement was extended for a period that expires on June 30, 2010.*

The District has utilized the system to enhance our own course offerings, to provide distance learning opportunities for our students (first grade to graduation), and to supplement our special and alternative education programs. The District offers MUSD's on-line classes to students taking four or more classes within our district. The cost is \$150.00 per on-line course. Program coordination would continue to be provided through the Executive Director of Student Services.

A copy of the original IGA is attached for the Board's reference along with the letter extending the term of the agreement through June 30, 2013. [Board Book holders were provided with IGA detail.]

The Governing Board approved the extension of the IGA between Mesa Unified School District and Amphitheater Public Schools for the Mesa Distance Learning Program; the service agreement is extended (from June 30, 2010) to June 30, 2013, as stipulated (Exhibit 9, pp. 1-11).

Q. Authorization to Construct and Operate a High Speed Wireless Internet Relay Facility at Ironwood Ridge High School and to Negotiate and Execute the Necessary Documents

Board Book information: *A proposal was received on April 7, 2010 from Olson Diversified Services representing Clear Wireless, LLC to install a high-speed wireless Internet antenna at Ironwood Ridge High School. Facility Support Services has reviewed and approved the preliminary design*

drawings for the installation. An MPE (Maximum Permissible Exposure) Report has been performed by Clearwire. Prior to signing a contract with the District the report will be reviewed and stamped by Hardin & Associates, a professional engineering firm. The Administration with Governing Board approval will enter into an agreement with Clear Wireless, LLC and execute such documentation as may be required to effect the wireless antennae installation.

The Governing Board approved the proposed agreement from Olson Diversified Services, representing Clear Wireless, L.L.C., to install a high-speed wireless internet antenna at Ironwood Ridge High School.

R. Approval of Intergovernmental Agreement with the Pima County Joint Technological Education District No. 11

Board Book information: *On November 7, 2006, District voters approved Proposition 400 which permitted Amphitheater's participation in the formation of a Joint Technological Education District (JTED) with other local school districts, pursuant to A.R.S. §15-591, et seq. The JTED's mission statement provides for "the delivery of premier, rigorous secondary career and technology education programs for all eligible students. In conjunction with business and industry, these programs will be focused upon both the educational and employment needs of Pima County."*

On May 13, 2008, the Governing Board first approved an intergovernmental agreement (IGA) between the District and the JTED. The IGA coordinates and governs the joint exercise of joint and common powers between the JTED and Amphitheater. The IGA is renewed annually, and the current IGA is set to expire on June 30, 2010. Consequently, a new document has been prepared for approval by both districts' governing boards. The new IGA is presented by this item. If approved, this IGA becomes effective on July 1, 2010 and remains in effect for a period of time not to exceed one (1) year, unless terminated by sooner.

Counsel has reviewed the agreement and has determined that it is within the power and authority of the Amphitheater Governing Board to enter into the agreement. This same general form of agreement will also be entered into by each of the other school districts which formed the JTED.

The Governing Board approved the annual IGA between the Pima County Joint Technological Education District No. 11 (JTED) and Amphitheater Public Schools to become effective July 1, 2010 and not to exceed one (1) year (June 30, 2011), unless terminated sooner as provided for within the agreement (Exhibit 10, pp. 1-10).

S. Approval of Contract Forms for the 2010-2011 Fiscal Year for Administrative, Administrative Exempt, Certificated, and Professional Non-Teaching Employee Groups; Authorization to Issue Contracts to Renewing Staff Members for 2010-2011

Board Book information: *On April 13, 2010, the Governing Board approved the 2010-2011 compensation and fringe benefits package for the District's employee groups. This item is an additional step required to implement the package, through the issuance of contracts to those employees receiving contracts.*

State law previously mandated issuance of contracts by May 15 of each year. Under revisions made to the statute made by the legislature last year, this is no longer the case. However, the timely issuances of contracts as early as possible helps assure employees of their status, and should therefore proceed as quickly as possible.

The unique status of state-wide budget matters this year will again require that the District's contract forms contain contingency clauses to allow for circumstances beyond the Governing Board's control. Current indications are that legislative cuts are settled, but legislative action is never "final" as recent experience has taught us. This contingency language is therefore vital.

The administration will be recommending contingency language to be as specific as possible so that staff members will be informed of the potential risks for compensation reductions, furloughs and other budget measures.

Ms. Rhonda Ball, President, AmphiEA, addressed the Governing Board expressing concerns regarding verbiage in the Certificated/Administrative/Exempt contracts; she was hopeful that contingency language would be included regarding a possible increase in the Prop 301 Classroom Site funding that might be directed to teacher salaries. She will seek further clarification during the upcoming budget adoption agenda item (Item 5A).

Mrs. Boros asked if contingency language had been included in previous years - providing direction in the event of additional funding. Mr. Jaeger stated that language within the proposed Certificated contract is sufficient to allow for that scenario, paragraph 6, (page 110 in the Board Book packet).

Mrs. Boros inquired about performance pay for administrators. Dr. Balentine responded that Prop 301 funds are specific to teachers.

A motion was made by Mr. Grant to approve Consent Agenda Item S, the approval of contract forms for the 2010-2011 school year (as shown below*). The motion was seconded by Mrs. Boros and passed unanimously, 3-0.

*Certificated Teacher – *Standard*, Exhibit 11a, pp. 1-2; Certificated Teacher – *Career Ladder*, Exhibit 11b, pp. 1-2; Certificated Teacher – *Short Term*, Exhibit 11c, pp. 1-2; Certificated Teacher – *Part Time*, Exhibit 11d, pp. 1-2; Professional Non-teaching/Exempt staff – *10 month*, Exhibit 11e, pp. 1-2; Professional Non-teaching/Exempt staff – *12 month*, Exhibit 11f, pp. 1-2; Administrator Contract – *10 month*, Exhibit 11g, pp. 1-2; Administrator Contract – *12 month*, Exhibit 11h, pp. 1-2; and, Administrative Exempt Contract – *12 month*, Exhibit 11i, pp. 1-2.

T. Approval of 2010-2011 Student Code of Conduct

Board Book information: *On April 13, 2010 the Governing Board studied proposed revisions of the Student Code of Conduct to be effective for the 2010-2011 school year. These revisions are substantial and include, notably, separation of the Code into two separate versions – one for elementary students and one for middle and high school students. Comments received from Board members following the previous review have been incorporated into the drafts.*

The Governing Board approved the Code of Conduct for 2010-2011, which was divided into two sections as 1) Elementary and 2) Middle and High School (Elementary: Exhibit 12a, pp. 1-66; Middle and High School/Secondary: Exhibit 12b, pp. 1-61).

4. ACTION

A. Repeal of Current Governing Board Policies GCQA and GCQA Pertaining to Reductions in Force, Pending Meet and Confer Process for Development of New Policies; Declaration of Need for Emergency Repeal Pending Meet and Confer

Board Book information: *Last November, the Arizona legislature passed, and the Governor signed into law, House Bill 2011. This bill changed many long-standing provisions of Arizona law concerning the employment rights of teachers traditionally arising out of seniority, as well as due process protections for teachers, and teacher association privileges.*

Among other things, the changes made include prohibition of school district policies that give employment retention priority to teachers based on tenure or seniority in situations where the workforce must be reduced. Also prohibited by the changes in law were policies that give preferred rights of rehire (recall) in order of seniority to teachers who have been laid off or reduced in force. Current Governing Board Policy GCQA contains these types of provisions.

As the Board is aware, the validity of HB 2011 has been challenged; a lawsuit filed by the Arizona Education Association has been filed. While the result of that litigation will not be known for some time but could invalidate the provisions of HB 2011, a new law (HB 2227) containing the same provisions was passed and signed into law during this year's legislative sessions. Those new provisions will become law in August, but are then retroactive to November 2009.

In this year's meet and confer process for policy matters, work was underway to develop new policies that would comply with HB 2011. As the budget and contract issues became more pressing, however, the focus of meet and confer had to shift to compensation – in part because of

some of the constraints imposed by current policy and the previous laws. As a result, new policies that comply with HB 2011 and/or HB 2227 have yet to be developed and approved by the Board.

The meet and confer process for policy matters is resuming, but the District also needs to issue contracts to employees for next fiscal year. Those contracts must presently comply with HB 2011, which remains valid until and unless a court determines otherwise. And, of course, the District must in any event ensure compliance with HB 2227.

There is a legal axiom that terms of contract which are imputed by policy are determined by the policy in effect at the time the contract is entered into. Thus, as the District prepares to issue contracts for next fiscal year, it is necessary to ensure compliance with the law to be in effect for next year.

To ensure compliance with either or both laws (as the future will determine), it is recommended that current policies GCQA and GDQA be repealed pending their replacement with new provisions that will comply with law. Without doing so, the District, at best, would be issuing contracts with uncertain and confusing terms and, at worst, would be issuing contracts in violation of law.

Revocation of the policies does not remove employee rights beyond those already prohibited by the changes in law.

Normally, Board Policy BGB calls for the Board to review changes to policy on two board meeting occasions – first by initial study, then followed by adoption in the second meeting. Because contracts for next fiscal year need to be issued at this time and the meet and confer process has yet to resolve this crucial legal compliance, it is recommended that the Board declare an emergency need to revoke the current policies in just one meeting, as Policy BGB also permits. Current policies GCQA and GDQA are attached for reference. [Provided within the Board Packet.]

Mr. Jaeger provided an overview of the proposed repeal of District policies (GCQA and GDQA) as they relate to legislative changes in HB 2011, which passed in November of 2009. One of the changes resulting from HB 2011 prohibits school districts from using seniority or tenure as a factor when selecting teachers for reductions in force (RIF). Additionally, during the process of rehiring teachers, more-senior employees will no longer receive preferred rights of return. Although a lawsuit has been filed by the Arizona Education Association (with the Arizona Supreme Court against HB 2011), the District must comply with the law as it stands prior to the preparation and issuance of 2010-2011 certificated contracts; therefore, administration is seeking the repeal of District policy(ies) at this time. Additionally, two reviews are standard practice, due to emergency needs and the limited timeline, the review and approval process of this action is being sought in a single-review process so that contracts can be issued next week.

Mr. Jaeger noted that the Meet and Confer process will resume for further deliberation in developing new policies related to HB 2011.

The following three speakers addressed the Governing Board expressing their concerns regarding the repeal of these policies: Ms. Rhonda Ball, President, AmphiEA, Mr. John Fife, Representative and AmphiEA president elect, and Mr. Bill Thierry, AmphiEA Representative; each asked to have GDQA omitted from this action and allowing it to return for adjudication within the meet and confer process; support staff are not contracted.

Discussion ensued, in particular about the need to repeal GDQA – Support Staff. Dr. Balentine and Mr. Jaeger responded to Board member questions. The intent for requesting repeal of both policies at this time was done for parity; in recent years, significant effort has been dedicated during policy discussions to achieving parity among all employee groups. Certificated staff do have contracts, Support Staff do not. Once the Meet and Confer process has concluded, new policy recommendations will be forwarded to the Board for its review and adoption; this (repeal) does not eliminate the meet and confer process. Most districts in the state have already passed new policies similar to what is being proposed, or have adopted the ASBA (Arizona School Boards Association) model. Mr. Jaeger noted that contracts cannot be issued at this time with the old policy in place and

must therefore at least repeal it pending the completion of a new policy recommendation (during meet and confer).

The Board encourages that Support Staff be provided the opportunity to provide feedback, and that resolution be sought through a diligent effort by all representatives during the meet and confer process and done so as quickly as prudently possible to ensure a sound footing.

A motion was made by Mrs. Clymer that the Board declare an emergency need to revoke the current policy in just one meeting, as Policy BGB also permits and repeal Policy GCQA. Mr. Grant seconded the motion, reiterating that this action does not include Policy GDQA – Support Staff but encouraging staff to work toward parity. There was no further discussion and the motion passed unanimously, 3-0.

5. STUDY/ACTION

A. Adoption of the FY 2009-2010 Expenditure Budget Revision 3

Board Book information: *The enclosed budget revision updates the budget to include the Soft Capital reduction by the Legislature as part of Laws 2009, 3rd Special Session, Chapter 2. This change lowers the Soft Capital budget by \$2,443,735., which represents a 72.9 percent reduction in Soft Capital funding for the fiscal year.*

This reduction to the District's Soft Capital budget requires that the Soft Capital funding for each school's Non-Staffing allocation be reduced to zero.

In addition, page 4 of the Supplement to School District Annual Expenditure Budget has been updated to reflect the Legislature's use of Stimulus funds to replace State equalization funding in the amount of \$5,638,208.

Dr. Balentine stated that as a matter of course during this time of year, districts prepare their final revisions prior to the May 15th deadline. She invited Mr. Little to summarize the changes reflected in the proposed revision being presented for approval and to provide information about the Classroom Site Fund (CSF) established by Proposition 301 (November 2000 general election), as referenced in the earlier contract item (Item S).

Mr. Little described the Legislature's reduction of Soft Capital funding for school districts statewide totaling approximately \$150 million. The District has been anticipating reductions and now that the final funding amounts are known, the budget revision is necessary and is reflective of those reductions/changes. Mr. Little suggested that further reductions are expected for next year, with the potential of losing all Capital funding. Additionally, the revision must also formally report that that each school did not receive soft capital funding for the year.

Mr. Little explained that the Legislature used Stimulus funds to replace the reduction of the State's contribution – totaling \$5.6 million. The Budget Revision reflects that federal dollars were received under the State's application; this is not new funding but a shift from the State's general-fund dollars. School districts must annually submit their final revision prior to May 15th deadline; however, the Governor recently signed legislation extending the final revision date for this year to be July 15th. Amphi does not anticipate the need to use that provision.

Mr. Little provided a historic overview of CSF. When it was originally adopted, it was set up as a cash-control fund by the Legislature. Because of the delay in collecting Prop 301 revenue, school districts lobbied the Legislature to allow the spending of those dollars prior to collection. Additionally, 301 funding is a revenue source that perpetually fluctuates. School districts adopted one of two methods for tracking these monies; one was a Cash method and the other a Budget method. Some districts have been spending to the budget limit each year and are now having difficulty as actual collections received have been considerably less than anticipated. He provided the following CSF Per Pupil Cash versus Budget Capacity detail, used for teacher salaries:

2006-2007 Legislative budget estimate was \$333. per pupil; collections were \$333. (as projected)

2007-2008 Legislative budget estimate was \$413. per pupil; collections were \$409.70; collections were beginning to fall below projections.

2008-2009 Legislative budget estimate was \$401. per pupil; collections were \$259.00, a significant amount of uncollected revenue. Districts operating from the Budget method instead of Cash started carrying negative balances in their 301 accounts; plus additional costs of incurred interest.
2009-2010 Legislative budget estimate was \$244. per pupil; collections are currently running \$162.25, while teacher salaries were budgeted and built upon higher projections (\$270-280).
2010-2011 Legislative budget originally was estimated at \$80. per pupil; and at times was as low as \$25.00. and has now settled in at \$120.

The budget implications related to the combination of 301 revenue losses and the other budget reductions has created a serious shortfall, especially for schools using the Budget method. To assist districts in adjusting those budgets, legislation was created allowing districts a period of two years to play catch-up on their cash rather than the drastic measures that would have been necessary to accomplish this in one year – thereby offering some relief to teacher salary funding while trying to return the fund back into balance. Amphi has been operating on the Cash method until this school year; because of (reduced) collections, the District anticipates the need to tap into M & O. Collections for next year are anticipated at approximately the \$80. range, which is far lower than the \$280. used to build teacher compensation. He concluded by stating that there is no new money. The District is facing serious cuts in 301 compensation and other reductions imposed by the Legislature.

Ms. Rhonda Ball, President, AmphiEA, addressed the Governing Board; she expressed appreciation to Mr. Little for the CSF explanation; it was informative. She had been hopeful that the extra money – the difference between the \$25. and the \$120. would have been significant but in understands that in fact those dollars are already embedded into the existing salary schedule. She asked about the worst case scenario in the event that the upcoming Proposition 100 fails; will it cause further reductions beyond the proposed 2% salary cut and three furlough days.

Dr. Balentine stated that the reality is that the 301 dollars is a projection by the JLBC. This adjustment (to \$120.) assisted Amphi in balancing the budget without creating an audit finding in the future; because the District had not reduced teacher salaries further than the 2% + 3 furlough days. This was an equitable reduction across the groups and the 301 dollar reality would have required a further reduction in the teaching group.

Mrs. Boros expressed concerns about the CSF funding process and that verbiage used can be misleading. She also sought further explanation about stimulus monies. Mr. Little explained the complexities of the stimulus funding (American Recovery and Reinvestment Act of 2009, ARRA), which will cease with its funding cliff set for the end of 2010-2011. He added that the Legislature used all of the funding to balance the state's current-year budget so it is anticipated that state revenue dollars will need to be used to balance the budget next year. Dr. Balentine explained that due to variables, such as the impact of the economy on revenue income collections, it is difficult to predict how the Legislature will proceed.

Mrs. Clymer moved to approve the FY 2009-2010 Expenditure Budget Revision, #3, as submitted. The Motion was seconded by Mrs. Boros; there was no further discussion and the motion passed unanimously, 3-0.

Note: Mr. Grant announced that Executive Session would be postponed to another meeting when all Board Members can be present.

6. EXECUTIVE SESSION

- A. Motion to Recess Open Meeting and Hold an Executive Session for:
Discussion of Employment and Evaluation of the Superintendent, Pursuant to A.R.S. §38-431.03(a)(1).
- B. Motion to Close Executive Session and Reconvene Open Meeting

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

There were no Board Member requests.

PUBLIC COMMENT¹

There were no public comments.

ADJOURNMENT

A motion was made by Mrs. Clymer seconded by Mrs. Boros and passed unanimously, that the meeting be adjourned. Mr. Grant declared the meeting adjourned at 9:57 p.m.

Respectfully submitted,
Margaret Harris

Mr. Jeff Grant, President

Date