

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, October 5, 2010, 7:00 p.m.

Board Members Present

Mr. Jeff Grant, President
Mrs. Diana Boros, Vice President
Dr. Kent Paul Barrabee, Member
Mrs. Patricia Clymer, Member
Dr. Linda Loomis, Member

Central Administrators Present

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

OPENING OF MEETING

Call to Order and Signing of Visitors' Register

Mr. Grant called the meeting to order at 7:01 p.m. and asked members of the audience to sign the visitors' register. Procedures for addressing the Board were described.

Pledge of Allegiance

Mr. Ernie Galaz, Principal at Holaway Elementary School, introduced Student Council advisors Melanie Derksen and Mary Lou Colvin, who were invited to introduce their Color Guard students in attendance: Jarena Moran, Gloria Villegas, Desiree Goetz, Dominic Trejo, and Dezarae Sanchez. They led the Pledge of Allegiance and were presented with certificates of commendation.

Dr. Barrabee noted the Art Display in the Board Room and recognized the students and Art Teacher, Amy Rudd McCoy, from Holaway 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, October 26, 2010, 6:00 p.m., Wetmore Center, 701 W. Wetmore Road.

PUBLIC COMMENT

There were no comments from the public.

1. INFORMATION AND RECOGNITION(S)

A. Amphitheater District Receipt of "What Parents Want Award" from SchoolMatch.com

Board Book information: *SchoolMatch.com is an online resource for parents and families who are seeking information about choices for their children's education. Hailed by the Wall Street Journal as, "The best source of test scores, student-teacher ratios, spending and education level of residents," the website is a research and database service company that collects, audits, integrates, processes and manages information about public and private elementary and secondary schools across the nation.*

An operation of Public Priority Systems, Inc., the site describes itself and its services in the following manner:

Firms such as Publix, Walt Disney World, Fleet Bank, Allstate Insurance, AT&T, Bank One, Bell Atlantic, Coca-Cola, Eastman Kodak, Hewlett-Packard, Johnson & Johnson, KPMG, Merck, Pfizer,

Pepsi-Cola, State Farm Insurance, UPS, Lexis-Nexis, Ernst & Young, Chase Manhattan Mortgage, Fidelity, USA Today, The Wall Street Journal, American Demographics, MONEY magazine and others knowledgeable in data collection have relied on SchoolMatch® for school evaluation and information.

SchoolMatch® is the only school information provider that employs credentialed, experienced and seasoned educational researchers to compile and audit school data. More than 30 professionals with doctorates in educational research or related fields and experience in tests and measurements, school finance and accreditation collect SchoolMatch® data. More than 900 "Audits of Educational Effectiveness" have been conducted by SchoolMatch® staff, on site, in school systems.

SchoolMatch® begins with the research, and prepares its reports using the accepted building blocks of credible educational research. Other known school information purveyors tend to "skip to the end number," ignoring the research process that turns "data" into "information", and appear to spend little if any time validating data. They assume that if the school system provided the data it must be correct. "Raw numbers," oftentimes collected over the telephone by seasonal employees with little or no educational training, appear to be the basis of their efforts. The data user could have a serious liability when challenged if, for example, the sum of the parts in a particular data field greatly exceed the whole. In other words, if expenditures per pupil are totaled, the end result might be much greater than annual national expenditure on education.

In contrast, the SchoolMatch® ethic mandates careful screening of each data item in each school system in each state before presenting information to clients upon which they rely to help make important, life-changing decisions for their families. SchoolMatch does this with confidence and credibility, since data are collected from sources to which school systems must certify accuracy, completeness and timeliness. By definition, data collected merely by telephone or mail survey cannot be certified. In short, SchoolMatch® data is auditable. "Raw data" from other firms is not.

A "research-first" approach allows SchoolMatch® to provide its clients with information not available from other firms anywhere. For example, the "pupil performance on scholarship examinations" data element is the only uniform comparison of academic achievement of all the nation's schools. No other firm can make that claim.

SchoolMatch® validates comparability, assures continuity, focuses on school effectiveness criteria and makes sure clients can easily understand results. In contrast, "raw data"-based firms often face situations where information without context can be misleading and not easily interpreted by the average individual.

<http://schoolmatch.com/ppsi/advantage.cfm>

Each year, the firm issues its "What Parents Want Awards". Awarded to only about 16% of the nation's schools each year, the award is based upon specific criteria which include:

- *A close match to what SchoolMatch® users most often request. Compilation of over 97,000 parent questionnaires completed by SchoolMatch® clients reveals parents most often look for school systems that are:
 1. *competitive in academic test scores and academically solid, but not so rigorous as to intimidate their children*
 2. *accredited*
 3. *recognized for excellence by a national foundation or by the U.S. Department of Education*
 4. *competitive in teacher salaries*
 5. *above average in instructional expenditures on a national percentile basis*
 6. *above average in expenditures for library/media services on a national percentile basis*
 7. *known for small class size**
- *Availability of programs at the secondary level. Since relocating parents often focus upon finding a school system that produces a certain quality of "end product" (a high school*

graduate), only school systems that provide secondary school programs are eligible for the award.

<http://schoolmatch.com/ppsi/wpwlist.cfm>

In Arizona, only nine (9) school districts across the state received the prestigious honor in 2010. Amphitheater is one of the nine. A letter confirming the award is forthcoming.

Mr. Jaeger stated that the District recently received notification about receiving the "What Parents Want Award." He provided an overview about Schoolmatch.com as described in the board book agenda item. He logged into the SchoolMatch.com website, and reviewed the criteria used on which to base the award. He noted that Amphi is just one of nine school districts in Arizona receiving this award and that it is a particularly exciting development given the limited number of Arizona districts.

Dr. Barrabee stated that he was interested in knowing more about the award and therefore logged onto their website eager to learn more. He expressed concerns that a fee of \$34.00 is being charged to parents requesting school 'report card' information.

Mr. Jaeger noted that large firms, such as those mentioned (above) purchase and provide the data collected to their employees in assisting them during a corporate job-relocation process.

Dr. Balentine clarified that the District did not provide payment to SchoolMatch.com for this award or trade in service.

B. Status of Bond Projects

Mr. Louth, Bonds Project Manager, was introduced to present this month's (PowerPoint) 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.) *[A Bond-election initiative to fund capital improvement projects was voter-passed on November 6, 2007; this is the monthly update, which began at the 12/11/07 Governing Board meeting].*

I. Health, Safety, and Security:

A. Facility Support Services Center: Construction is 15% complete. Block perimeter wall is 85% complete. Accessory building exterior walls are complete. Main building floor is poured and steel erection has started. This project is on schedule and on budget.

II. Instructional Space / Portable Replacement

A. Ironwood Ridge High School Classroom Addition: Construction is 72% complete. Building exterior is complete. New bus lane is under way. Drywall is painted and millwork is being set. Interior finish MEP (mechanical, electrical, plumbing) is in process. Ceiling grid is installed. Interior finishes are being completed. This project is on budget and is scheduled for substantial completion in early November.

B. Coronado K-8 Classroom, Kitchen, and Fine Arts Addition / Remodel: Construction is 58% complete. Fine arts and classroom building are dried in. Interior MEP has started. New kitchen exterior walls are complete and roof framing is complete. Built up roof installation is in process. New IT crossover (from old to new) is in process. A large part of this work will take place during intersession break. Project is approximately one week behind schedule which is a one week improvement from last month's update and a two week improvement from the previous month's update. The design team is continuing to try and find areas where the schedule can be condensed and returned to being current. Project is on budget.

C. Rillito Center Addition: Construction is 5% complete. Over excavation is complete. Footers are being dug and prepped for concrete. The relocation plan for the TEP mainline is in place. This project is on budget and the baseline schedule is being reworked to account for the TEP mainline relocation.

D. CDO Theater Updates: Construction is 8% complete. Demolition is complete and construction has started on this project. Electrical is being installed. New rigging, stage curtains, and line array lighting is in process. This project is on schedule and on budget.

E. Nash Elementary Classroom Addition: Programming of the classroom addition at Nash Elementary is continuing. Schematic design and design development drawings are complete. Price evaluation and design refinement is ongoing.

F. Walker Elementary Classroom Addition: Programming of the classroom addition and kitchen remodel at Walker Elementary is continuing. Schematic design is complete and design development drawings are being prepared. Schematic design pricing is being developed at this time.

III. New classrooms/Increased capacity; IV. Technology infrastructure updates; and, V. Transportation - no new activity to report at this time.

Mr. Louth responded to Board Member questions. The acoustical concerns in CDO's theater have been addressed, including the selection of seats that enhance auditorium acoustics. The completion date is anticipated to be mid-to late-January 2011.

C. Annual Review of Progress of Bond Program and Capital Improvement Projects, Pursuant to A.R.S. 15-491(K)

Dr. Balentine stated that the District is mandated to provide a formal, annual public update on its Bond projects. Mr. Aho was introduced to provide that review and progress of the Bond Program for the 2009-2010 school year. Mr. Aho noted the District's appreciation to the community for the passage of the Bonds initiative in 2007. He displayed a (PowerPoint) chart that summarized the bond dollars spent through June 30, 2010, which total \$20,028,650.

- Health, Safety, and Security: \$518,349.45 or 10%;
- Instructional Space / Portable Replacement: \$2,042,114.56 or 38%
- Technology Infrastructure: \$584,783.69 or 11%
- Transportation: \$2,259,115.68 or 41%

Mr. Aho responded to Board member questions. He stated that since inception, the primary goals have been to move forward in a cautious manner, focusing on sustainability and proven efficiencies; increased momentum has been steady. It is anticipated that 2011 may be a challenging year due to some large-scale projects being planned. He noted kudos for the excellent construction manager, Chris Louth.

Dr. Balentine noted that the District plans to move forward with the next sale of bonds while maintaining the tax rate due to the repayment of a significant portion of the previous bonds (from the 1990's) thereby supporting plans to move forward with some of the larger projects scheduled for next year.

D. Summer Learning Program

Board Book information: *This past summer the District revised the "Summer School Program" and instituted a "Summer Learning Program." The focus was on second and third graders and the content areas of Math and Reading. Identification was based on results from "strand" areas on MAP testing, and also by AIMS test results for third graders. Selected students participated in half-day sessions. Tom Collins, Director of Federal Programs, will be present to overview the Summer Learning Program model and the results.*

Dr. Balentine stated that the focus for this year's summer school program was revised, targeting student achievement in the core program areas of math and reading. Mr. Tom Collins, Director of Federal Programs, was introduced to provide an overview (PowerPoint) of the 2010 summer school program. This year's summer school program consisted of three fundamental programs, as follows: a Core program for 2nd-3rd graders focusing on Math and Reading; a Compensatory Education program servicing the needs of English Language Learners (ELL) in grades K-8; and, a high-school level program servicing ELL/Title III (No Child Left Behind/NCLB) students.

Mr. Collins described the development process used in revising the focus for the Core program, and the use of pre-and post- assessments, the implementation of Responsive Teaching curriculum, and teacher collaboration. Mr. Collins recognized both Robin Arthurs and Debbie Garcia for their contributions in the training of all summer school teachers and who were integral in the program design. The student achievement data and feedback from students, parents, and teachers support improved student outcomes. Mr. Collins reviewed assessment practices. Parent feedback expressed appreciation for the advances

made by their students. Mr. Collins stated that similar results and feedback were noted in both ELL programs.

Board Members expressed their appreciation to Mr. Collins for his comprehensive presentation and offered comments. The levels of student engagement and (high) program completion percentages are an important indicator to the successes of all programs, and are impressive. It would be wonderful to use the summer school model throughout the year; yet costs are prohibitive. Some components may be considered for at-risk student programs. Tracking on-going student achievement for these students may be informative and valuable.

E. Recognition of RODEL Semi-finalist

Board Book information: *Each year the Rodel Foundation of Arizona selects outstanding teachers based on their record of outstanding student achievement and excellent instruction to Arizona's students. The teachers can be nominated in various ways and include an application process, a review of their teaching expertise, a site visit to their classroom, and an interview.*

The Governing Board congratulated the following teachers recognized for achieving RODEL semi-finalist status for 2010: Crystal Estrella, 1st grade teacher from Rio Vista, Donnie Dicus, 2nd grade teacher from Rio Vista, and Laura Tanem, 2nd grade teacher from Prince. Each was presented with a Certificate of Commendation.

Dr. Barrabee noted that it is evident that these teachers are motivated by the 'love of teaching' process and its rewards, and he expressed his appreciation to them.

F. Review of 2010-2011 Budget Reductions Review of 2009-2010 Annual Financial Report and 2010-2011 Budget Update

Mr. Little was introduced to provide an overview (PowerPoint) of the 2009-2010 Annual Financial Report (AFR) and an update on the 2010-2011 budget.

Mr. Little reviewed the AFR and highlighted the most relevant items showing significant changes (13) to the AFR. The AFR is on the Consent portion of the agenda (Item J); its certification is sought so that it may be submitted to the Arizona Department of Education and for its publication. He added that a substantial portion of the eight-one (81) page document specifically relates to desegregation reporting (69 pages) representing approximately \$4 million out of a \$100 million dollar budget. This is may be important related to the legislative priorities to be discussed later in the evening (Study Action, Item 3.A.) as it relates to reducing administrative costs necessary for the processing of paperwork.

Mr. Little noted several examples of extraordinary funding circumstances. Experienced for the first time in his tenure, he noted that the District was unable to capture interest earnings in the general fund, resulting from the Legislature's deferred and delayed payments. Additionally, due to disruption of cash-flow, the District realized an increase of borrowing costs' expenses totaling \$111,000. The State equalization was lowered by \$5.6 million and was back-filled with federal stimulus funds (American Recovery and Reinvestment Act of 2009/ARRA). Reimbursement costs of over-collected taxes related to the Qwest lawsuit. He described a reduction to special education expenditures for this year related to the supplanting ability of the ARRA and IDEA (Individuals with Disabilities Education Act) grant. He noted the reduction of Proposition 301 funding, a decrease in capital expenditures to current legislative cuts; additional funding cuts are anticipated in upcoming years. Due to the elimination of (State) Building Renewal funding (through School Facilities Board/SFB), the District must now assume enduring maintenance expenses and is doing so through soft capital funding (the same reserved for computers, textbooks, software, instructional materials etc.). All remaining SFB funding (\$26,000.) has been spent. Legislative budget cuts resulted in decreased grant funding by 27% in comparison from prior years.

Mr. Little provided clarification for inquiries by Board Members. Asked by Dr. Barrabee, is there a danger ahead in the District's ability to maintain services, Mr. Little stated that caution is certainly recommended. Interest income in years past was unpredictable; however, the lowest had been +\$15,000, whereas this year the amount is -\$111, 000. He explained that when the District has to borrow money to cover expenses

because of uncollected revenue (i.e. Legislature's deferred and delayed payments), the negative cash flow is an indicator and impacts the District's (borrowing) rating.

2010-2011 Budget Update - Mr. Little next provided an update (PowerPoint) for the current year's budget. He noted that the current year's budget is based upon last year's enrollment. The District continues the reconciliation process, with the Department of Education's Student Accountability Information System (SAIS), in determining final student enrollment numbers to be used for a final 2010-2011 budget. Once this process is complete, a revision to the budget will be brought to the Governing Board for its review and adoption. Additionally, in an effort by the State to balance its budget, it deferred state aid payments (\$20.8 million) to school districts due in May 2010; the State hopes to repay those dollars statewide October 15, 2010. Amphi anticipates receiving \$353,475.12, a partial payment thus leaving an outstanding balance of \$129,132.75. from the 2009-2010 school year. The current State budget was based upon the passage of two legislative November 2, 2010 ballot referendums, propositions 301 and 302; the failure of these will add \$469 million to the current (State) budget deficit. Detailed information concerning the Federal Jobs Bill is still unknown; Arizona's funding portion is \$208 million. The Joint Legislative Budget Advisory Committee/JLBC is suggesting that at least \$100 million be used to backfill the State for its current year's deficit.

Mr. Little noted that revenue for Proposition 301 [Proposition 301, November 2000; classroom site fund/salary] continues to decline; 1st quarter sales tax collections are 3.5% below the same quarter last year. Payments to the District are several months behind tax collection. He provided 3-year collections' comparisons, as follows: August 2008 - \$500,544.53; August 2009 - \$353,780.36; August 2010 - \$330,586.33. When delays of this nature occur in revenue collection, it is the District's expense obligation to cover salary commitments, and those expenses impact the M & O (Maintenance and Operation) budget.

Mr. Little noted that the ARRA (federal education stimulus grant funding) funding expires September 2011. These grants prevent the State from reducing base funding levels below that of the 2005-2006 levels. Current K-12 funding is close to that base; further cuts may be possible once the ARRA funding expires.

Dr. Barrabee expressed concern about legislators' adherence to their obligation to honor the State's constitution regarding education. He inquired about the potential to communicate with federal representatives recommending an extension of stimulus funding. Mr. Little recommends long-term reform for state funding structures/taxation systems; moving away from revenue sources that are directly impacted by economics, such as a downturn.

Mrs. Boros asked for clarification about possible repercussions to school districts between the impacts of failed referendums, Prop 301 and 302, as compared to the original \$469 million deficit. Mr. Little stated that it is difficult to say as the State can distribute the deficit differently among entities (K-12 education, higher education, Medicaid) and unforeseen economic indicators.

Dr. Balentine added that Proposition 302 is asking voters to repeal/eliminate First Things First, which is a voter-approved referendum from November 2006.

Mr. Grant added that it is disheartening to know that we are facing funding cuts but also delayed payments causing additional costs incurred by school districts.

Detailed information for the Finance Advisory Committee (JLBC) revenue and budget update, September 29, 2010

<http://www.azleg.gov/jlbc/revenuebudgetupdate.pdf>

Prop 301, [http://ballotpedia.org/wiki/index.php/Arizona_Land_Conservation_Fund_Transfer,_Proposition_301_\(2010\)](http://ballotpedia.org/wiki/index.php/Arizona_Land_Conservation_Fund_Transfer,_Proposition_301_(2010))

Prop 302, [http://ballotpedia.org/wiki/index.php/Arizona_First_Things_First_Program_Repeal,_Proposition_302_\(2010\)](http://ballotpedia.org/wiki/index.php/Arizona_First_Things_First_Program_Repeal,_Proposition_302_(2010))

2. CONSENT AGENDA

Mr. Grant asked if there were Board member requests to have items addressed separately; Dr. Barrabee requested that items G, I, and O be heard separately. A motion was made by Mrs. Clymer to approve consent agenda items A-F, H, J- N, and P-T. The motion was seconded by Mrs. Boros and passed unanimously, 5-0. Appointment of personnel is effective, provided all district, state, and federal requirements are met. (See detail related to items G, I, and O below.)

A. Approval of Minutes

The minutes of the September 21, 2010, Regular and Executive Session Governing Board meetings 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 were appointed, 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. 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 \$ 3,530,630.30 (Final Total)

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

Vo. 130	\$ 344,274.98	Vo. 131	\$2,224,455.02	Vo. 132	\$ 129,206.81
Vo. 133	\$ 744,558.26	Vo. 134	\$ 72,741.16	Vo. 135	\$
15,394.07					

G. Acceptance of Gifts

Dr. Barrabee asked to have this item addressed separately to acknowledge the contributions made by the from Copper Creek's PTO - \$11,400. used for salaries and an additional contribution of \$4,745.79 for textbooks. These kinds of donations reflect the dire needs that exist; some schools are fortunate to have the wherewithal of this type and other schools are not so fortunate.

A motion was made by Dr. Barrabee to approve Item 2.G. (Acceptance of Gifts). The motion was seconded by Mrs. Boros and passed unanimously, 5-0, as submitted (Exhibit 5, pp. 1-2).

H. Approval of Parent Support Organization(s) for 2010-2011

The Governing Board approved Annual Applications for Governing Board Approval (Parent Support Organizations pursuant to District Policy KBE-R) submitted by the following Parent Teacher Organizations: Coronado K-8 PTO, Cross Middle School PTO, Donaldson PTO, and Richard B. Wilson, Jr. K-8 PTO.

I. Receipt of July 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.*

Dr. Barrabee asked to have this item addressed separately in order to note the levels of funding contrasts among schools and their Clubs; and, the varying levels of enrichment experiences available. Additionally he commented about the discrepancy of extra curricular tax credits among schools.

A motion was made by Dr. Barrabee to approve Item 2.I. (Receipt of July 2010 Report on School Auxiliary and Club Balances). It was noted that some of the club balances are directly related to the fundraising efforts by individual schools. Mrs. Clymer added that if a PTO is the major fundraising arm in a school, it is not reflected in this report. In contrast, if a school's Student Council is their primary fundraiser, that information is reflected in this report. The motion was seconded by Mrs. Boros and passed unanimously, 5-0, as submitted (Exhibit 6, pp. 1-8).

J. Certification of the 2009-2010 Annual Financial Report (AFR)

The Governing Board approved certification of the 2009-2010 Annual Financial Report (AFR), as submitted; and, authorized submission to the State as required by Arizona Revised Statutes (Exhibit 7, pp. 1-81).

K. Disposition of Surplus Learning Materials

Board Book information: *The Warehouse is responsible for the collection and disposition of surplus materials. Not all surplus materials find ready buyers at auction. Arizona Revised Statute 15-342, as referenced in Section R7-2-1131 of the Arizona Administrative Code, allows the Governing Board to donate surplus or outdated learning materials to nonprofit community organizations where the Governing Board determines the anticipated cost of selling the learning materials equals or exceeds the estimated market value of the materials. With Governing Board approval thirty-five used student desks will be donated to World Care,.*

The Governing Board approved the donation of 35 used student desks to World Care, a 501(c)3 non-profit organization in Arizona, in accordance with the District's policy on collection and disposition of surplus materials.

L. Approval of Disposal of Surplus Property via a Public Surplus Online Auction

The Governing Board approved the disposal of surplus property via online auction, as submitted. [156 pieces, 4 boxes of misc items; board book holders were provided with a spreadsheet of detailed items.]

M. Award of Contract for Chain Link and Wrought Iron Fencing Based Upon Responses to Request for Bid (RFB) 10-0015

Board Book information: *Request for Bid (RFB) 10-0015 for chain link and wrought iron fencing was mailed to ten fencing contractors. Responding contractors were asked to provide prices for four sample installations. Contractors were also asked to provide their hourly labor cost for repair, (a two-person team). Sample installations included the cost per lineal foot for both chain link and wrought iron fencing, vehicle gates, personnel gates and push-bar installation. Six contractors responded. One of the six failed to provide prices for two of the four installations. A second contractor failed to meet the requirements of Article Ten of the Arizona Administrative Code, Section 7-2-1031 a Responsible and Responsive Bidder. Both were deemed not eligible for award consideration. [Board Book holders were provided with a spreadsheet of comparative data.]*

The Governing Board approved an award of contract for chain link and wrought iron fencing to *Canyon Fence Company* based upon responses to RFB 10-0015.

N. Award of Contract for Copy Paper Based Upon Responses to Request for Bid (RFB) 10-0004

Board Book information: *Request for Bid (RFB) 10-0004 for Copy Paper was mailed to fifteen vendors; 4 responses were received. RIS Paper is the low responding vendor meeting bid requirements. Please see below. [Board Book holders were provided with a spreadsheet of comparative data.]*

The Governing Board approved an award of contract for copy paper to *RIS Paper* based upon response(s) to RFB 10-0004.

O. Approval of Out of State Travel

Out of state travel was approved for students and staff (source of funding indicated): from La Cima Middle School to take 40 students to the Catalina Island Marine Institute in Toyon Bay, California, April 26 - 30, 2011, for science enrichment (tax credits and auxiliary funds); from Ironwood Ridge High School to take 20 students from DECA to the Western Leadership Conference in Washington, D.C., November 11 -14, 2010, to participate in workshops pertaining to careers in marketing/competitive event preparation (tax credits, student activity funds, and state funds); from Ironwood Ridge High School to take 10 students from DECA to the International Career Development Conference in Orlando, Florida, April 29 - May 3, 2011, to participate in DECA's national competition for college scholarships (tax credits, student activity funds, and state funds).

Out of state travel was approved for staff (source of funding indicated): from Mesa Verde, Harelson, Coronado, CDO, Nash, and Keeling to attend the National Staff Development Council Annual Conference in Atlanta, Georgia, December 3-8,2010 (federal funds designated for staff development); from the District

Offices to attend the NFHS/AIAAA Athletic Directors Conference in Orlando, Florida, December 16-20, 2010 (site maintenance and operations funds designated for staff development); from Amphitheater High School to attend the NFHS/AIAAA Athletic Directors Conference in Orlando, Florida, December 16-20, 2010 (auxiliary account funds and maintenance and operations funds designated for staff development); from Canyon del Oro High School to attend the NFHS/AIAAA Athletic Directors Conference in Orlando, Florida, December 16-20, 2010 (student activity funds and maintenance and operations funds designated for staff development).

Dr. Barrabee asked to have this item addressed separately in order to thank administration for the inclusion of the legend explaining the travel codes that was requested at the last meeting.

A motion was made by Dr. Barrabee to approve Item 2.O. (Approval of Out of State Travel). The motion was seconded by Mrs. Clymer and passed unanimously, 5-0.

P. Approval of Grant(s)

The Governing Board approved a \$2,000 grant from the Arizona Commission on the Arts to Prince Elementary School; it is known as an ACA Honorarium Grant, and will be used towards an in-house artist in residence program.

Q. Approval of Proposition 301 Performance Pay Awards and Administrative Performance Pay Awards for 2009-2010 Fiscal Year

Board Book information: *Forty percent of the revenue which the District receives from Proposition 301 derived from sales tax revenue provides funding for a performance based incentive pay program. This program is conducted pursuant to a written plan previously approved by the Governing Board. The plan provides for three elements of performance pay.*

The first element is a participation award paid to eligible professional employees for their initial agreement to participate in the program. That "first-time participation award" for 2009/2010 is a payment of \$350. Previously, this amount was \$600. An adjustment was made due to the significant drop in the available monies for distribution. The total amount of 301 funds allocated annually to this element naturally varies with the number of new participants each year.

The second performance pay element is an annual award given to eligible employees assigned to a school which reaches its student engagement and a site selected achievement goal (Goal I). After first-time participation awards are allocated and funded, the Goal I award accounts for 60% of the performance pay fund expenditures. This year the full pay out per person for Goal I is \$846.

The third performance pay element is an annual award for a school reaching a student achievement goal as measured by standardized testing (Goal II). The Goal II award accounts for 40% of the performance pay fund expenditures, after first-time participation awards are allocated and funded. This year the full pay out per person for Goal II is \$564.

This item will authorize payment of the performance pay awards to eligible staff for the 2009/2010 fiscal year. The attached information provides details by school on the level of accomplishment of the goals and the dollar amount available per person for a full award by school. It is important to note that the amount of money available for distribution is considerably less this year. The total amount, including benefits, which will be distributed this year is \$1.5 million, down from \$2.6 million last year. Therefore, maximum pay out for full accomplishment of both goals for eligible certified staff is \$1410.

Paraprofessionals are eligible for 301 Performance Pay which became effective for the 2007-2008 fiscal year. For the 2009-2010 school year pay out a total amount of \$300 is available per staff member prorated according to the hire date, full or part time status and the school site results. This is down from \$500 in previous years.

The Meet and Confer agreement approved by the Governing Board on August 1, 2007 allowed for a performance pay plan for Principals and Assistant Principals. The plan allowed for a potential of \$1000 per participant mirroring the 301 plans at the school sites. This year, this amount will be reduced to mirror

the reductions for all other eligible other employee groups with \$600 being the total award possible. The administrator plan is similar to the 301 Plan for teachers. 60% of the pay out is based on Goal I, and 40% of the pay out is based on Goal II. Principals and Assistant Principals will receive up to \$360 for accomplishment of Goal I and an additional award of up to \$240 is available for Goal II.

The attached spreadsheets list pay out totals by school and individual calculations for both eligible certified teaching staff, paraprofessional participants and administrators based upon the accomplishment of Goal I and the school's pro-rata achievement of Goal II, adjusted for full-time equivalency.

The Governing Board approved the list of Proposition 301 Performance Pay Plan Awards and Administrative Performance Pay for Goals I and II for the 2009-2010 Fiscal Year, as submitted. Exhibit 8, pp. 1-42)

R. Approval of Governing Board's Declaration of Curricular and Instructional Alignment to the Arizona Academic Standards

Board Book information: *In 1996, the Arizona State Board of Education began adoption of the Arizona Academic Standards (Standards) in the subject areas of reading, writing and mathematics. The Standards were mandated for all Arizona public schools to implement through curriculum and instruction. To confirm that all schools in Arizona are in compliance, all school districts and charter schools are required to complete a "Declaration of Curricular and Instructional Alignment to the Arizona Academic Standards" ("Declarations").*

Compliance with this requirement establishes evidence that the Arizona Academic Standards have been incorporated into the curricular and instructional practices at the local level, in furtherance of the federal No Child Left Behind Act and Arizona Learns. The Board's Declaration, a copy of which is attached, is essentially a form of affidavit or oath of compliance with the Standards.

The Declarations actually consist of three separate documents to be signed, respectively, by the Governing Board as a body, the Superintendent as an individual, and every school principal as an individual. The Governing Board and Superintendent's Declarations are due on October 15th. The school principals' declarations will be due in February, 2010. For a school and district to be in compliance, all three forms of Declaration must be signed and returned to the ADE.

The Administration has also informed Principals of the content of their individual Declarations which they will sign at the end of the year, so that they may take necessary actions during the course of the year to ensure they can truthfully make the Declaration.

The Governing Board approved the Governing Board's Declaration of Curricular and Instructional Alignment to the Arizona Academic Standards for compliance as required by State law to include submission of the document to the Arizona Department of Education. [This document was submitted to the Board of Education as an on-line document by the Superintendent on 10/6/10 as directed by this action.]

S. Approval of Superintendent's Declaration of Curricular and Instructional Alignment to the Arizona Academic Standards

Board Book information: *In 1996, the Arizona State Board of Education began adoption of the Arizona Academic Standards (Standards) in the subject areas of reading, writing and mathematics. The Standards were mandated for all Arizona public schools to implement through curriculum and instruction. To confirm that all schools in Arizona are in compliance, all school districts and charter schools are required to complete a "Declaration of Curricular and Instructional Alignment to the Arizona Academic Standards" ("Declarations").*

Compliance with this requirement establishes evidence that the Arizona Academic Standards have been incorporated into the curricular and instructional practices at the local level, in furtherance of the federal No Child Left Behind Act and Arizona Learns. The Superintendent's Declaration, a copy of which is attached, is essentially a form of affidavit or oath of compliance with the Standards.

The Declarations actually consist of three separate documents to be signed, respectively, by the Governing Board as a body, the Superintendent as an individual, and every school principal as an individual. The Governing Board and Superintendent's Declarations are due on October 15th. The school principals' declarations will be due in February, 2010. For a school and district to be in compliance, all three forms of Declaration must be signed and returned to the ADE.

The Administration has also informed Principals of the content of their individual Declarations which they will sign at the end of the year, so that they may take necessary actions during the course of the year to ensure they can truthfully make the Declaration.

The Governing Board approved the Superintendent's Declaration of Curricular and Instructional Alignment to the Arizona Academic Standards for compliance as required by State law to include submission of the document to the Arizona Department of Education. [This document was submitted to the Board of Education as an on-line document by the Superintendent on 10/6/10 as directed by this action.]

T. Approval of Dedication of Utility Easement to Tucson Electric Power; Authorization of General Counsel to Execute Necessary Documents

Board Book information: *As part of the ongoing bond-funded improvements at the Rillito Center (266 East Pastime Road), Tucson Electric Power Company (TEP) has requested the District grant it an Easement for the construction and maintenance of electrical transmission and distribution equipment and facilities. Construction of the new transmission facilities necessitating this easement are essential to the project.*

As the easement on district-owned real estate will be permanent in nature, the Board's approval is required. Construction of the easement is not expected to disrupt the School's operation. TEP will naturally assume liability for risks associated with the construction and indemnify the district from claims associated with that construction.

Final documents that provide the exact legal description of the easement are being prepared and will be provided via supplement to this item.

The Governing Board approved the utility easement between Tucson Electric Power and the District for property located and known as Rillito Center, 266 E Pastime Road and, the authorization of General Counsel to execute necessary documents to affect it, as described within the Legal Description, shown as Exhibit 9. At the time of the preparation of these Minutes, the Easement's status is in-process and has not yet been received; upon receipt, it will be recorded as Exhibit 10.

3. STUDY/ACTION

A. Study and Approval of the Governing Board's Legislative Priorities for the 2011 Fiscal Year

Board Book information: *For several years, the Governing Board has established legislative priorities for the District to guide and direct District spokespersons in their conversations and efforts with Arizona legislators. This guidance is necessary to ensure that communication with State law makers is consistent with the Board's philosophies and the District mission.*

The priorities set by this item are separate from, but may overlap, those adopted by the Arizona School Board Association, which also seeks input from the District's Governing Board in the formation of that organization's own legislative agenda. The Board provides input to ASBA through separate Board action for that purpose. The ASBA legislative agenda was discussed at the Board's April 13, 2010 meeting.

The following draft list of legislative priorities for the Amphitheater District, which includes bulleted talking points to aid our representatives, was drawn from direction provided by the Board in previous discussions.

1. Increase Funding for K-12 Education

- AZ LEARNS and NCLB demand higher levels of achievement.
- The stakes for students and their families under these systems of accountability are high; mastery of state standards is mandatory for promotion and graduation.
- Increasing student achievement goals is warranted; but support of those increases through increased school funding is essential to support those goals.
- Special programs which increase student success require financial support.

- Funds are required to attract and retain the best and most qualified staff, particularly in high needs areas such as science, math, technology and career and technical education.
- School funding long failed to keep pace with inflation until state voters overwhelmingly approved Prop 301. But even with 301's inflation factor (2% max.), school district budget increases in recent years were largely absorbed by increases costs for state retirement contributions, energy and fuel, and health care.

2. Expand Career Ladder Funding

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

3. Maintain Desegregation Funding

- Desegregation and OCR orders typically mandate that school districts undertake some form of corrective action, through the implementation of new programs, services or policies.
- A.R.S. §15-910 (the desegregation funding statute) provides a separate source of revenue for school districts compelled to implement new programs and services by operation of court orders or OCR decrees.
- In November 2004, the legislature put forward Prop 101, which mandated that initiatives or referendums requiring the expenditure of state revenues also had to provide a source of increased revenues to avoid impacting the State's general fund and existing state programs.
- Through Prop 101, legislature correctly recognized that new programs imposed upon government should have their own funding source.
- In the same way, §15-910 protects existing school district programs and services.
- Programs and services of school districts directly serving Arizona's children deserve no less protection than the general fund of the State.
- Argument that voters have no control over the desegregation taxes is faulty; Voters disapproving this levy or any other for that matter can evidence their disapproval at the polls in Governing Board elections.
- Use of desegregation funding for purposes not provided for in consent orders or decrees (compliance with State-directed SEI/ELL programs) risks legal intervention due to violation of orders.

4. Provide Adequate Funding to Serve English Language Learners

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

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

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

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

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

7. Protect and Support Education Due Process Rights.

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

Dr. Balentine provided an overview of the board book materials, which served as the stated legislative priorities for 2010. She noted that the items are presented for the Board's consideration and approval, which are recommended.

Dr. Barrabee provided the Board and administration with three additional priorities for consideration and discussion; he reviewed them:

1. Provide Adequate Support for Special Education

The state supports special needs students by providing extra funds. In 2010, apart from Kindergarten and K-3 students, Amphitheater had \$3,261 special needs students (including ESL students). Of these, 57% or 1,858 students that were in a category that includes emotional disability, mild mental retardation, specific learning disorder, speech/language impairment, and other health impairments. For each of these 1,858 students, the state provided the district an additional \$9.93---one time, FOR THE ENTIRE YEAR! This lack of support is unconscionable! Further, the Legislature's dereliction of duty puts a huge burden on a district dedicated to providing appropriate support, not only for its special needs students, but for the needs of all of its students.

2. Eliminate All Student Tuition Organization Tax Credits.

Legislators are, by oath to the state constitution, required to support, develop and advance public education. Although contrary to their oath, the Legislature has reduced funding of public education using scarcity of general funds as a rationale for these actions. Concurrently, the Legislature's steadily increasing diversion of taxes to private schools through student tuition organizations has added to the scarcity of funds that the Legislature needs to fulfill its constitutional requirements (to public education)

3. Eliminate the Extracurricular Tax Rebate *Credit* Program

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

Dr. Barrabee expressed concern that the Legislature will eventually direct the cessation of public education and move to a voucher/private school system.

Mrs. Clymer requested that the word "Rebate" be replaced with "Credit" within the "Eliminate the Extracurricular Tax Rebate *Credit* Program" item. Dr. Barrabee was amenable to this change.

Regarding the item "Eliminate All Student Tuition Organization Tax Credits," Dr. Balentine noted some controversy about this theory; it has not been clearly shown that this program is attracting students to enroll in private schools. Another concern she noted was that more than one person can contribute to the tuition of a student; typically people will enlist others for their contributions; she cited it as an example of a "tea party."

[<http://www.nasfaa.org/redesign/taxbenefitsguide2009.html> Tax *credits*, which directly reduce the amount of tax you are liable for versus Tax *deductions*, which reduce the amount of income that you pay taxes on.]

Dr. Barrabee noted that Senator Huppenthal was in attendance at a recent meeting where he was proselytizing the advantages of multiple tuition tax credits (same student).

Mrs. Clymer expressed appreciation to Dr. Barrabee for his efforts in developing and preparing these items for consideration.

Mrs. Boros recommends inserting Dr. Barrabee's items into the original Legislative Priorities listing so that his three items now become items 2, 3, and 4 and the original items move down in ranking accordingly; all items will together be shown as 1 through 10; and, update the formatting of the revised document.

A motion was made by Mrs. Clymer to approve the 2011 Legislative Priorities, as amended in discussion above. Mrs. Boros seconded the motion. Mr. Grant thanked Dr. Barrabee for articulating the additional concerns, as submitted. A vote was called and it passed unanimously, 5-0.

4. STUDY⁴

A. Review of Proposed Revisions to Governing Board Policies BBBB (Board Member Oath of Office); BE (School Board Meetings); BEC (Executive Sessions/Open Meetings); BEDA (Notification of Board Meetings); BEDG (Minutes) and its accompanying Regulation, BEDG-R.

Board Book information: *The Arizona School Boards Association ("ASBA") has recommended revisions to certain policies as a result of recently enacted legislation. This Board item will address only those revisions proposed for the B-series of policies concerning School Board Governance and Operation. Each policy is listed separately clarification. The majority of proposed revisions reflect the additional obligations relating to the posting of meetings by public governing bodies that have been enacted by HB2209 into A.R.S. § 38-431.02. Among them is a proviso that the Secretary of State, city/town clerks, and county clerks must post on their websites open meeting law (OML) materials prepared and approved by the Attorney General. HB2209 also prescribes further requirements for the posting of all meetings of public bodies in the state.*

Policy BBBB - Board member Oath of Office

Any person elected or appointed to a public body, including a member of a school district governing board, SHALL review the OML materials at least one (1) day before taking office. The Attorney General materials are also contained in Chapter 7 of the Arizona Agency Handbook, which may be accessed on the Attorney General's and the Secretary of State's websites.

Policy BE -School Board Meetings

This policy has been revised to direct the user to Policy BEDA which sets out the new notice posting requirements. Policy BE has been further adjusted to address a potential technical complication concerning the manner by which a scheduled board meeting may be postponed or cancelled.

Policy BEC - Executive Sessions/Open Meetings

Changes to A.R.S. § 38-431.02, also included in HB2209, adds another condition that MUST be met when an executive session is scheduled to be held during a Governing Board meeting. The notice of the meeting at which an executive session will occur SHALL state the provision of law that authorizes the Board to hold an executive session for the stated purpose.

Policy BEDA - Notification of Board Meetings

All governing bodies MUST post on their website a statement identifying all the physical and electronic locations where meeting notices will be posted. The restructured sentence at A.R.S. § 38431.02(A)(2)(a) is unclear as to whether the retained language, "...and shall give such additional public notice as is reasonable and practicable as to all meetings" is intended to require that additional public notice is to be a part of the website posting or is to be in addition to the website posting. The same statement appearing again in (A)(2)(b) is no more clear.

The revised statute does specify that a technical problem with the district's website which prevents satisfaction of the website posting requirements does not preclude a given meeting from being held. However, the provision is conditioned on the Board having complied with all other public notice requirements, now REQUIRED by 38-431.02. Duplicating the postings on the district's website, at other electronic locations, and at physical locations identified in the district's statement on its website should achieve district has compliance with the requirements.

Also in policy BEDA, the manner by which the twenty-four hour notice period can include Saturday (unless it is a legal holiday) clarifies the requirement that there MUST be a publicly accessible physical posting location in addition to any website posting.

BEDA now includes information relative to the conditions under which an emergency or recessed meeting may convene or continue with less than a twenty-four hour notice. Although not new, BEDA adds to policy the provision in statute that a governing body that intends to meet at a regular place and time for a specified calendar period, on a regular day, date or event during the calendar period, may post public notice of the meetings at the beginning of the calendar period so long as the period for which the notice is applicable is also stated in the notice.

Policy BEDG and new Policy Regulation BEDG-R -Minutes.

Policy BEDG has been substantially revised and expanded to take into consideration the records retention requirements of the department of Arizona State Library, Archives and Public Records.

New Regulation BEDG-R was developed and added as a recommended document model to further aid school systems and the personnel assigned minute taking, preparation, and maintenance responsibilities to know and accomplish at least the minimum legal requirements. Additionally, the often misunderstood issue of what a "meeting" is as defined in the law is described in the regulation to serve as a convenient reference for Board members and district personnel to answer questions on the topic.

Dr. Balentine invited Mr. Jaeger to provide a brief overview of the proposed cursory changes. He highlighted changes of the proposed policy changes according to legislative changes. There are a number of policies that need to be addressed and will require revision; that process will occur over the course of the upcoming year – beginning within the B series. He noted briefly the proposed changes in the calendaring of Board meetings and the notification to the public of Board meetings.

These items are presented for study with an expectation to return at the October 26th meeting for approval. There were no questions or comments by the Board Members.

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

Dr. Loomis asked for an update via memo about the continuous improvement planning.
Mrs. Boros requested an update on the discipline memo.
Mr. Grant asked for an update via memo about summer program assessment results.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

A motion was made by Mrs. Clymer that the Board Meeting be adjourned; Mrs. Boros seconded the motion; and it passed unanimously, 5-0. Mr. Grant declared the meeting was adjourned; the time was approximately 9:12 p.m.

Respectfully submitted,
Margaret Harris

Mr. Jeff Grant, President

Date

Approved: TBD