

Final Release, Monday, March 8, 2021, 4:30 p.m.

REGULAR PUBLIC MEETING OF THE AMPHITHEATER GOVERNING BOARD

**Leadership and Professional Development Center
701 W Wetmore Road
Tucson, AZ 85705**

Tuesday, March 9, 2021

6:00 PM

(Doors open 30 minutes prior to the start of the meeting)

AMPHITHEATER PUBLIC SCHOOLS

MISSION

To empower all students to become contributing members of society equipped with the skills, knowledge, and values necessary to meet the challenges of a changing world.

We Believe

- ❖ ***All students can learn and achieve.***
- ❖ ***Everyone has unique strengths, talents, and needs.***
- ❖ ***All students and staff should be responsible for and dedicated to educational excellence.***
- ❖ ***Education requires cooperation, honesty, and respect among the students, parents, staff, school, and community.***
- ❖ ***The school community deserves a safe and caring environment.***
- ❖ ***Our actions reflect our values and our dedication to meeting student needs fairly and equitably.***
- ❖ ***Ample resources are essential to accomplish the Mission.***

We Value

achievement, caring, creativity, curiosity, diligence, diversity, fairness, honesty, kindness, respectfulness, responsibility and service to the community.

AGENDA*

As permitted by the Arizona Open Meeting Laws, Board members may participate in this meeting by telephone, video or internet conference. Due to pandemic conditions, this meeting will also be streamed live for the public online. The link for the meeting will be posted on the day of the meeting on the District's website, www.amphi.com.

The following steps will be taken to ensure the safety of staff and the public. Masks are currently required, regardless of vaccination status due to the current pandemic conditions. Anyone with a fever, cough or other symptoms of COVID-19 will not be allowed to attend in person. Attendees will be asked to maintain a recommended distance from others.

Persons present at the Board meeting may complete a form requesting to speak to the Board. Individuals who wish to address the Board in-person during Call to the Audience should fill out a public comment card and hand it to the Governing Board Secretary located in the main hallway of the Leadership and Professional Development Center.

* The Governing Board may meet in an executive session concerning any item on this agenda for purpose of consultation with legal counsel, pursuant to A.R.S. § 38-431.03(A)(3). Rules of Order that apply to Governing Board meetings may be suspended by a vote of the majority of the Board. One or more Governing Board members may attend by electronic means.

¹ Persons interested in addressing the Governing Board must complete and submit a form available from the Governing Board secretary. Procedures for addressing the Board are outlined on the form.

² Information items are for discussion only; no action will be taken.

³ Details are available in the offices of the Associate Superintendents, Associate to Superintendent, and Chief Financial Officer.

⁴ Study session items are for discussion only; no action will be taken.

All comments are limited to 3 minutes to ensure an equitable opportunity to address the Board. In addition, to ensure adequate time is available for other Governing Board business, a maximum time limit for Public Comment will be observed. Those unable to speak within the specified time limits may also submit comments to the Board in writing.

We apologize in advance for any unforeseeable difficulties and ask for your patience as we navigate unprecedented conditions.

1. <u>CALL TO ORDER AND SIGNING OF THE VISITOR'S REGISTER</u>	
Ms. Susan Zibrat, President	
2. <u>PLEDGE OF ALLEGIANCE</u>	
Rio Vista Elementary Students	
3. <u>RECOGNITION OF STUDENT ART</u>	
Rio Vista Elementary Students	
4. <u>ANNOUNCEMENT OF DATE AND TIME OF THE NEXT SPECIAL GOVERNING BOARD MEETING</u>	
Tuesday, March 23, 2021 at 5:30 p.m. at the Wetmore Center, 701 W. Wetmore Road, Tucson AZ 85705, in the Leadership and Professional Development Center, SE Entrance and Parking.	
5. <u>RECOGNITIONS</u>	
A. Recognition of Amphitheater District 2021 Spelling Bee Winners	4
B. Presentation of Distinguished Service Award	5
C. Recognition of Canyon del Oro High School Superintendent's Student Advisory Council	6
D. Recognition of 2021 Literacy Bowl Top Five National Champions	7
6. <u>PUBLIC COMMENT</u>	
7. <u>INFORMATION¹</u>	
A. Oro Valley Town Update	8
B. Superintendent's Report; Update on Pandemic Conditions and Operations	9
C. Status of Bond Projects	30
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8. <u>CONSENT AGENDA³</u>	
A. Approval of Appointment of Non-Administrative Personnel	106
B. Approval of Personnel Changes	109
C. Approval of Leave(s) of Absence	114
D. Approval of Separation(s) and Termination(s)	116
E. Approval of Stipend for Coaching Volunteers	118
F. Approval of Minutes of Previous Meeting(s)	121
G. Approval of Vouchers Totaling and Not Exceeding Approximately \$2,647,378.30	139
H. Acceptance of Gifts	140
I. Approval of Disposal of Surplus Property via PublicSurplus.com	
J. Approval of Fireworks for Ironwood Ridge High School Graduation Ceremonies	

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K. Review and Approve Resolution Authorizing the District to Sign Documents to Settle the Lawsuit Filed by Vistoso Partners, LLC in Pima County Superior Court Case No. C20210162 and to Execute a Quit Claim Deed to Vistoso Partners for the Real Property Obtained at No Cost from Vistoso Partners, LLC Pursuant to a Special Warranty Deed with Right of Reversion and for which the Reversionary Condition Has Occurred	146
L. Approval of School Facilities Board (SFB) Grant for Ironwood Ridge High School HVAC Controls Repair	164
M. Approval of School Facilities Board (SFB) Grant for Wilson K-8 School Chiller Compressor Replacement	173
9. <u>STUDY/ACTION</u>	
A. Post-Retirement Employment Opportunities during the 2021-2022 Fiscal Year for Staff Retiring in the Current Fiscal Year	182
10. <u>EXECUTIVE SESSION</u>	
A. Executive Session for Discussion of Employment and Evaluation of the Superintendent, Pursuant to A.R.S. § 38-431.03(A)(1)	185
11. <u>RECONVENE PUBLIC MEETING</u>	
12. <u>PUBLIC COMMENT</u>	
13. <u>BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS</u>	
14. <u>ADJOURNMENT</u>	

In addition to display at various locations, copies of each agenda are available 24 hours prior to the meeting in the Records Department (Room 114), Wetmore Center, 701 West Wetmore Road, Tucson, Arizona. The public and the press are also welcome to examine in the Records Department all non-confidential supporting materials for the agenda. Requests for copies, at cost, of any of these supporting materials will be honored as timely as possible.

If you need special accommodations, please call the Governing Board office: (520) 696-5158

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**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

TITLE: **Recognition of Amphitheater District 2021 Spelling Bee Winners**

BACKGROUND:

The Amphitheater District Spelling Bee looked a little different this year, but our outstanding spellers did a great job with a new format: Zoom.

Congratulations to the students who placed in the top five in our bee. They will continue on to the Pima County Spelling Bee.

First place:

Athena McElvaine, fifth-grade, Amphi Academy Online. Her winning word was “vanguard.”

Second place:

Ethan Arvizu, sixth grade, Harelson Elementary School

Third place:

Svea Neilson, fourth grade, Copper Creek Elementary

Fourth place:

Leslie Moreno, fifth grade, Donaldson Elementary

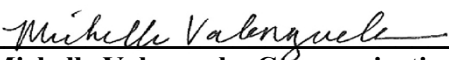
Alternate:

Alexander Owens, eighth grade, Wilson K-8

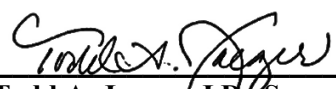
RECOMMENDATION:

This is presented for the Board’s information and recognition.

INITIATED BY:


Michelle Valenzuela, Communications Director

Date: March 2, 2021


Todd A. Jaeger, J.D., Superintendent



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

TITLE: **Presentation of Distinguished Service Award**

BACKGROUND:

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

We would like to recognize the following individuals for the month of March:

- Vita Thomas, Special Education Teaching Assistant, Copper Creek
- JoAnne Carlson, Teacher, Wilson K-8 School

RECOMMENDATION:

This is presented for the Governing Board's information and recognition.

INITIATED BY:

Michael Bejarano
Associate Superintendent for Secondary Education

Date: February 23, 2021

Todd A. Jaeger, J.D., Superintendent



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

TITLE: **Recognition of Canyon del Oro High School Superintendent's Student
Advisory Council**

BACKGROUND:

The students in Amphitheater School District are our most important assets. That is no more evident than when they step up to take leadership positions at their schools. The Governing Board would like to recognize the Canyon del Oro High School Superintendent's Student Advisory Council and thank them for their service to their classmates and school.

The Advisory Council meetings provide the students and Superintendent with an opportunity to talk informally about student issues and concerns, and provide a platform for the Council members to represent the interests and perspectives of their student peers. Given the school, work, and extra-curricular schedules of our students, their willingness to participate and contribute their time must be commended and recognized. The Board recognizes Canyon del Oro High School's Superintendent's Student Advisory Council Members:

Bridget Farrell
Ella Johnson
Adrian Reyes Segarra
Joseph Zaragoza

Harrison Byrnes
Kaylynn Calvin
Micaela Hernandez

Gavin Bourland
Virginia Burns
Abdullah Campas
Christian Hernandez

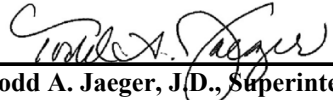
Ernesto Alvarez
Edward Harwood
Kylee Hernandez
Kylie Strang

RECOMMENDATION:

This item is presented for the Board's information and recognition.

INITIATED BY:

Date: March 1, 2021



Todd A. Jaeger, J.D., Superintendent



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

TITLE: **Recognition of 2021 Literacy Bowl Top Five National Champions**

BACKGROUND:

Congratulations to Gabrielle Gonzalez’s fourth-grade class from Prince Elementary School for finishing in fifth place in the Literacy Bowl. The class was named a National Imagine Literacy Bowl MVP classroom and averaged more than 240 minutes of reading activities during the competition.

Class Members:

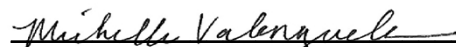
Abraham Alegria Martinez
Romeo Bonillas
Maria Borja
Gabriel Bryant
Victoria Carrillo Neyoy
Anabelle Chavez Zavala
Jayden Daniel
J'maya Deloach
Azaiah Fernandez Saiz
Asifiwe Furaha
Aidric Goss
Liliana Jimenez

Manuel Landy
Anitah Mahoro
Damon Meresa
Arturo Morales Figueroa
Xelia Narcho-Morago
Geornia Paschall
Dante Romo-Morales
Emil Torres
Julian Valdivia
Annelise Vasquez-Monte
Vanessa Vigil

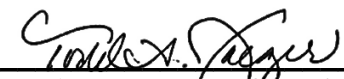
RECOMMENDATION:

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INITIATED BY:


Michelle Valenzuela, Communications Director

Date: March 2, 2021


Todd A. Jaeger, J.D., Superintendent



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

TITLE: **Oro Valley Town Update**

BACKGROUND:

Oro Valley Councilmember Joyce Jones-Ivey will present an update on the Town of Oro Valley. Ms. Jones-Ivey is the council liaison to the Amphitheater School District.

RECOMMENDATION:

This item is presented for the Board's information and recognition.

INITIATED BY:

Date: March 1, 2021

A handwritten signature in black ink that reads "Todd A. Jaeger". The signature is written in a cursive style.

Todd A. Jaeger, J.D., Superintendent



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: March 9, 2021

TITLE: Superintendent's Report; Update on Pandemic Conditions and Operations

BACKGROUND:

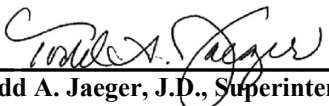
The Superintendent will be providing a review of recent and future activities in the District and community. The Superintendent will also review pandemic conditions and data and their impact on school operations.

RECOMMENDATION:

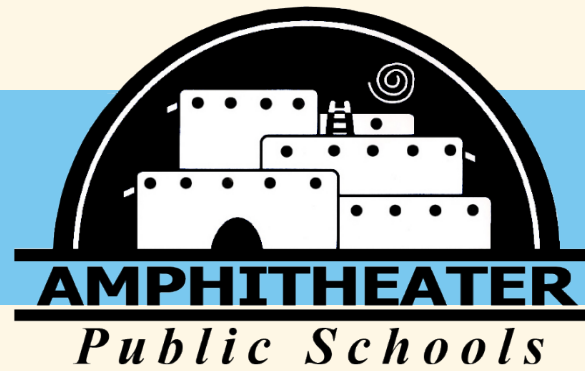
This item is presented for the Board's information.

INITIATED BY:

Date: March 1, 2021



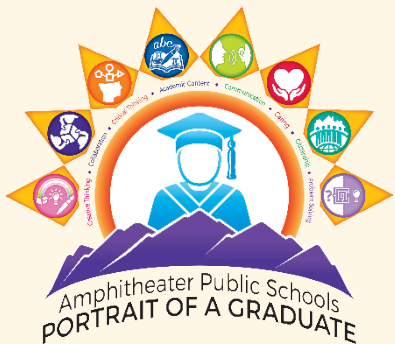
Todd A. Jaeger, J.D., Superintendent



March 9, 2021

10

Superintendent's Report





From Our Schools



CDO senior and IB Diploma Programme student, Jojo Taylor, is one of Junior Achievement of Arizona's 2021 '18 Under 18.' She shows exemplary achievement in: Entrepreneurial Spirit, Leadership, Making the Community Better and Extraordinary Skillset.



Audrey Alameda from Innovation Academy was recognized by Oro Valley in their Spotlight on Youth program for academic achievement and community involvement. She is a member of Student Council and NEHS. Audrey was very involved with Innovation Academy's cereal drive this year. She has also been recognized as an 'Inspired Young Researcher.'



From Our Schools



This is week National School Social Work Week. This year's theme for National School Social Work Week is Beacon of Hope: School Social Workers Lighting the Way. We celebrate Amphitheater's social workers and thank them for their service to students.



Thank you

Schools throughout the District got great news over the past couple of weeks. The Amphi Foundation announced their Spring funding awards, putting \$106,746 directly back into our Amphi schools via 39 projects at 18 schools in the Amphi district!

The Foundation has also been hard at work raising money to support our schools in the future with their 'All In for Education' campaign. You can help support this drive by making a donation at www.amphifoundation.org.





From Our Schools



The Amphi Foundation partnered with Lettuce Grow to provide every school in the District with a tower garden and credit to order seedlings. They began arriving at schools in the past couple of weeks.





Gubernatorial Order 2021-04

- Citing Updated CDC Guidance
- Mandates new community transmission categories/metrics (AZDHS)
- Sets basic requirement for in-person learning (either hybrid or full)
- Nature varies based upon transmission level and grade level(s)
- Mandates return to “in-person” for all schools by March 15, 2021 or Monday following district spring breaks (if applicable)
- Low, Moderate and Substantial Transmission Categories:
 - In-Person Learning mandated for all grades, with option for virtual learning
 - Substantial Transmission: Middle and High Schools may reduce attendance



Information from Public Health

Received from PCHD on March 4, 2021



New School Guidance -- AZDHS

Pima County Stats

- Case Rate- Substantial
- % Positivity- Low

Transmission Level- Substantial



COVID-19 School Benchmarks

Community Transmission By Arizona County

This guidance outlines recommendations for K-12 schools to prepare for and respond to community spread of COVID-19 based on CDC's K-12 [Operational Strategy](#) and [Indicators for Dynamic School Decision Making](#), and Arizona Department of Education's [Roadmap to Reopening Schools](#). LEAs are encouraged to continue to partner with their [local health department](#).

County	Case Rate	% Positivity	Transmission Level
Apache	Substantial	Low	Substantial
Cochise	Substantial	Moderate	Substantial
Coconino	High	Low	High
Gila	Substantial	Moderate	Substantial
Graham	Moderate	Low	Moderate
Greenlee	Substantial	Moderate	Substantial
La Paz	Substantial	Low	Substantial
Maricopa	Substantial	Moderate	Substantial
Mohave	Substantial	Substantial	Substantial
Navajo	High	Low	High
Pima	Substantial	Low	Substantial
Pinal	High	Moderate	High
Santa Cruz	Moderate	Low	Moderate
Yavapai	Substantial	Moderate	Substantial
Yuma	Moderate	Moderate	Moderate

For additional information & the schools dashboard, visit azhealth.gov/schoolsCOVID19.

Updated: 3/3/2021



New School Guidance -- AZDHS

COVID-19 School Benchmarks

Indicators & Learning Delivery Recommendations

Community Transmission to Reflect Level of Community Risk

The first step in determining when and how to safely reopen schools involves assessing community transmission of SARS-CoV-2, the virus that causes COVID-19. CDC recommends the use of two measures of community burden to determine the level of community transmission. These measures are used to assess the incidence and spread of COVID-19 in the community, not the school itself. Risk is dependent on community level transmission and implementation of school and community mitigation strategies.

Indicator	Low Transmission	Moderate Transmission	Substantial Transmission	High Transmission
Total new cases per 100,000 persons in the last 7 days	0 - 9	10 - 49	50 - 99	≥ 100
Percentage of nucleic acid amplification tests (NAATs) that are positive during the past 7 days	<5.0%	5.0% - 7.9%	8.0% - 9.9%	≥ 10.0%

Recommended Implementation of Mitigation Strategies and K-12 School Learning Modes by Level of Community Transmission

Low Transmission	Moderate Transmission	Substantial Transmission	High Transmission
K-12 schools open for full in-person instruction		Elementary schools in hybrid learning mode or reduced attendance Middle and high schools in hybrid learning mode or reduced attendance	Middle and high schools in virtual instruction unless they can strictly implement all mitigation strategies and have few cases. Schools that are already open for in-person instruction with successfully implemented mitigation strategies can remain open, but only if they continue to strictly implement mitigation strategies and have few cases

For detailed mitigation strategies and remarks see the K-12 School Guidance for COVID-19.

For additional information & the schools dashboard, visit azhealth.gov/schoolsCOVID19.

Updated: 3/3/2021



Amphi Reopening for “In-Person Learning”

- Plan for March 22 Start Continuing Forward
 - Gubernatorial Order now compelling In-Person Instruction
 - Pima County Health Department support for return to school
 - Improving Pima County health metrics and transmission rates
 - Improving contact tracing and case investigation
 - **Low rates of transmission throughout Pima County schools and especially ours**
 - Multiple and layered mitigation strategies: masks, physical distancing to the greatest extent possible, enhanced and CDC compliant ventilation practices; hand washing/hygiene practices, and cleaning and disinfecting protocols.
 - Testing as in-school mitigation measure
 - Decreasing quarantine/isolation events
 - Substantial and increasing vaccination levels
 - Input from staff



Staff Input

- Solicited from all employees
- Input from all sites and departments
- Primary concerns and suggestions:
 - Worries regarding public health readiness and capacity for “six foot” distancing²⁰
 - Preparation time required for full in-person resumption after so long (1 year)
 - One size approach for those choosing virtual instruction inappropriate; site/educator discretion urged
 - Previous frequency of quarantining
 - Maximum compliance with other mitigation measures: ventilation, site access control; cleaning and sanitation
 - Spring Break mitigation compliance



Current Survey Results



Reopening Survey

Reopening: We sent our families with children enrolled in brick-and-mortar schools an email with a link to a survey asking them to choose In-Person Learning or a Virtual Alternative. The Virtual Alternative will be defined at the site level and will depend on how many students at a particular school in a particular class request it.

6,609 → Responses

94% → In-Person Learning

6% → Virtual Alternative

Note: At schools with lower response rates, principals and staff called parents individually to collect their information.



Vaccine Survey

The Human Resources Department surveyed staff for an update on vaccinations. The survey was sent to 1,487 employees. Employees who indicated on the previous survey that they did not want to receive the vaccine were not included in the update.

683 → Two doses

191 → One dose (187 scheduled for 2nd)

22 → Scheduled for one dose

135 → Submitted to Pima County Health
for appointments



Vaccine Availability

- HR supporting employees with access
- Expanding opportunities
 - Pima County -- multiple sites
 - Banner-North at Cancer Center (Pfizer and Moderna) Drive-through (3838 N Campbell Ave, BLDG 2) (Closing March 4 and consolidating with Banner South)
 - Banner-South Kino Stadium (Moderna only) Drive-through (2500 E. Ajo Way)
 - Tucson Medical Center (Pfizer and Moderna) Drive-through (Lot 29, 2597 N. Wyatt Dr.)
 - Tucson Convention Center (Moderna only) Walk-through (260 S. Church Ave.)
 - Private Provider Locations – now opening
 - Walgreens (Johnson and Johnson only) – more info due soon



Vaccine Efficacy

- 1st dose is highly effective; protects from hospitalization & death 60-90%
 - %'s vary depending on brand
- 2nd dose protects 95% and can be taken as far out as 6 weeks from first dose
 - Recommended 2nd dose by 25 days for Pfizer
 - Recommended 2nd dose by 28 days for Moderna
- Johnson & Johnson 1 dose protects:
 - 66% mild/moderate symptoms
 - 85-86% severe/death

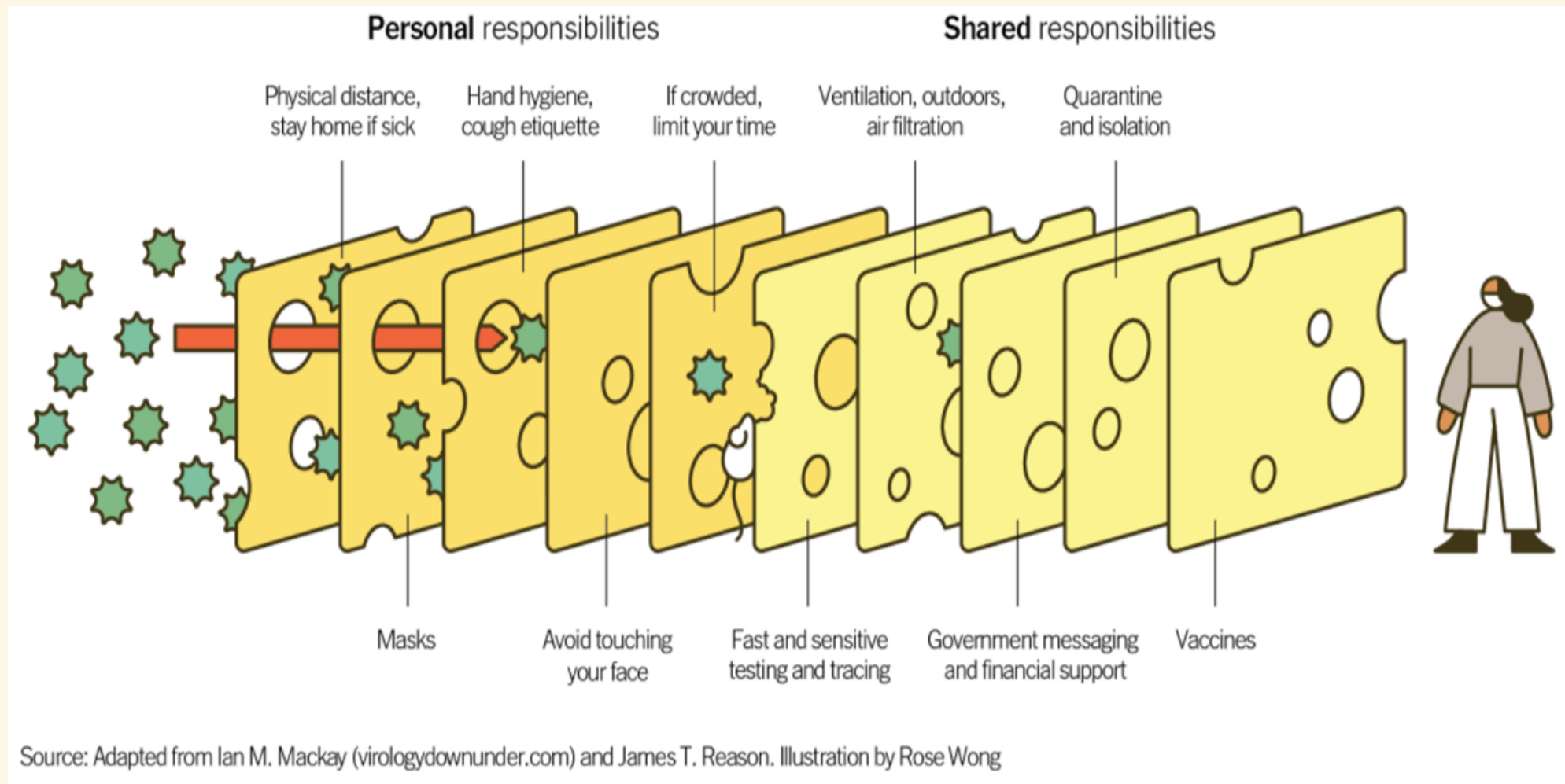


Testing as Mitigation

- Amphi selected for in-school testing (partnership with PCHD/AZDHS/ASU):
 - on-site symptomatic students and staff
 - perhaps regular testing of staff/teachers
 - BinaxNOW antigen test with results in 15 minutes
 - Our staff now trained to conduct the test on school campus
 - Consent process for student testing TBD
- **ON-GOING:** Regular testing of staff/teachers
 - Saliva PCR testing specifically for educators through a partnership between AZDHS and ASU Biodesign Institute (every Saturday at PCC North)
 - Access code from administration (see communications)



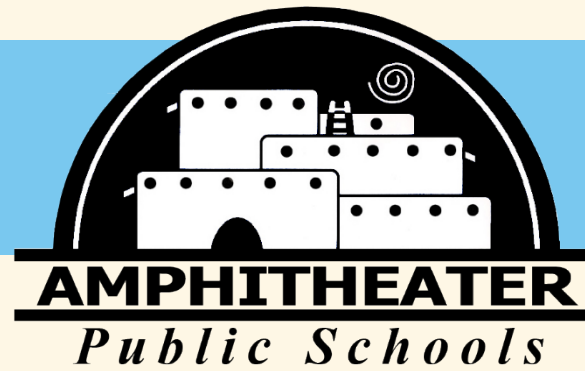
The Importance of Mitigation Layering





The Importance of Personal Responsibility

- Historically: holidays and breaks followed by community transmission increases
- Spring Break: concerns raised regarding behaviors already (college)
- Vast majority of spread among school age populations attributed to social gatherings, family events, athletic events
- **THE ASK:** Please help us open and stay open; follow CDC guidelines in personal, private practice



Enjoy Spring Break and return safely!
We cannot wait to see you!





**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

TITLE: **Status of Bond Projects**

BACKGROUND:

Administration will present the Governing Board with current information on the status of projects funded with Bond monies.

RECOMMENDATION:

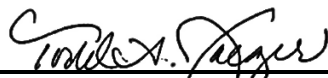
For information and discussion only.

INITIATED BY:



Jim Burns, Executive Manager, Operational Support

Date: February 24, 2021



Todd A. Jaeger, J.D., Superintendent

Status of Bond Projects

03/09/2021 Governing Board Meeting

President Zibrat, Vice President Day, Board Members and Superintendent Jaeger, it is my pleasure to provide you with an update of the projects currently under construction with bond and SFB funding.

AHS:

SFB Projects

300 wing – structural evaluation – design grant approved by SFB	\$30,795
Main gym roof replacement – construction grant approved by SFB	\$660,070
CP 5 boiler replacement – P.O. issued, boiler ordered	\$25,454
CP 1 hot water line leak assessment – excavation to start 1/21	\$5,000

CDO:

Bond Projects

HVAC design retrofit in Bldg BN – Dance Studio – 95% complete	\$18,000
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SFB Projects

Campus roofing phase II –Bldg P - 50% complete	\$2,398,313
North gym locker room HVAC replacement - unit removed, curb set	\$16,610





IRHS:

SFB Projects

Roofing - Bldg A – 100% complete	\$4,272,241
- Bldg E – 90% complete – coating in progress	
- Bldg F – 10% complete	
- Bldg B – 60% complete	
- Bldg E-F - weatherization design grant approved	\$28,100



AMS:

SFB Projects

HVAC replacement – classroom 810 – P.O. issued, unit ordered \$10,113

Copper Creek:

Bond Projects

Design for staff RR remodel / special needs RR - complete \$7,500

Remodel ADA RR – construction 95% complete \$40,337



SFB Projects

MPR roof assessment – field work complete \$3,240

HVAC Control Repair – EA Grant Approved \$5,217

Cross:

SFB Projects

Roof replacement – design documents 80% complete \$61,406

Donaldson:

SFB Projects

MPR boiler replacement – P.O. issued – mid Feb. delivery date \$18,914

Harelson:

SFB Projects

Funhouse weatherization – design grant submitted to SFB \$9,890

Mesa Verde:

SFB Projects

Roof replacement – bids due 1/27

\$42,450

Painted Sky:

Bond Projects

Replace (1) 130 ton chiller with a Quantech high efficiency chiller

\$142,319

-- contractor ordering materials – install during rodeo break



Rillito:

SFB Projects

Bldg A & D weatherization – assessment inspection testing complete

\$4,010

Walker:

SFB Projects

HVAC replacement – Classroom 15 – unit ordered	\$9,994
HVAC replacement – Classroom 5 – complete	\$10,003



Wilson:

Bond Projects

Fire alarm system replacement - P.O. issued	\$699,552
-- pre-construction meeting 2/10 – construction start date 3/1	

*SOMETHING NEW AT EVERY SCHOOL,
EVERY YEAR!*



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

TITLE: **Auditor General’s Classroom Dollars Report 2020**

BACKGROUND:

Information on the Auditor General’s “Arizona School District Spending, Fiscal Year 2020” report will be presented.

RECOMMENDATION:

This item is for the Governing Board’s information and review.

INITIATED BY:

Scott Little

Scott Little, Chief Financial Officer

Date: March 1, 2021

Todd A. Jaeger

Todd A. Jaeger, J.D., Superintendent

Amphitheater Unified School District

Pima County

Peer group(s): Operational 2 and Transportation 4¹

Legislative district(s): 3, 9, and 11

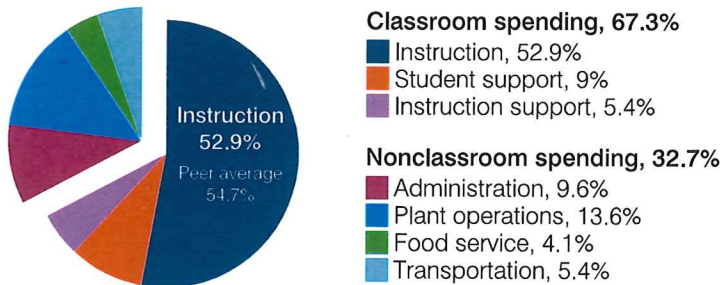
District location: Suburb

Number of schools: 21

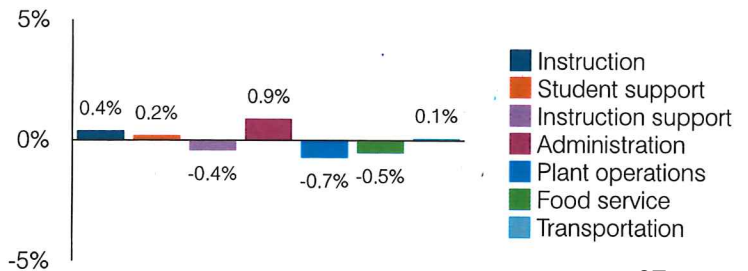
Graduation rate (2019): 85%

Students attending; Size: 12,782; Large
 5-year change in students attending: 4% decrease
 Special education population: 18%
 English learner population: 5%
 Poverty rate (2019): 15%
 Free/reduced meal eligibility: 49%

Spending by operational area



Percentage point change in spending by operational area (fiscal year 2015 versus 2020)



Operational measures relative to peer averages

Operational area	Measure	District	Peer average	State average
Administration	Cost per pupil	\$868	\$855	\$936
	Students per administrative position	50	65	65
Plant operations	Cost per square foot	\$5.99	\$6.79	\$6.55
	Square footage per student	205	147	160
Food service	Cost per meal	\$3.29	\$3.89	\$3.46
Transportation	Cost per mile	\$5.50	\$4.22	\$4.28
	Cost per rider	\$1,538	\$1,471	\$1,370

Very low Low Comparable High Very high

Lowest, highest, and 2 most recent fiscal years' instructional spending percentages between 2001 and 2020

Lowest	Highest	Most recent years	
2015	2009	2019	2020
52.5%	58.5%	54.2%	52.9%

COVID-19 federal relief grant spending

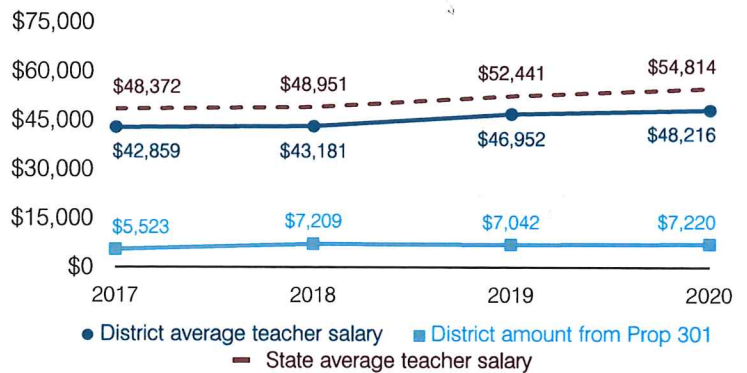
	District	Peer average
Total federal relief grant spending	\$ 0	\$ 555,597
Per pupil federal relief grant spending	\$ 0	\$ 49

Districts can use COVID-19 federal relief grants from March 2020 through September 2022. Amounts above were used by June 30, 2020.

Per pupil spending by area

Area	District		Peer average 2020	State average 2020
	2019	2020		
Classroom spending				
Instruction	\$ 4,839	\$ 4,793	\$ 4,636	\$ 5,016
Student support	733	812	715	796
Instruction support	438	491	514	513
Nonclassroom spending				
Administration	801	868	855	936
Plant operations	1,191	1,228	988	1,048
Food service	376	377	362	432
Transportation	549	484	386	395
Total operational	8,927	9,053	8,456	9,136
Land and buildings	627	841	1,754	1,053
Equipment	612	406	553	533
Interest	291	310	345	273
Other	80	80	153	175
Total nonoperational	1,610	1,637	2,805	2,034
Total per pupil spending	\$ 10,537	\$ 10,690	\$ 11,261	\$ 11,170

Average teacher salary and other measures



Measure	2017	2018	2019	2020
Students per teacher	17.2	17.2	17.0	16.7
Average years of teacher experience	12.5	12.3	12.3	12.5
Percentage of teachers in first 3 years	16%	18%	18%	15%

¹ See Appendix A for information, such as districts included in each peer group, and Appendix C for sources and methodology.

Comparison of 2020 Dollars in the Classroom
for Selected Tucson-area Districts

	<i>Amphitheater</i>	<i>Marana</i>	<i>Flowing Wells</i>	<i>Catalina Foothills</i>	<i>TUSD</i>	<i>Sunnyside</i>	<i>Sahuarita</i>	<i>Tanque Verde</i>	<i>Vail</i>	<i>Altar Valley</i>	<i>State 2020</i>	<i>National 2018</i>
Total Dollars	9,053	8,859	8,459	7,955	10,026	8,230	8,322	8,249	8,230	11,423	9,136	12,652
Classroom Dollars -- %	52.9%	55.4%	56.5%	55.2%	53.2%	52.7%	57.8%	60.5%	54.1%	45.0%	54.9%	60.7%
\$	4,793	4,910	4,783	4,395	5,337	4,339	4,814	4,994	4,450	5,136	5,016	7,676
Nonclassroom Dollars:												
Administration -- %	9.6%	9.8%	10.8%	11.8%	8.9%	11.0%	10.5%	12.6%	10.7%	13.3%	10.2%	11.2%
\$	868	871	911	941	893	908	875	1,037	879	1,520	936	1,423
Plant Operations -- %	13.6%	9.9%	11.4%	12.5%	12.2%	10.2%	12.9%	10.4%	11.8%	12.1%	11.5%	9.3%
\$	1,228	877	968	991	1,225	843	1,072	855	971	1,380	1,048	1,174
Food Service -- %	4.2%	5.2%	5.0%	3.5%	4.1%	6.2%	4.0%	3.1%	2.7%	6.8%	4.7%	3.8%
\$	377	459	434	282	409	508	332	258	226	780	432	481
Transportation -- %	5.3%	5.6%	3.6%	2.5%	4.7%	3.3%	4.3%	3.3%	5.2%	10.4%	4.3%	4.1%
\$	484	500	302	201	475	271	356	269	429	1,187	395	518
Student Support -- %	9.0%	8.8%	8.6%	8.0%	9.7%	10.5%	8.0%	8.4%	8.5%	7.0%	8.7%	5.9%
\$	812	781	727	638	985	866	669	690	691	804	796	751
Instruction Support -- %	5.4%	5.1%	3.9%	6.4%	7.0%	6.0%	2.5%	1.8%	7.1%	5.3%	5.6%	5.0%
\$	491	461	334	507	702	495	204	146	584	616	513	629

**Alternate Comparison of 2020 Dollars in the Classroom
Excluding Transportation and Food Services
for Selected Tucson-area Districts**

	<i>Amphitheater</i>	<i>Marana</i>	<i>Flowing Wells</i>	<i>Catalina Foothills</i>	<i>TUSD</i>	<i>Sunnyside</i>	<i>Sahuarita</i>	<i>Tanque Verde</i>	<i>Vail</i>	<i>Altar Valley</i>	<i>State 2020</i>	<i>National 2018</i>
Total Dollars	8,192	7,900	7,723	7,472	9,142	7,451	7,634	7,722	7,575	9,456	8,309	11,653
Classroom Dollars -- %	58.5%	62.2%	61.9%	58.8%	58.4%	58.2%	63.1%	64.7%	58.7%	54.3%	60.4%	65.9%
\$	4,793	4,910	4,783	4,395	5,337	4,339	4,814	4,994	4,450	5,136	5,016	7,676
Nonclassroom Dollars:												
Administration -- %	10.6%	11.0%	11.8%	12.6%	9.8%	12.2%	11.5%	13.4%	11.6%	16.1%	11.3%	12.2%
\$	868	871	911	941	893	908	875	1,037	879	1,520	936	1,423
Plant Operations -- %	15.0%	11.1%	12.5%	13.3%	13.4%	11.3%	14.0%	11.1%	12.8%	14.6%	12.6%	10.1%
\$	1,228	877	968	991	1,225	843	1,072	855	971	1,380	1,048	1,174
Student Support -- %	9.9%	9.9%	9.4%	8.5%	10.7%	11.6%	8.8%	8.9%	9.2%	8.5%	9.6%	6.4%
\$	812	781	727	638	985	866	669	690	691	804	796	751
Instruction Support -- %	6.0%	5.7%	4.3%	6.8%	7.7%	6.6%	2.7%	1.9%	7.7%	6.4%	6.2%	5.4%
\$	491	461	334	507	702	495	204	146	584	616	513	629



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

TITLE: **Periodic Legislative Update**

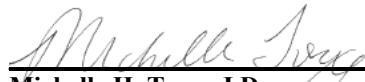
BACKGROUND:

This item permits the Governing Board to review and discuss the status of K-12 education-related legislation proposed in the first regular session of the Fifty-fifth Arizona legislature this year. The attachment provided with this item identifies the currently proposed legislation. Information updated/added since the Board's February 9, 2021 review is noted in **BLUE**.

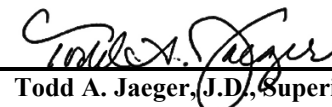
RECOMMENDATION:

This item is presented for the Board's information only at this time. No action is required.

INITIATED BY:


Michelle H. Tong, J.D.,
Associate to the Superintendent and General Counsel

Date: March 1, 2021


Todd A. Jaeger, J.D., Superintendent

GOVERNOR'S EXECUTIVE ORDERS

Executive Order 2021-04:

Open for In-Person Learning

All district and charter schools shall return to in-person, teacher-lead instruction no later than the Monday following a scheduled spring break, or March 15 if there is no scheduled spring break, as follows:

- a. For counties with Low Transmission or Moderate Transmission:
 - i. All schools shall be open with in-person instruction and virtual instruction options. Physical distancing should be maximized to the greatest extent possible.
- b. For counties with Substantial Transmission:
 - i. All schools shall be open with in-person instruction and virtual instruction options. Physical distancing should be maximized to the greatest extent possible.
 - ii. Middle and High Schools may reduce attendance to reduce transmission and increase physical distancing.
- c. For counties with High Transmission:
 - i. Elementary Schools shall be open with in-person instruction and virtual instruction options. Physical distancing should be maximized to the greatest extent possible for in-person instruction.
 - ii. Middle and High Schools that are already open for In-person instruction shall remain open and strictly implement mitigation strategies. If a school has not already resumed in-person instruction, the school may operate virtually. A school may open during this phase if they implement strict mitigation strategies.

Ordered and signed by Governor Douglas Ducey on March 3, 2021

Executive Order 2021-05:

Next Phase of COVID-19 Mitigation

Lifting Occupancy Limits Implemented Due to COVID-19

Capacity limits for businesses, implemented and outlined by Executive Order 2020-47, Reducing the Risk, Slowing the Spread, ADHS Emergency Measure 2020-02, Slowing the Spread of COVID-19: Phased Reopening, the ADHS COVID-19 Guidance for Businesses and related requirement documents from ADHS, are rescinded. All remaining requirements implemented by ADHS for specific businesses remain in effect including but not limited to mask use and appropriate physical distancing between parties or groups

Any provisions of this Executive Order that conflict with Executive Orders 2020-36, Stay Healthy; Return Smarter, Return Stronger; 2020-43, Pausing of Arizona's Reopening; 2020-47, Reducing the Risk, Slowing the Spread; 2020-52, Continuation of Executive Order 2020-43; or 2020-59, Further Mitigation Requirement for Events, govern.

Ordered and signed by Governor Douglas Ducey on March 5, 2021

HOUSE BILLS

HB2005:

TECH CORRECTION; EDUCATION; FEDERAL FUNDS

Minor change in Title 15 (Education) related to disbursement of federal funds. Apparent striker bus.

First sponsor: Rep. Cobb (R - Dist 5)

Status: 2/16 withdrawn from House com and further referred to House appro.

HB2011:**SCHOOL BUILDINGS; OPENING WINDOWS**

Any new school construction or any renovation of a school building that requires windows to be replaced is required to include windows that open.

First sponsor: Rep. Kavanagh (R - Dist 23)

Status: 1/12 referred to House educ.

HB2015:**APPROPRIATIONS; PRESCHOOL DEVELOPMENT GRANTS**

Appropriates the following amounts from the general fund in the following fiscal years to the Department of Education to distribute to preschool development grants to eligible providers: \$7.5 million in FY2021-22, \$15 million in FY2022-23, and \$22.5 million in FY2023-24. The legislature intends that the monies first be used to replace federal monies that are no longer available to eligible providers who participated in the preschool development grants program in FY2018-19 or FY2019-20.

First sponsor: Rep. Sierra (D - Dist 19)

Status: 2/24 passed House 42-17; ready for Senate. 2/16 from House rules okay. 1/21 from House appro do pass.

HB2017:**APPROPRIATION; STEM; LEARNING; WORKFORCE DEVELOPMENT**

Appropriates \$3 million from the general fund in FY2021-22 to the Arizona Commerce Authority to administer a grant program charged with cultivating STEM learning and STEM workforce development opportunities in Arizona. The legislature intends that the appropriation be considered ongoing funding in future years. By December 31, 2021, the Authority is required to report to the Legislature on distribution of grant monies.

First sponsor: Rep. Udall (R - Dist 25)

Status: 2/24 referred to Senate appro, educ. 2/16 from House rules okay. 1/21 from House appro do pass.

HB2018:**SCHOOLS; AUDITS; FINANCIAL RECORDS; BUDGETS**

School districts and charter schools are required to send a copy of audit reports to the county school superintendent and the Department of Education. The Dept. is required to make the audit reports available on its website. School district and charter school governing boards are required to publicly accept all audits and compliance questionnaires by roll call vote. If a school district fails to establish and maintain the uniform system of financial records, the Auditor General is required to report that district to the State Board of Education, in addition to the Dept., and is required to detail the deficiencies in writing in the report.

First sponsor: Rep. Udall (R - Dist 25)

Status: 2/12 signed by Governor. 2/4 substituted in Senate for identical bill 1164. Passed Senate 29-0; ready for Governor. 1/28 passed House 58-0; ready for Senate.

HB2020:**SCHOOLS; CHILD CARE; REDUCED FEES**

A public school that provides or contracts for childcare services is permitted to reduce the fee a public school employee pays for the childcare services if the cost the public school pays for those services is not grossly disproportionate to the total consideration received from the employee.

First sponsor: Rep. Udall (R - Dist 25)

Status: 2/18 referred to Senate educ. 1/28 passed House 41-17; ready for Senate.

HB2021:**COLLEGE COURSE CREDIT; DUAL ENROLLMENT**

For high school graduation requirements being fulfilled by a college course, the school board is authorized to award up to 1 Carnegie unit for each three semester hours of credit that the student earns in an appropriate college course. High school freshmen and sophomores are permitted to enroll in dual enrollment courses for college credit.

First sponsor: Rep. Udall (R - Dist 25)

Status: [2/18 referred to Senate educ.](#) 1/28 passed House 58-0; ready for Senate.

HB2022:**SCHOOLS; RESOURCES; SERVICES; CONSOLIDATION GRANTS**

The Department of Education is required to conduct a five-year Resource and Service Consolidation Grant Program. County school superintendents are eligible to apply for a grant to consolidate resources and develop new services for all school districts, charter schools, county free library districts, municipal libraries, nonprofit and public libraries, tribal libraries, private schools, tribal schools, juvenile detention centers, and jails within the jurisdiction of the county school superintendent or superintendents. The Dept. is required to award grants by February 1, 2022, and to disburse grant monies each year for five consecutive years or until the Dept. determines that the consolidation proposal is self-sufficient, whichever is sooner. The Program self-repeals July 1, 2027. Appropriates \$10million from the general fund in FY2021-22 to the Dept. for the Program.

First sponsor: Rep. Udall (R - Dist 25)

Status: [2/24 referred to Senate educ, appro. 2/18 House COW approved with flr amend #4336.](#) 1/21 from House appro do pass.

HB2023:**SCHOOLS; EMPLOYEES; EMPLOYMENT; DISCIPLINE**

The Department of Education is required to investigate written complaints alleging that a "noncertificated person" (defined as a school district or charter school employee who does not possess a teaching certificate and meets other specified requirements) has engaged in immoral or unprofessional conduct. The State Board of Education is authorized to review a complaint to determine whether to take disciplinary action against a noncertificated person who has engaged in immoral or unprofessional conduct, including prohibiting the person's employment at a school district or charter school for up to five years. Before employing a certificated or noncertificated person, school districts and charter schools are required to conduct a search of the educator information system that is maintained by the Dept. on the prospective employee. School districts and charter schools are prohibited from employing in a position that requires a valid fingerprint clearance card either a certificated person whose certificate has been suspended, surrendered or revoked and not subsequently reinstated, or a noncertificated person who has been prohibited from employment at a school district or charter school by the Board under this legislation.

First sponsor: Rep. Udall (R - Dist 25)

Status: [2/5 signed by Governor.](#) 1/28 passed House 58-0; ready for Senate. Substituted for identical bill 1061, passed Senate 29-0; ready for Governor

HB2024:**CTEDS; INTERNSHIPS; FUNDING**

A student enrolled in an internship course as part of a career technical education district (CTED) program is no longer excluded from the student count of the CTED for that course for the purposes of school funding statutes.

First sponsor: Rep. Udall (R - Dist 25)

Status: [2/18 referred to Senate educ.](#) 1/28 passed House 58-0; ready for Senate.

HB2032:**PUBLIC SCHOOLS; INNOVATION PLANS**

Public schools are authorized to submit an innovation plan to the Superintendent of Public Instruction. The State Board of Education is required to prescribe requirements for an innovation plan, which must include specified provisions, including a description of the innovative practices the school would like to implement and a plan for implementation. In its innovation plan, a school is permitted to request an exemption from instructional hours requirements or any rules or policies that may hinder the full implementation of the plan, with some exceptions. The Superintendent is required to transmit the innovation plan to the Board within 60 days, with a recommendation for approval or resubmission. The Board is required to approve or reject an innovation plan within 60 days after receiving it. Approval is valid for five years, with options for extension and revocation. The Department of Education is required to develop a plan to evaluate schools of innovation, including performance measures and data required. The Dept. is required to compile the evaluation data in an annual report and to submit the report to the Governor and the Legislature by September 1 of each year. Schools are prohibited from penalizing a student who previously attended a school of innovation and transfers to another school. The Board is required to adopt rules to implement this legislation.

First sponsor: Rep. Udall (R - Dist 25)

Status: [2/2 House educ held](#). 1/12 referred to House educ.

HB2051:**PROCUREMENT; INFORMATION DISCLOSURE; BIDDERS**

During competitive sealed bidding to award state contracts, the Director of the Department of Administration is required to provide a question and answer period for bidders and interested parties to submit written questions and for the Director to provide written responses. The Director is required to provide in writing all questions and answers to all bidders and interested parties outside of the procurement process.

First sponsor: Rep. Kavanagh (R - Dist 23)

Status: [2/18 referred to Senate gov](#). [2/4 passed House 58-0](#); [ready for Senate](#). 1/20 House gov-elect do pass.

HB2055:**CAREER, TECHNICAL EDUCATION; PROJECTS FUND**

The list of authorized uses of monies in a school district's permanent career and technical education projects fund is expanded to include expenses related to an approved Department of Education career and technical student organization, including costs associated with events, conferences or competitions. All purchases made from career and technical education projects funds are required to comply with State Board of Education regulations, including provisions relating to procurement practices.

First sponsor: Rep. Kaiser (R - Dist. 15)

Status: [2/18 referred to Senate educ](#). 1/28 passed House 57-2; ready for Senate.

HB2060:**SCHOOLS; PLEDGE; QUIET REFLECTION**

Modifies requirements for school districts and charter schools relating to the Pledge of Allegiance to the U.S. flag (Pledge). For kindergarten and grades 1 through 4, students are required to recite the Pledge unless the student is excused at the request of a parent. For grades 4 through 12, school districts and charter schools are no longer required to set aside a specific time each day for students to recite the Pledge and are instead required to set aside a specific time each day for students to engage in quiet reflection and moral reasoning for at least one minute. Students are required to engage in quiet reflection and moral reasoning during this time unless excused at the request of a parent. Previously, school districts and charter schools were required to set aside a specific time each day for "those students who wish" to recite the Pledge.

First sponsor: Rep. Fillmore (R - Dist. 16)

Status: [2/23 from House rules okay](#). [2/18 from House gov-elect do pass](#). 1/14 referred to House educ.

HB2061:**CTEDS; NONPROFITS; POSTSECONDARY INSTITUTIONS; AGREEMENTS**

The list of entities that may enter into agreements to provide administrative, operational and educational services and facilities for a Career Technical Education District (CTED) Board is expanded to include a nonprofit organization that is devoted to vocational training or a public or private postsecondary institution.

First sponsor: Rep. Fillmore (R - Dist. 16)

Status: 1/28 passed House 59-0; ready for Senate.

HB2062:**STUDENT APPRENTICESHIP PROGRAM; TAX CREDITS**

Establishes the Arizona Student Apprenticeship Pilot Program in the Department of Education to provide job training and economic opportunity to high school students in Arizona. Any employer in Arizona may apply to participate in the Program, and requirements for employers and students to participate in the Program are specified. Participating employees are required to designate at least 10 percent of wages to a separate interest-bearing account opened on behalf of the employee by the participating employer. For tax years beginning with 2022, participating employers are allowed an individual or corporate income tax credit for each participant who successfully completes the Program requirements prescribed by the Dept. The amount of the credit is equal to the amount the employer deposited in the separate interest-bearing accounts and disbursed to participant employees during the tax year. Tax credit requirements are listed. The Program terminates on January 1, 2028. Appropriates \$400,000 from the general fund in FY2021-22 to the Dept. for the Program.

First sponsor: Rep. Fillmore (R - Dist. 16)

Status: 1/14 referred to House ways-means, appro.

HB2063:**SCHOOLS; STUDENT PROMOTIONS**

School district governing board policies must require, instead of authorize, teachers to retain a student in a grade in common school and to fail a student in a course in high school if the student does not meet the criteria prescribed by the board, subject to review by the board.

First sponsor: Rep. Fillmore (R - Dist. 16)

Status: 2/24 passed House 31-29; ready for Senate. 2/18 from House rules okay. 1/14 referred to House educ.

HB2064:**PERSONAL FINANCE COURSE; REQUIREMENT; APPROPRIATION**

The State Board of Education is required, instead of permitted, to require a separate personal finance course for students to graduate from high school. School district governing boards are required to approve a personal finance course that would fulfill a mathematics course required to high school graduation, instead of being permitted to do so. Appropriates \$1 million from the general fund in FY2021-22 to the Department of Education for distribution to school districts and charter schools to provide personal finance courses.

First sponsor: Rep. Fillmore (R - Dist. 16)

Status: 1/14 referred to House educ, appro.

HB2065:**MEDICAL FREEDOM; PARENTAL RIGHTS**

Students are no longer prohibited from attending school without submitting documentary proof of required immunizations to the school administrator. Schools are prohibited from requiring a student to receive the recommended immunizations and from refusing to admit or otherwise penalizing a student because that student has not received the recommended immunizations. If a parent chooses to have the student immunized, the parent is required to submit documentary proof to the school administrator to verify that the pupil has received the recommended immunizations if an outbreak occurs. A student who lacks documentary proof of immunization may be excluded

from school only if the student lacks an immunization for which there is an active case of a disease that the immunization is intended to prevent in that student's school and if the Department of Health Services or a local health department has declared an outbreak of that disease for an area that includes the student's school.

First sponsor: Rep. Fillmore (R - Dist. 16)

Status: 1/14 referred to House hel-hu ser, educ.

HB2105:

SCHOOL HEALTH PROGRAM; APPROPRIATION

Establishes the School Health Program within the Arizona Department of Education (ADE) to promote and enhance healthy and effective learning environments for all students by supporting the costs of placing school nurses and school psychologists on school campuses. School districts and charter schools may apply to participate in the Program for up to three fiscal years by submitting a program proposal to ADE. Information that must be included in the program proposal is specified. ADE is required to distribute monies to the school districts and charter schools that are in compliance with Program requirements and whose program proposals have been approved by the State Board of Education. ADE is required to evaluate the effectiveness of approved program proposals and report on the Program to the Governor and the Legislature by November 1 of each year. The Program ends July 1, 2031. Appropriates an unspecified amount (blank in original) from the general fund in FY2021-22 to ADE for the Program.

First sponsor: Rep. Jermaine (D - Dist. 18)

Status: 1/14 referred to House educ, appro.

HB2117: TEACHERS ACADEMY; SERVICE REQUIREMENT

An undergraduate student who is receiving a scholarship from the Arizona Teachers Academy is allowed to begin fulfilling the student's service requirement after the student completes at least one year of the program in good academic standing but before the student graduates from the undergraduate program. The student may begin fulfilling the service requirement through volunteer or paid work in a school, including serving as a tutor, as an assistant teacher or in another position that is student learning focused. Student teaching does not count toward the service requirement.

First sponsor: Rep. Bolick (R - Dist. 20)

Status: 1/25 from House rules okay.

HB2121:

SCHOOLS; SUPERINTENDENTS; SEVERANCE PACKAGES; PROHIBITION

Beginning from and after the effective date of this legislation, a school district is prohibited from providing a "severance package" to a school district superintendent. Does not apply if the school district has either explicitly or implicitly promised before the effective date of this legislation that the superintendent was entitled to a severance package or if the superintendent is entitled to a severance package under federal law.

First sponsor: Rep. Bolick (R - Dist. 20)

Status: 1/19 failed 4-5.

HB2124:

CTEDS; AVERAGE DAILY MEMBERSHIP

Students in an approved Career Technical Education District (CTED) centralized program, including one provided by a satellite campus, or a leased centralized program may generate an average daily membership for instruction received during any day of the week and at any time between July 1 and June 30 of each fiscal year. The Department of Education cannot restrict the instructional time by limiting the particular days of the week or time of the fiscal year for instruction to occur. Contains a legislative intent section.

First sponsor: Rep. Udall (R - Dist. 25)

Status: 2/23 referred to Senate educ. 2/22 passed House 53-7; ready for Senate. 2/18 House COW approved with flr amend #4337. 1/19 House educ do pass; report awaited.

HB2125:**SCHOOLS; PUPIL SUSPENSIONS AND EXPULSIONS**

A school district or charter school may suspend or expel a student enrolled in preschool, kindergarten, or grades one through four only if all the following apply: the student engaged in conduct on school grounds that either involves possession of a dangerous weapon without authorization from the school, involves the possession, use or sale of a dangerous drug or narcotic drug, or that immediately endangers the health or safety of others; failing to remove the pupil from the school building would create a safety threat that cannot otherwise reasonably be addressed; the school employs alternative behavioral and disciplinary interventions that are available, appropriate to the circumstances and that are considerate of health and safety; and the school district or charter school, by policy, provides for a readmission procedure that meets specified requirements.

First sponsor: Rep. Udall (R - Dist. 25)

Status: [2/11 retained on House COW calendar](#). [2/3 from House educ with amend #4072](#). 1/20 referred to House educ.

HB2135:**SCHOOLS; STATE BOARD; RULES; MODULARIZATION**

The rules that the State Board of Education is required to adopt to define competency-based educational pathways for college and career readiness must include the ability for schools to modularize subjects and courses. A school that modularizes a subject or course is required to note the learning outcomes or competencies in which the student demonstrated competency or failed to demonstrate competency.

First sponsor: Rep. Udall (R - Dist. 25)

Status: [2/18 referred to Senate educ](#). 1/28 passed House 56-3; ready for Senate.

HB2136:**DROPOUT RECOVERY PROGRAMS; PROGRAM PROVIDERS**

Modifies dropout recovery programs offered by school districts and charter schools that provide instruction to high school students. The State Board of Education is required to prescribe standards for school districts and charter schools to use when evaluating and selecting potential dropout recover program providers. Requirements that must be included in the standards are listed, including holding active accreditation by a regional accrediting body and providing teachers who hold a valid fingerprint clearance card. A school district or charter school will receive 0.1 average daily membership (ADM) for each one-half unit of "high school credit" (defined) that a student enrolled in a dropout recovery program at the school district or charter school attains. The ADM of a student cannot exceed 1.0 in any calendar year in which the student is participating in any dropout recovery program. A dropout recovery program provider that violates statutory program requirements cannot be paid for students enrolled in the program during the time the provider was in violation. More.

First sponsor: Rep. Udall (R - Dist. 25)

Status: 1/20 referred to House educ.

HB2137:**LITERACY; DYSLEXIA SCREENING; APPROPRIATIONS**

The deadline for school districts and charter schools to ensure that at least one kindergarten through third grade teacher in each school has received training related to dyslexia is extended two years to July 1, 2023. The deadline for the Department of Education to develop a dyslexia screening plan is extended one year to July 1, 2022. The subject knowledge test for a standard teaching certificate in early childhood education and elementary education must include an examination on reading instruction. Appropriates \$800,000 from the general fund in FY2021-22 and each fiscal year after to the Department of Education to distribute to school districts and charter schools to provide student screening for indicators of dyslexia. Appropriates \$280,000 from the general fund in FY2021-22 and each fiscal year after to the Department of Education for specified purposes, including to add three FTE positions to implement dyslexia screening requirements.

First sponsor: Rep. Pawlik (D - Dist. 17)

Status: 1/19 House educ held.

**HB2146:
STO SCHOLARSHIPS; MEANS TESTING**

School tuition organizations are required to award at least 66 percent of educational scholarships or tuition grants from contributions for the purpose of income tax credits to students whose family income does not exceed 185 percent of the income limit required to qualify a child for reduced-price lunches under federal law.

First sponsor: Rep. Friese (D - Dist. 9)

Status: 1/25 referred to House ways-means, educ.

**HB2147:
STO SCHOLARSHIPS; BENEFICIARY RECOMMENDATIONS**

School tuition organizations that receive contributions from taxpayers for the purposes of income tax credits are no longer permitted to allow donors to recommend student beneficiaries, and are prohibited from awarding or reserving scholarships on the basis of donor recommendations.

First sponsor: Rep. Friese (D - Dist. 9)

Status: 1/25 referred to House ways-means, educ.

**HB2148:
STO SCHOLARSHIPS; STUDENT TRANSFERS**

The list of students that must receive at least 90 percent of contributions made to school tuition organizations using the higher income tax credit limits is modified to remove students who received an educational scholarship or tuition grant under other requirements in a previous year and continue to attend a qualified school in a subsequent year.

First sponsor: Rep. Friese (D - Dist. 9)

Status: 1/25 referred to House ways-means, educ.

**HB2149:
CHARTER SCHOOLS; SPONSORSHIP; STATE BOARD**

The State Board of Education, a university under the jurisdiction of the Arizona Board of Regents, and a community college district or group of community college districts are no longer authorized to sponsor a charter school.

First sponsor: Rep. Friese (D - Dist. 9)

Status: 1/25 referred to House educ.

**HB2150:
CHARTER SCHOOLS; LUNCHES; NATIONAL ACTS**

The charter of a charter school is required to ensure that it participates in and complies with the federal National School Lunch and Child Nutrition Acts. Some exceptions.

First sponsor: Rep. Friese (D - Dist. 9)

Status: 1/25 referred to House educ hel-hu ser.

**HB2151:
EXPERIENCED TEACHER RETENTION; PILOT PROGRAM**

The Arizona Department of Education (ADE) is required to conduct a three-year Experienced Teacher Retention Pilot Program. Program participants are eligible to receive a 75 percent discount on tuition at state universities during the Program. Eligibility requirements for the Program are specified. By December 31, 2022, ADE is required to issue a request for proposals to contract with one or more qualified persons or entities to study the impact of the Program on the teacher shortage in Arizona and the effectiveness of the Program. By December 31, 2025, the persons or entities selected are required to submit a report of their findings to the Governor and the Legislature. The Program self-repeals February 16, 2028. Appropriates the following amounts from the general fund to ADE for the Program: \$2 million in FY2021-22, in FY2022-23, either \$2 million or \$2.5 million depending on the amount awarded to Program participants in FY2021-22; in FY2023-24, either the amount appropriated in FY2022-23 or \$5 million depending on the amount awarded to

Program participants in FY2022-23. Appropriates \$100,000 from the general fund in FY2022-23 to ADE to distribute to the persons or entities that are selected to study the impact of the Program.
First sponsor: Rep. Friese (D - Dist. 9)
Status: [2/11 from House appro do pass.](#) 1/20 referred to House educ, appro.

HB2159:

SCHOOL BUS DRIVERS; LICENSE REQUIREMENTS

The school bus driver certification standards must require the applicant to possess a commercial driver license.

First sponsor: Rep. Fillmore (R - Dist. 16)

Status: [2/18 referred to Senate trans-tech.](#) [2/4 passed House 59-0;](#) ready for Senate. 1/28 from House trans do pass.

HB2174:

PROJECT ROCKET PILOT PROGRAM; APPROPRIATIONS

Establishes the Project Rocket Pilot Program to improve academic outcomes for all students in schools that meet the eligibility requirements. Establishes the Project Rocket Fund, to be administered by the Department of Education at the direction of the State Board of Education. For FY2021-22, FY2022-23, and FY2023-24, the Dept. is required to distribute monies from the Fund to eligible school districts and charter schools. Each school that received a letter grade of C during the prior fiscal year with at least 60 percent of enrolled students qualifying for free or reduced-price lunches and each school that received a letter grade of D or F during the prior fiscal year will receive \$150 per student from the Fund. An eligible school is required to file a notice of intent to participate with the Board by July 1, 2021 and to submit an improvement plan to improve student outcomes by October 1, 2021 in order to receive funding. The plan is required to identify a mentor who can assist with academic achievement or include a partnership with an approved independent school improvement expert. School boards of a school that qualified based on a grade of F are required to establish a Project Rocket Committee to submit the school improvement plan, and the Committee is required to partner with an approved independent school improvement expert to implement the school improvement plan. The Board is required to identify two or more approved independent school improvement experts to be included on a partner network list through a request for proposals process. Criteria and requirements for independent school improvement experts are established. By June 1 of each year, participating schools are required to submit a report to the Board describing how the improvement plan has improved academic improvement. The Board is required to compile the reports and provide the information to the Governor and the Legislature by October 1, 2022 and October 1, 2023. The Board is required to submit a final report on the Program to the Governor and the Legislature by December 1, 2024, and information that must be included in the report is listed. Appropriates \$44.57 million from the general fund in each of FY2021-22, FY2022-23, and FY2023-24 to the Project Rocket Fund. Appropriates \$1 million and seven FTEs from the general fund in in each of FY2021-22, FY2022-23, and FY2023-24 to the Board to administer the Program. Retroactive to July 1, 2021.

First sponsor: Rep. Udall (R - Dist. 25)

Status: [1/27 from House educ with amend #4022.](#)

HB2175:

SCHOOLS; RESIDENCY DOCUMENTATION; POLICIES

The State Board of Education, instead of the Department of Education, is required to establish policies for school districts and charter schools to require and maintain verifiable documentation of residency in Arizona for enrolled students.

First sponsor: Rep. Dunn (R - Dist. 13)

Status: [2/18 referred to Senate educ.](#) [2/4 House COW approved.](#) [Passed House 45-14;](#) ready for Senate. 1/27 from House educ do pass.

HB2179:**NEW SCHOOL FACILITIES; ADDITIONAL FUNDING**

If a school district qualifies for monies distributed from the New School Facilities Fund but the amount is inadequate to cover the total contracted costs for the new school construction, the school district is eligible for additional monies from the Fund if the school district is either eligible for basic state aid equal to 90 percent or more of its equalization base, or has a secondary net assessed value per student for the students the new school construction will serve of \$100,000 or less. If a school district is eligible for additional monies, the school district will receive an additional amount of from the Fund that is equal to the amount necessary for the new school construction to meet the minimum school facility adequacy guidelines.

First sponsor: Rep. Udall (R - Dist. 25)

Status: [3/4 passed House 51-8](#); ready for Senate. [2/23 from House appro with amend #4422](#). From House rules okay. [2/3 from House educ with amend #4073](#). 1/25 referred to House educ, appro.

HB2184:**SEX EDUCATION; PARENTAL CONSENT; SCHOOLS**

Numerous changes to statutes relating to sex education in public schools. School districts and charter schools are prohibited from providing sex education instruction before the 6th grade. Prohibits charter schools, in addition to school districts, from providing sex education instruction to a student unless the student's parent provides written permission. Written permission from a parent is also required for a student to participate in instruction on AIDS and HIV. School districts and charter schools are required to make any sex education curricula, including curricula related to instruction on AIDS and HIV, available for a parent's review, and to notify parents where the curricula is available before the parent provides written permission. Before a school district or charter school offers sex education instruction, the school district governing board or charter school governing body is required to review and approve the sex education course of study and ensure compliance with statute. Before approval, the board must make any proposed sex education course of study available to the public for review and comment. By December 15, 2021, each school district and charter school that offers any sex education instruction is required to review its course of study and revise it to comply with this legislation.

First sponsor: Rep. Blackman (R - Dist. 6)

Status: 1/25 referred to House educ, hel-hu ser.

HB2241:**SCHOOLS; INSTRUCTION; HOLOCAUST; GENOCIDES**

In adopting the course of study and competency requirements, the State Board of Education must include a requirement that students be taught about the Holocaust and other genocides at least twice between the 7th and 12th grades.

First sponsor: Rep. A. Hernandez (D - Dist. 3)

Status: [2/18 referred to Senate educ](#). [2/4 passed House 59-0](#); ready for Senate. 1/27 from House educ do pass.

HB2251:**SEX EDUCATION; COMPREHENSIVE; MEDICALLY ACCURATE**

School districts are required to provide sex education that is "medically accurate" and "comprehensive" (both defined). At the request of a student's parent, a school district is required to excuse the student from instruction on sex education. School districts are required to notify each parent of the ability to withdraw the student from the instruction. On request, the Department of Education is required to assist a school district with a suggested course of study and/or teacher training.

First sponsor: Rep. Powers Hannley (D - Dist. 9)

Status: filed.

HB2268:**SCHOOLS; TOTAL COMPENSATION STATEMENTS**

School district governing boards and charter school governing bodies are required to annually provide a total compensation statement to each employee that includes a list of specified pay and benefits.

First sponsor: Rep. Grantham (R - Dist. 12)

Status: 2/18 referred to Senate educ. 2/4 passed House 59-0; ready for Senate. 1/27 from House educ do pass.

HB2278:**APPROPRIATION; EARLY CHILDHOOD; WAIT LIST**

Appropriates \$5.7 million from the general fund in FY2021-22 to the Arizona Early Childhood Development and Health Board to provide additional monies for eligible childcare centers and preschools on the quality first program applicant wait list to enroll in the program.

First sponsor: Rep. Lieberman (D - Dist. 28)

Status: 1/25 referred to House hel-hu ser, appro.

HB2280:**SCHOOLS; EXPENDITURE LIMIT; OVERRIDES**

The maximum time period that voters in a school district may approve a budget in excess of the revenue control limit is increased to ten years, from seven years. A budget increase approved for five years or more is no longer required to be reduced to 2/3 of the initial proposed percentage increase in the next to last year and 1/3 of the initial proposed percentage increase in the last year.

First sponsor: Rep. Lieberman (D - Dist. 28)

Status: 1/26 referred to House ways-means, educ.

HB2281:**SCHOOLS; CHARTER MANAGEMENT ORGANIZATIONS; CONTRACTS**

A charter school or charter holder that contracts with a "charter management organization" is required to submit the contract to the State Board for Charter Schools for review.

First sponsor: Rep. Lieberman (D - Dist. 28)

Status: 1/26 referred to House educ.

HB2287:**APPROPRIATION; ELECTRIC SCHOOL BUSES**

Appropriates \$1.5 million from the general fund in FY2021-22 to the Department of Education to award grants to school districts to purchase electric school buses.

First sponsor: Rep. Lieberman (D - Dist. 28)

Status: 1/26 referred to House educ, appro.

HB2301:**CTEDS; LETTER GRADES; EXCLUSION**

Career Technical Education Districts are prohibited from being assigned a letter grade as part of the annual achievement profile compiled by the Department of Education.

First sponsor: Rep. Blackman (R - Dist. 6)

Status: 2/18 signed by Governor. 2/3 House COW approved. Passed House 59-0; ready for Senate. 1/27 from House educ do pass.

HB2315:**SCHOOL DISTRICTS; ELECTRONIC SIGNATURE FILING**

The list of candidates that may gather petition signatures through a secure internet portal system provided by the Secretary of State is expanded to include candidates for school board office.

First sponsor: Rep. Kavanagh (R - Dist. 23)

Status: 1/21 referred to House gov-elect.

HB2322:**VOCATIONAL AND TECHNICAL EDUCATION; EVALUATIONS**

School district boards are required to provide for the evaluation of vocational and technical education programs annually, instead of once every five years.

First sponsor: Rep. Toma (R – Dist. 22)

Status: [2/24 passed House 59-0](#); [ready for Senate. 2/17 from House educ do pass.](#) 1/26 referred to House educ.

HB2393:**SCHOOLS; UNIVERSITIES; CONSULAR IDENTIFICATION CARDS**

School districts and charter schools are required to accept a consular identification card to show verifiable documentation of Arizona residency. Community colleges and universities under the jurisdiction of the Arizona Board of Regents are required to accept a consular identification card as a valid form of identification. The state and political subdivisions are required to accept a consular identification card that is issued by a foreign government as a valid form of identification if the foreign government uses "biometric identity verification techniques" (defined) in issuing the card, instead of being prohibited from accepting a consular identification card as a valid form of identification.

First sponsor: Rep. Cook (R - Dist. 8)

Status: 1/27 referred to House gov-elect.

HB2401:**JUVENILE DEPENDENCY; STATE AID; APPROPRIATION**

Establishes the State Aid for Juvenile Dependency Proceedings Fund (SAJDP Fund), to be administered by the Arizona Criminal Justice Commission and used to provide state aid to county public defenders, legal defenders and contract indigent defense counsel for the processing of juvenile dependency cases. On or before September 1 of each fiscal year, the Commission is required to distribute monies in the State Aid to Indigent Defense Fund to each county in which the three-year average of the total juvenile dependency case filings in the superior court in the county exceeds the three-year average juvenile dependency case filings in the superior court of the county for fiscal years 2012-2013, 2013-2014 and 2014-15 based on the proportion that the population of each qualifying county bears to the total qualifying county population. Each county board of supervisors is required to separately account for these monies and may spend these monies only to provide state aid to county public defenders, legal defenders and contract indigent defense counsel for the processing of juvenile dependency cases. Appropriates \$2 million from the general fund in FY2021-22 to the SAJDP Fund.

First sponsor: Rep. Biasiucci (R - Dist. 5)

Status: [2/24 passed House 54-5](#); [ready for Senate. 2/18 from House appro do pass.](#) 1/27 referred to House jud, appro.

HB2403:**SCHOOLS; PERFORMANCE EVALUATIONS**

Charter school governing bodies and school district governing boards are not required to conduct principal or teacher performance evaluations in the 2020-21 school year. For a teacher who was designated in the lowest performance classification for the 2019-2020 school year, the absence of an evaluation in the 2020-2021 school year cannot be used to enforce dismissal or nonrenewal

procedures. A teacher evaluation in the 2020-21 school year is not required to a teacher to be eligible to receive performance pay from the Classroom Site Fund. These provisions self-repeal January 1, 2023. Retroactive to July 1, 2020. Emergency clause.

First sponsor: Rep. Udall (R - Dist. 25)

Status: [2/24 referred to Senate educ.](#) [2/2 from House rules okay.](#) 1/27 from House educ do pass.

HB2417:

GIFTED PUPILS; APPROPRIATION

Appropriates \$300,000 and three FTE positions from the general fund in FY2021-22 to the Arizona Department of Education (ADE) to administer additional assistance for gifted education programs and provide technical assistance to schools. The Legislature intends that ADE prioritize the distribution of monies to public schools at which 60 percent or more of the students are eligible for free or reduced-price lunches under the National School Lunch and Child Nutrition Acts, and distribute the monies to the public schools in increments of \$10,000, to the extent practicable.

First sponsor: Rep. Pawlik (D - Dist. 17)

Status: 1/27 referred to House educ, appro.

HB2418:

GROUP B WEIGHT; GIFTED PUPILS

For school finance purposes, the definition of "group B" is expanded to include educational programs for gifted students, and a support level weight of 0.007 is created for funding category "G" (defined as programs for gifted students).

First sponsor: Rep. Pawlik (D - Dist. 17)

Status: [2/10 from House educ with amend #4151.](#) 1/27 referred to House educ, appro.

HB2419:

SCHOOL FUNDING; INFLATION ADJUSTMENT

Beginning in FY2021-22, the Legislature is required to increase the amount of the district additional assistance and charter additional assistance by at least two percent. For FY2022-23 and each FY after, the Legislature is required to increase the amount of the district additional assistance and charter additional assistance by a minimum growth rate of either two percent or the change in the GDP price deflator from the second preceding calendar year to the calendar year immediately preceding the budget year, whichever is less, except that the amount cannot be reduced below the base level established for

FY2021-22.*First sponsor:* Rep. Pawlik (D - Dist. 17)

Status: 2/2 referred to House educ, appro.

HB2421:

SCHOOLS; DISTANCE LEARNING COURSES; FUNDING

Beginning in the 2022-2023 school year, school districts and charter schools are authorized to offer distance learning courses to any student in Arizona whether or not that student is enrolled in the school district or charter school. Any student in Arizona who is in grades 6 through 12 is permitted to enroll in up to two distance learning courses each year. A student may enroll in any distance learning class, whether or not the student is enrolled in the school district or charter school that offers the course. The State Board of Education is required to establish application policies and procedures for distance learning courses, and school districts and charter schools are required to apply to the Board to offer a distance learning course. School districts and charter schools that offer distance learning courses are authorized to charge a reimbursement fee for the cost of the course to the school district or charter school in which the student is enrolled, and are prohibited from including a student who is enrolled in a distance learning course but who does not attend any other courses at the school district or charter school for the purposes of calculating average daily membership. School districts and charter schools are authorized to include a student who is enrolled in the school district or charter school and who is enrolled in a distance learning

course in another school district or charter school for the purposes of calculating average daily membership if a list of specified conditions apply.

First sponsor: Rep. Carroll (R - Dist. 22)

Status: [2/17 from House educ with amend #4299](#). 1/26 referred to House educ.

HB2423:

IMMUNIZATIONS; EXEMPTION; REQUIREMENTS

A person who is required to receive an immunization for any purpose, including as a condition of employment, school attendance or obtaining any license, certification or degree, is allowed to claim an exemption from the immunization requirement if there is not a vaccine that has been approved by the U.S. Food and Drug Administration available to fulfill the requirement that also meets all of a list of specified criteria, including that the risk of permanent disability or death from the vaccine has been proven to be less than that caused by the infection it is intended to prevent. A person may claim the exemption on the person's own behalf or on behalf of the person's child or dependent.

First sponsor: Rep. Carroll (R - Dist. 22)

Status: 1/26 referred to House hel-hu ser.

HB2430:

PUBLICITY PAMPHLET; SUBMITTAL DATES

The deadline for Legislative Council to file with the Secretary of State an impartial analysis of the provisions of each ballot proposal for inclusion in the publicity pamphlet is moved to 30 days preceding the regular primary election, from 60 days preceding. The deadline for a person to file with the Secretary of State an argument advocating or opposing a ballot measure for inclusion in the publicity pamphlet is moved to 27 days preceding the regular primary election, from 48 days preceding. Emergency clause.

First sponsor: Rep. Bolick (R - Dist. 20)

Status: [2/24 House COW approved. Passed House 57-1; ready for Senate. 2/4 from House gov-elect do pass](#). 1/26 referred to House gov-elect.

HB2434:

TEACHER SALARY INFORMATION; REVENUE STREAMS

The budget for school districts and charter schools is required to contain the revenue streams used to fund teacher salaries. School districts and charter schools are required to prominently post the revenue streams used to fund teacher salaries on the district website home page separately from the budget.

First sponsor: Rep. Bolick (R - Dist. 20)

Status: 1/26 referred to House educ.

HB2435:

SCHOOLS; GOVERNING BOARDS; ELECTIONS; REVISIONS

Makes various changes relating to school district governing board elections. A simple majority of school district governing board members are required to be parents, guardians, or grandparents of a child currently attending a school in the school district. Establishes a process where candidates meeting this qualification are elected separately to 3 seats on a board with 5 seats or to 2 seats on a board with 3 seats. The other members of the school district governing board may be at-large members with any background. A person is not eligible to serve more than two consecutive terms on a school district governing board, except that if there is an insufficient number of candidates to fill the governing board vacancies, the county school superintendent is authorized to appoint a governing board member who has served two consecutive terms to serve on the governing board until the next election. After serving the maximum number of terms on a school district governing board, including any part of a term served, a person cannot serve again on the school district governing board until the person has been out of office for at least one full term. The list of

candidates that may gather petition signatures through a secure internet portal system provided by the Secretary of State is expanded to include candidates for school board office. Session law allows all persons serving as members of a school district governing board on the effective date of this legislation to continue to serve until the expiration of their normal terms.

First sponsor: Rep. Kaiser (R - Dist. 15)

Status: [3/3 FAILED House 15-44. 2/24 retained on House COW calendar. 2/18 House gov-elect do pass; report awaited.](#) 1/26 referred to House educ.

HB2439:

TECH CORRECTION; MISSING CHILDREN

Minor change in Title 8 (Child Safety) related to missing children. Apparent striker bus.

First sponsor: Rep. Griffin (R - Dist. 14)

Status: [2/24 House COW approved with amend #4329. NOTE SHORT TITLE CHANGE.](#) Passed House 59-0; ready for Senate. 2/18 from House jud with amend #4329. 2/4 referred to House jud.

HB2458:

SCHOOLS; UNIVERSITIES; CONSULAR IDENTIFICATION CARDS

School districts and charter schools are required to accept a consular identification card to show verifiable documentation of Arizona residency. Community colleges and universities under the jurisdiction of the Arizona Board of Regents are required to accept a consular identification card as a valid form of identification. The state and political subdivisions are required to accept a consular identification card that is issued by a foreign government as a valid form of identification if the foreign government uses "biometric identity verification techniques" (defined) in issuing the card, instead of being prohibited from accepting a consular identification card as a valid form of identification.

First sponsor: Rep. Cook (R - Dist. 8)

Status: [2/24 House COW approved with flr amend #4485. 2/17 from House gov-elect do pass.](#) 1/27 referred to House gov-elect.

HB2463:

APPROPRIATION; DPS; SCHOOL SAFETY PROGRAM

The Public Safety Interoperability Fund is renamed the Arizona School Safety Fund, and monies in the Fund may be used only for school safety programs instead of interoperable communication systems. Appropriates \$2 million from the general fund in FY2021-22 to the Arizona School Safety Fund for a school safety program that meets a list of specified requirements.

First sponsor: Rep. Payne (R - Dist. 21)

Status: [2/23 retained on House COW calendar. 2/11 from House appro do pass.](#) 1/27 referred to House mil-pub safety, appro.

HB2503:

EMPOWERMENT SCHOLARSHIP ACCOUNTS; STUDENT VICTIMS

For the purpose of empowerment scholarship accounts (ESA), the definition of "qualified student" is expanded to include a child who is the alleged victim of assault, harassment, hazing, kidnapping, aggravated assault, theft, burglary, sexual harassment, sexual assault, a sexual offense, threatening or intimidating, fighting, sex trafficking or human trafficking, and the incident occurred on school grounds, on a school bus, at a school bus stop or at a school-sponsored event or activity, including through the use of electronic technology or an electronic communication on a school computer, network, forum or mailing list. On receipt of a police report or an administrative or court pleading involving an incident of any of these crimes, the school principal is required to provide a copy of the report to the parent of the alleged victim and investigate the incident. On conclusion of the investigation or within 15 days after the incident was reported, whichever occurs first, the school district or charter school is required to notify the parent of the alleged victim about eligibility for an ESA. More.

First sponsor: Rep. Bolick (R - Dist. 20)

Status: [2/2 referred to House educ.](#)

HB2536:

SCHOOLS; INDIVIDUALIZED EDUCATION PROGRAMS; COMPLIANCE

On receiving a "special need transfer student," a "receiving school" (both defined) is required to recognize the requirements specified within the existing individualized education program (IEP), and ensure that the specific educational services required in the existing IEP are provided to the student within 30 days after the student's first day of attendance at the school. The receiving school may contest the validity of an existing IEP, but is required to follow the requirements of the existing IEP while it is being challenged and reevaluated, unless the receiving school, with the consent of a parent, provides funding directly to the parent to purchase appropriate services, in accordance with state and federal law.

First sponsor: Rep. Longdon (D- Dist. 24)

Status: filed.

HB2549:

PROBABLE CAUSE HEARING; PANDEMIC LIABILITY

Subject to Arizona rules of court, the court is required to conduct a probable cause hearing for every civil action that is filed and that claims a party is liable for damages based on contracting an illness that is a public health pandemic. At the probable cause hearing, the plaintiff has the burden of proof to demonstrate that there is sufficient evidence to establish that the injury exists and that the defendant is likely the cause of the injury. On a finding of probable cause, the court may proceed to a trial on the merits.

First sponsor: Rep. Kavanagh (R - Dist. 23)

Status: [3/4 passed House 31-28; ready for Senate. 2/24 House COW approved with amend #4330. 2/18 from House jud with amend #4330. 1/28 referred to House jud.](#)

HB2557

SCHOOLS; DRUG VIOLATIONS; REPORTING OPTIONS

In lieu of the requirement to immediately report a drug violation to a peace officer, and if the violation involves a student, a school administrator is permitted to refer the student to an appropriate program for at-risk students that is selected by the school.

First sponsor: Rep. Rodriguez (D - Dist. 27)

Status: [2/2 referred to House jud.](#)

HB2566:

STO SCHOLARSHIPS; LOW-INCOME REQUIREMENTS

To be eligible to receive an educational scholarship or tuition grants from a school tuition organization, a student's family income cannot exceed 185 percent of the income limit required to qualify a child for reduced-price lunches under the federal National School Lunch and Child Nutrition Acts.

First sponsor: Rep. Lieberman (D - Dist. 28)

Status: [2/2 referred to House ways-means, educ.](#)

HB2592:

STOS; QUALIFIED SCHOOLS; PRESCHOOL PROGRAMS

Eligibility requirements for students to receive educational scholarships or tuition grants from tax credit contributions to school tuition organizations (STOs) are expanded to include students whose family income does not exceed 185 percent of the income limit required to qualify for reduced-

price lunches and who either attended a preschool program at a government school or enroll in a "quality preschool program" (defined as a preschool program that is accredited by a national early childhood development organization or that is rated at a quality level of three or higher by the Arizona Early Childhood Development and Health Board), except that children who receive a scholarship or grant to attend a quality preschool program are not eligible to receive a scholarship or grant for a kindergarten program in a subsequent year. Beginning in 2021, the scholarship or grant limit for any quality preschool program is the 2020 scholarship limit for a preschool that offers services to students with disabilities plus \$100 and increases annually according to a statutory formula.

First sponsor: Rep. Lieberman (D - Dist. 28)

Status: [2/2 referred to House educ, ways-means.](#)

HB2637:

APPROPRIATION; STEM INTERNSHIPS

Appropriates \$2 million from the general fund in FY2021-22 to the Arizona Commerce Authority for matching monies for educational stipends for high school, college and university students and for K-12 teachers in Arizona who participate in STEM internships. The Authority is required to establish guidelines and procedures for awarding the stipends. Some stipend requirements are specified, including maximum award amounts. By December 1, 2022, the Authority is required to submit a report to the Governor and the Legislature on the stipends and internships.

First sponsor: Rep. Shah (D - Dist. 24)

Status: [1/28 referred to House educ, appro.](#)

HB2643:

TEACHERS WORKFORCE DATABASE

The Arizona Department of Education (ADE) is required to adopt policies prescribing the "designated database information" (defined) to be collected for a teachers workforce database. Beginning January 2, 2023, ADE is required to collect from applicants for initial or renewal teacher certification the designated database information. Personally identifiable information collected for the database is confidential and is not a public record.

First sponsor: Rep. Shah (D - Dist. 24)

Status: [1/28 referred to House educ.](#)

HB2644:

SCHOOL HEALTH PROGRAM; APPROPRIATION

Establishes the School Health Program within the Arizona Department of Education (ADE) to promote and enhance healthy and effective learning environments for all students by supporting the costs of placing school nurses and school psychologists on school campuses. School districts and charter schools may apply to participate in the Program for up to three fiscal years by submitting a program proposal to ADE. Information that must be included in the program proposal is specified. ADE is required to distribute monies to the school districts and charter schools that are in compliance with Program requirements and whose program proposals have been approved by the State Board of Education. ADE is required to evaluate the effectiveness of approved program proposals and report on the Program to the Governor and the Legislature by November 1 of each year. The Program ends July 1, 2031. Appropriates an unspecified amount (blank in original) from the general fund in FY2021-22 to ADE for the Program.

First sponsor: Rep. Shah (D - Dist. 24)

Status: [2/1 referred to House educ, appro.](#)

HB2647:

SCHOOLS; SEX EDUCATION INSTRUCTION

All school districts and charter schools are required to provide sex education instruction that is "medically accurate" and "age- appropriate" (both defined) for students in kindergarten through

grade 12. Information that must be included in sex education instruction is specified. Sex education for grades 6 through 12 is required to stress the importance of using effective methods of contraception, including abstinence, to prevent unintended pregnancy and protect against sexually transmitted infections. School districts and charter schools are required to make sex education instruction materials available for parental review. A student may be excused from any part of the instruction only at the written request of the student's parent or guardian. Parents have the right to opt out of sex education, instead of the right to opt in. Statute governing parental involvement in schools and requiring school boards to adopt policies promoting parent involvement that include a list of required provisions is expanded to include charter schools.

First sponsor: Rep. D. Hernandez (D - Dist. 2)

Status: filed.

HB2656:

SCHOOLS; CURRICULUM; MENTAL HEALTH

The State Board of Education must require that all health education instruction include mental health instruction. Mental health instruction may be included in a health course or another existing course and is required to incorporate the multiple dimensions of health by including mental health and the relationship of physical and mental health to enhance student understanding, social and emotional learning, and attitudes and behavior that promote health and well-being.

First sponsor: Rep. D. Hernandez (D - Dist. 2)

Status: [2/1 referred to House educ, hel-hu ser.](#)

HB2657:

RESULTS-BASED FUNDING; REPEAL; APPROPRIATION

Repeals the Results-Based Funding Fund and statute requiring the Arizona Department of Education (ADE) to distribute monies from the Fund to school districts and charter schools based on a specified formula. Appropriates \$68.6 million from the general fund in FY2021-22 to ADE to distribute to school districts and charter schools that receive federal Title I monies according to a specified formula.

First sponsor: Rep. Lieberman (D - Dist. 28)

Status: [2/1 referred to House educ, appro.](#)

HB2661:

APPROPRIATION; SCHOOLS; TREES

Appropriates \$400,000 from the general fund in FY2021-22 to the Arizona Department of Education (ADE) to distribute to public schools to plant low-biogenic volatile organic compound-emitting trees on school campuses that are appropriate to each school's climate. Until December 31, 2021, ADE is required to distribute the monies on a first-come, first-served basis only to public schools in Arizona at which 75 percent or more of the students are eligible for free or reduced-price lunches. ADE cannot distribute more than \$10,000 to a school campus.

First sponsor: Rep. Epstein (D - Dist. 18)

Status: [2/1 referred to House educ, appro.](#)

HB2665:

AUDITOR GENERAL; CHARTER SCHOOLS

The school-wide audit team in the office of the Auditor General is required to conduct performance audits and monitor charter schools in the same manner it audits and monitors school districts.

First sponsor: Rep. Epstein (D - Dist. 18)

Status: [2/2 referred to House educ, appro.](#)

HB2666:**ARIZONA ONLINE INSTRUCTION; COST STUDY**

The Auditor General is required to conduct and complete a cost study of Arizona online instruction, and information that must be included in the study is specified. Appropriates \$150,000 from the general fund in FY2021-22 to the Auditor General for the cost study.

First sponsor: Rep. Epstein (D - Dist. 18)

Status: [2/2 referred to House educ, appro.](#)

HB2669:**APPROPRIATION; ELEMENTARY SCHOOL DISTRICT**

Makes a supplemental appropriation of \$4.5 million from the general fund in FY2021-22 to the Department of Education to distribute to an elementary school district that the School Facilities Board approved in FY2019-20 for additional space that would serve at least 500 students but not more than 600 students.

First sponsor: Rep. John (R - Dist. 4)

Status: [2/18 referred to Senate appro. 2/4 from House appro do pass. 1/27 referred to House educ, appro.](#)

HB2703:**TECHNOLOGY-BASED SCHOOL READINESS PILOT PROGRAM**

Establishes the Technology-based School Readiness Pilot Program during FY2021-22 and FY2022-23, to be administered by the Arizona Department of Education (ADE), and establishes criteria for the Program. By November 1, 2021, ADE is required to contract through a request for proposals with a service provider that is a 501(c)(3) organization and that demonstrates previous success conducting technology-based school readiness programs through independent, valid and reliable evaluations. Establishes eligibility requirements for children to participate in the Program. By January 1, 2023, ADE is required to submit a report containing specified information on the Program to the Governor and the Legislature. The Program self-repeals January 1, 2024. Appropriates \$2 million from the general fund in FY2021-22 to ADE for the Program.

First sponsor: Rep. Teller (D - Dist. 7)

Status: [1/27 referred to House educ, appro.](#)

HB2704:**SCHOOLS; INSTRUCTION; NATIVE AMERICAN EXPERIENCE**

Beginning in the 2023-2024 school year, the State Board of Education is required to include in the academic standards for students in kindergarten through grade 12 instruction relating to the Native American experience in Arizona that includes instruction on tribal history, sovereignty issues, culture, treaty rights, government, socioeconomic experiences and current events, and that is historically accurate, culturally relevant, community based, contemporary and developmentally appropriate. The Board is required to provide professional development to teachers and administrators relating to the instruction, and to ensure that the federally recognized Indian tribes in Arizona have the opportunity to collaborate in developing the instruction. The Board is required to submit a report on implementing the instruction to the Governor and the Legislature by October 15 of 2022, 2023 and 2024. Emergency clause.

First sponsor: Rep. Teller (D - Dist. 7)

Status: [2/2 referred to House educ.](#)

HB2705:**SCHOOLS; DRESS CODE; GRADUATION CEREMONIES**

School district governing boards and charter schools cannot establish a dress code policy that prohibits a student from wearing traditional tribe regalia or objects of cultural significance at a graduation ceremony. Emergency clause.

First sponsor: Rep. Teller (D - Dist. 7)

Status: 2/18 referred to Senate educ. 2/3 from House educ do pass. 1/27 referred to House educ.

HB2710:

SEX EDUCATION; CHILD ABUSE PREVENTION

School districts and charter schools are prohibited from providing sex education instruction to a student before 6th grade. If a school district or charter school offers sex education instruction, the instruction is required to be medically and factually accurate, and to emphasize biological sex and not gender identities. School districts and charter schools are prohibited from providing the instruction to a student without written permission from the student's parent. All sex education materials and instruction are required to promote honor and respect for monogamous marriage. Beginning in the 2020-21 school year, school districts and charter schools are required to establish education and training on child abuse prevention for both school personnel and for students in kindergarten through 5th grade. This education and training must be designed to promote self-protection and accountability and to prevent the abuse of children, including sexual abuse, and other requirements for the training are established. School districts and charter schools are also required to provide personnel with education and training on prevention techniques for and recognition of child abuse, and information that must be included is specified. School district schools and charter schools are also required to post in a public area of the school that is readily accessible to students a sign that is at least 11 inches by 17 inches, that is placed at students' eye level, and that contains a list of information related to child abuse, child neglect and the exploitation of children in English and in Spanish, including the telephone number of the centralized intake hotline concerning suspected abuse and neglect of children. The authorization for school districts to provide instruction to students on acquired immune deficiency syndrome and the human immunodeficiency virus is limited to students in grades 6 through 12. Appropriates \$415,000 from the general fund in FY2021-22 to the Department of Education to distribute to school districts and charter school to establish education and training on child abuse prevention as required by this legislation.

First sponsor: Rep. Fillmore (R - Dist. 16)

Status: 2/2 referred to House educ, appro.

HB2729:

SPECIAL EDUCATION; GROUP B WEIGHTS

Monies in the Extraordinary Special Education Needs Fund are continuously appropriated, instead of subject to legislative appropriation. The Arizona Department of Education (ADE) is authorized to retain up to two percent of the monies in the Fund for administration purposes. ADE is required to award monies from the Fund to school districts and charter schools with eligible claims demonstrating that a student receiving special education services has incurred costs in the current year of at least the statewide per pupil funding average multiplied by three. ADE is required to evaluate claim requests on a quarterly basis, and a process for prioritizing funding if there are insufficient monies in the Fund is specified. ADE is required to report to the Governor and the Legislature by December 15 of each year on claims funded in the previous year. Certain special education related group B support level weights are increased. Appropriates \$5 million from the general fund in FY2021-22 to the Fund.

First sponsor: Rep. Schwiebert (D - Dist. 20)

Status: 2/2 referred to House educ, appro. filed.

HB2730:

PUBLIC SCHOOLS; 2020-2021; 2021- 2022; FUNDING

For the purposes of computing base support level funding for FY2020-21, the weighted student count for a school district, charter school, or Career Technical Education District (CTED) is the greater of the weighted student count computed for FY2018-19, FY2019-20, or FY2020-21. For the purposes of computing base support level funding for FY2021-22, the weighted student count for a school district, charter school, or CTED is the greater of the weighted student count computed for FY2018-19, FY2019-20, FY2020-21, or FY2021-22. For FY2020-2021, the amounts for charter additional assistance must be computed using the greater of the student count for FY2018-

19, FY2019-20, or FY2020-21. For FY2021-2022, the amounts for charter additional assistance must be computed using the greater of the student count for FY2018-19, FY2019-20, FY2020-21, or FY2021-22. For FY2020-2021, the amounts for district additional assistance must be computed using the greater of the student count for FY2018-19 or FY2019-20. For FY2021-2022, the amounts for district additional assistance must be computed using the greater of the student count for FY2018-19, FY2019-20, or FY2020-21. For FY2020-2021, students who receive instruction through a distance-learning plan are required to be funded at the same amount as students receiving in-person instruction and cannot be funded as students receiving Arizona online instruction. Retroactive to July 1, 2020. Emergency clause.

First sponsor: Rep. Schwiebert (D - Dist. 20)

Status: filed.

HB2731:

APPROPRIATIONS; GIFTED EDUCATION PROGRAMS

Appropriates \$5 million from the general fund in each of FY2021-22, FY2022-23, and FY2023-24 to the Arizona Department of Education (ADE), with \$4.7 million allocated for additional assistance for gifted education programs, and \$300,000 allocated to ADE to administer the additional assistance.

First sponsor: Rep. Pawlik (D - Dist. 17)

Status: filed.

HB2732:

TEACHERS ACADEMY; MENTAL HEALTH PROFESSIONALS

Expands the Arizona Teachers Academy, which offers scholarships to students who commit to teaching in a public school in Arizona, to include students who commit to working as school psychologists, school social workers and school counselors in Arizona. Changes the name of the Academy to the Arizona Teacher, School Psychologists, School Social Workers and School Counselors Academy. Due to voter protection, a section of this legislation with a conforming change requires the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage.

First sponsor: Rep. Pawlik (D - Dist. 17)

Status: 2/3 referred to House educ. filed.

HB2733:

SCHOOLS; GROUP B WEIGHT; ELIGIBILITY

For the purpose of school base support level funding, establishes a weighted student count of 0.075 to 0.250 for the newly established "FRPL" (defined as students who meet the economic eligibility requirements for the federal National School Lunch and Child Nutrition Acts for free or reduced-price lunches), depending on the percentage of students at that school that meet the economic eligibility requirements. For FY2021-22, only schools in which 96 percent or more of the students meet the economic eligibility requirements qualify for the FRPL group B weight. For FY2022-23, only schools in which 91 percent or more of the students meet the economic eligibility requirements qualify for the FRPL group B weight.

First sponsor: Rep. Pawlik (D - Dist. 17)

Status: filed.

HB2734:

CANDIDATES; SCHOOL, LOCAL; ELECTRONIC SIGNATURES

The list of candidates that may gather petition signatures through a secure internet portal system provided by the Secretary of State is expanded to include candidates for school board office and any office for which a county administers the election.

First sponsor: Rep. Pawlik (D - Dist. 17)

Status: 2/4 referred to House gov-elect. filed.

HB2754:**SCHOOL SAFETY; SCHOOL RESOURCE OFFICERS**

School resource officers and juvenile probation officers are authorized to respond any suspected crime against a person or property that is a serious offense or that involves a deadly weapon or dangerous instrument or serious physical injury and any conduct that poses a threat of death or serious physical injury to employees, students or anyone on school property according to protocols established by their law enforcement agency. Previously, school resource officers were authorized to respond only to situations that present the imminent danger of bodily harm. If a school district or charter school enters into a memorandum of understanding or any other agreement with a law enforcement agency for the purpose of hiring a school resource officer or juvenile probation officer, the memorandum of understanding or agreement is required to include specified provisions, including that the officer is not responsible for student discipline except in response to those suspected crimes. By January 1, 2022, all school resource officers who serve on school grounds are required to complete a basic school resource officer course and an adolescent mental health training. By September 1 of each year, each school district and charter school is required to report to the Arizona Department of Education (ADE) the number of school resource officers or juvenile probation officers per school. Appropriates \$241,500 from the general fund in FY2021-22 to ADE for the costs of the training.

First sponsor: Rep. A. Hernandez (D - Dist. 3)

Status: 2/23 from House appro do pass. From House rules okay. 2/10 from House educ do pass. 2/2 referred to House educ, appro. filed.

HB2762:**STATEWIDE ASSESSMENT; 2020-2021 SCHOOL YEAR**

For the 2020-2021 school year, the statewide assessment is canceled, students are not required to meet the statutory requirements to be promoted from the third grade, and a public school's letter grade is the 2018-2019 letter grade. Retroactive to July 1, 2020. Emergency clause.

First sponsor: Rep. Salman (D - Dist. 26)

Status: 2/3 referred to House educ.

HB2789:**SCHOOLS; IMMUNIZATIONS; REGISTERED NURSES; POSTING**

School districts and charter schools are required to post on their websites whether a registered nurse is assigned to each school and an explanation of the manner in which student health issues are addressed at the school. The school is also required to identify the clinical credentials or licenses of the person providing health services on campus. Required reports on immunizations are also required to be posted on school websites.

First sponsor: Rep. Butler (D - Dist. 28)

Status: 2/8 referred to House hel-hu ser, educ. filed.

HB2819:**INNOVATIVE ASSESSMENT PILOT PROGRAM; APPROPRIATIONS**

The State Board of Education (SBE) is required to conduct a three-year innovative assessment pilot program during the 2021-2022, 2022-2023 and 2023-2024 school years. Before the 2021-2022 school year, SBE is required to issue a request for proposals to contract with the provider of an innovative assessment. Requirements for the innovative assessment are specified. SBE is required to select a representative sample of schools that apply to participate in the pilot program. SBE is required to report to the Governor and the Legislature on the results of the pilot program by December 31, 2024. Appropriates the following amounts from the general fund in the following fiscal years to SBE for the pilot program: \$750,000 in FY2021-22, \$1.5 million in FY2022-23, and \$1.75 million in FY2023-24.

First sponsor: Rep. Lieberman (D - Dist. 28)

Status: 2/17 from House educ do pass.

HB2825:**ARIZONA ONLINE INSTRUCTION; STUDY COMMITTEE**

Establishes a 15-member Study Committee on Arizona Online Instruction to examine studies on the comparative effectiveness of asynchronous digital teaching and learning programs in K-12 charter school education to traditional instruction and develop related recommendations. The Committee is required to submit a report of its findings and recommendations to the Governor and the Legislature by December 15, 2021, and self- repeals January 1, 2022.

First sponsor: Rep. Schwiebert (D - Dist. 20)

Status: 2/8 referred to House educ.

HB2840:**MISCONDUCT INVOLVING WEAPONS; SCHOOL GROUNDS**

The exemption from misconduct involving weapons by knowingly possessing a deadly weapon on school grounds for firearms carried within a means of transportation under the control of an adult is modified so that the firearm is permitted to be loaded.

First sponsor: Rep. Parker (R - Dist. 16)

Status: 2/24 House COW approved. 2/18 from House jud do pass.

HCR2004:**SCHOOLS; CONSOLIDATION; UNIFICATION**

The 2022 general election ballot is to carry the question of whether to amend state statute to require each school district in Arizona to be a unified school district by July 1, 2028. Each school district governing board is required to annually determine the cost saving that result from any consolidation or unification with other school districts, and the cost savings are retained by the district and used for classroom expenditures as determined by the school board, with at least 25 percent being used for teacher salaries. Statute exempting small school districts from the general budget limit is repealed, and session law provides budget revision amounts for FY2028-29, FY2029-30 and FY2030-31. By September 15, 2023, each county school superintendent must complete a feasibility study on the unification and/or consolidation of the school districts within that county, and provide a copy of the study to all school boards in the county. Required components of the feasibility study are specified. By June 30, 2026, the governing board of each school district is required to develop, adopt and publish a plan to unify and/or consolidate the school district with other school districts within that county. Establishes revenue control limits for school districts that are unified or consolidated without an election. The authority to form and operate union high school districts in Arizona ends on June 30, 2028. Appropriates \$250,000 from the general fund in FY2023-24 to each county with a population of 500,000 persons or less and \$750,000 to each county with a population of more than 500,000 persons for implementation.

First sponsor: Rep. Fillmore (R- Dist. 16)

Status: 1/26 referred to House educ, appro.

HCR2005:**ENGLISH LANGUAGE EDUCATION; REQUIREMENTS**

The 2022 general election ballot is to carry the question of whether to amend state statute to repeal and replace provisions related to English language learners. Public schools are required to ensure that all English language learners receive the highest quality education, master the English language and access high quality, innovative research-based language programs. School districts and charter schools are authorized to establish dual- language immersion programs for both native and nonnative English speakers. Directs Legislative Council to prepare conforming legislation.

First sponsor: Rep. Fillmore (R - Dist. 16)

Status: 2/18 referred to Senate educ. 1/28 passed House 58-1; ready for Senate.

HCR2016:**INITIATIVES; SUPERMAJORITY VOTE REQUIREMENT**

The 2022 general election ballot is to carry the question of whether to amend the state Constitution to require approval by 60 percent of the votes cast on the measure for an initiative or referendum measure to become law, instead of a majority of the votes cast.

First sponsor: Rep. Dunn (R- Dist. 13)

Status: [3/4 passed House 31-29; ready for Senate. 2/24 retained on House COW calendar. 2/18 from House gov-elect do pass. 2/3 referred to House gov-elect. filed.](#)

HCR2025:**SCHOOL DISTRICTS; EXPENDITURE LIMIT; AUTHORIZATION**

The Legislature authorizes the expenditure of local revenues by school districts in excess of the expenditure limitation prescribed in the state Constitution in FY2020-21. This authorization is effective only on the approval of this resolution by at least 2/3 of the members of each house of the Legislature by roll call vote.

First sponsor: Rep. Udall (R - Dist. 25)

Status: [2/3 from House educ do pass. 1/27 referred to House educ, appro.](#)

HCR2030:**TEACHERS; ETHICS STANDARDS; RULES**

The 2022 general election ballot is to carry the question of whether to amend state statute to require the State Board of Education, by February 1, 2023, to adopt rules to provide for a classroom code of ethics and professional standards of behavior. Requirements for the rules are specified, including prohibiting teachers and teaching assistants from supporting or opposing during class time any candidate for public office, any proposed or enacted legislation, any proposed or decided court case or judicial action, and any proposed or executed executive action. Establishes penalties for violations.

First sponsor: Rep. Finchem (R- Dist. 11)

Status: [2/3 referred to House educ. filed.](#)

HR2004:**SUSPENDED STUDENTS; VIRTUAL EDUCATION; SUPPORT**

The members of the House of Representatives express their strong support for all schools in Arizona to provide appropriate interventions for students before resorting to suspensions and expulsion and to provide suspended or expelled students with appropriate virtual or other forms of distance education opportunities to keep them engaged with the education system and their futures.

First sponsor: Rep. Udall (R - Dist. 25)

Status: [2/23 passed House 58-0; ready for Senate. 2/16 from House rules okay. 2/3 referred to House educ.](#)

SENATE BILLS**SB1005:****SCHOOLS; CHILD ABUSE PREVENTION EDUCATION**

Beginning in the 2021-22 school year, school districts and charter schools are required to establish education and training on child abuse prevention for employees and students in accordance with guidelines and curricula developed by the Department of Education. Information that must be included in the education and training is specified. Each public school is required to post in a public area of the school that is readily accessible to students a sign that contains the telephone number operated by the Department of Child Safety to receive reports of child abuse or neglect.

First sponsor: Sen. Steele (D - Dist. 9)

Status: 1/11 referred to Senate educ, appro.

SB1026:

APPROPRIATIONS; EXTENDED BUS ROUTES

Appropriates \$200,000 from the general fund in each of FY2021-22 and FY2022-23 to the Department of Transportation to distribute to a regional public transportation authority to extend bus routes to Apache Junction. By December 31, 2023, the Dept. is required to submit an assessment of the long-term efficacy of extending the bus routes and a recommendation for long-term funding of the bus routes to the Governor and the Legislature.

First sponsor: Sen. Townsend (R - Dist. 16)

Status: 1/11 referred to Senate appro.

SB1028:

ALTERNATIVE ASSESSMENT; SPECIAL EDUCATION

The State Board of Education is required to adopt rules that allow a student to participate in alternative testing instead of the required statewide testing if the student is enrolled in a special education program and meets criteria specified by the Board. Establishes a 13-member Alternative Assessment Study Committee to discuss alternative assessments and related issues. The Committee is required to submit a report of its findings and recommendations to the Governor and the Legislature by December 1, 2021, and self-repeals July 1, 2022.

First sponsor: Sen. Barto (R - Dist. 15)

Status: [2/23 referred to House educ.](#) 1/28 passed Senate 28-1; ready for House.

SB1035:

TECHNICAL CORRECTION; PRIVATE SCHOOLS

Minor change in Title 15 (Education) related to private schools. Apparent striker bus.

First sponsor: Sen. Barto (R - Dist. 15)

Status: 1/11 referred to Senate rules only.

SB1041:

STOS; AGGREGATE CAP INCREASE

The aggregate dollar amount of the cap on the tax credit for contributions to school tuition organizations is increased to \$10 million in FY2021-22, \$15 million in FY2022-23, and \$20 million in FY2023-24, from \$5 million. For FY2024-25 and each FY after, the aggregate dollar amount of the cap on the tax credit for contributions to school tuition organizations is increased by the greater of either the percentage of the annual increase in the metropolitan Phoenix consumer price index or two percent.

First sponsor: Sen. Livingston (R - Dist. 22)

Status: [2/23 referred to House ways-means.](#) [2/1 passed Senate 16-14;](#) ready for House. 1/28 Senate COW approved with floor amend #4046.

SB1056:

ENERGY; WATER; SAVINGS ACCOUNTS

The maximum length of a contract between a county or municipality and an energy or water services company to pay for the incremental cost of energy or water savings measures in facilities owned by the county or municipality is increased to 25 years, from 15 years. Other costs and revenue are included in the estimated impact to be achieved by a county or municipality through energy or water savings measures or services. Reports on school district contracts for guaranteed energy cost savings must be filed with the Department of Administration, instead of the Governor's Office of Energy Policy.

First sponsor: Sen. Gray (R - Dist. 21)

Status: 2/26 signed by Governor. Chap. 39, Laws 2021. 2/22 substituted in House for identical bill 2333. Passed House 60-0; ready for Governor. 2/4 passed Senate 29-0; ready for House. 1/28 from Senate nat res-energy-water do pass.

SB1058:

SCHOOLS; LEARNING MATERIALS; ACTIVITIES

By July 1 of each year, each school district and charter school is required to prominently list on a publicly accessible portion of its website the "learning materials" and "activities" (both defined) that were used for student instruction at the school during the prior school year, organized by subject area and grade, and any procedures in effect for review or approval of the learning materials and activities. Information that must be included in the list is specified.

First sponsor: Sen. Barto (R - Dist. 15)

Status: 3/3 passed Senate 16-14; ready for House. 2/2 from Senate rules okay. 1/27 from Senate educ with amend #4031.

SB1061:

SCHOOLS; EMPLOYEES; EMPLOYMENT; DISCIPLINE

The Department of Education is required to investigate written complaints alleging that a "noncertificated person" (defined as a school district or charter school employee who does not possess a teaching certificate and meets other specified requirements) has engaged in immoral or unprofessional conduct. The State Board of Education is authorized to review a complaint to determine whether to take disciplinary action against a noncertificated person who has engaged in immoral or unprofessional conduct, including prohibiting the person's employment at a school district or charter school for up to five years. Before employing a certificated or noncertificated person, school districts and charter schools are required to conduct a search of the educator information system that is maintained by the Dept. on the prospective employee. School districts and charter schools are prohibited from employing in a position that requires a valid fingerprint clearance card either a certificated person whose certificate has been suspended, surrendered or revoked and not subsequently reinstated, or a noncertificated person who has been prohibited from employment at a school district or charter school by the Board under this legislation.

First sponsor: Sen. Boyer (R - Dist. 20)

Status: 1/26 from Senate rules okay.

SB1097:

PUPILS; EXCUSED ABSENCES; MENTAL HEALTH

The Arizona Department of Education (ADE) is required to identify an absence due to the mental or behavioral health of a pupil as an excused absence. ADE is authorized to adopt guidelines and rules for determining what constitutes an absence due to the mental or behavioral health of a pupil.

First sponsor: Sen. Bowie (D - Dist. 18)

Status: 2/23 referred to House educ. 1/28 passed Senate 29-0; ready for House.

SB1098:

ADMINISTRATIVE COSTS; LIMIT; STOS

Increases the amount that school tuition organizations are required to allocate for educational scholarships or tuition grants to 95 percent of annual revenue from contributions made for tax credit purposes, from 90 percent.

First sponsor: Sen. Bowie (D - Dist. 18)

Status: 1/12 referred to Senate fin.

SB1099:**TEACHERS ACADEMY; COUNSELORS; SOCIAL WORKERS**

Expands the Arizona Teachers Academy, which offers scholarships to students who commit to teaching in a public school in Arizona, to include students who commit to working as school social workers and school counselors in Arizona. Changes the name of the Academy to the Arizona Teacher, School Social Workers and School Counselors Academy. Due to voter protection, a section of this legislation with a conforming change requires the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage.

First sponsor: Sen. Bowie (D - Dist. 18)

Status: 1/12 referred to Senate educ.

SB1100:**SCHOOL COUNSELORS; GRANTS**

Beginning in the 2026-2027 school year, if sufficient monies are appropriated, each school district and charter school is required to hire at least one "school counselor" (defined) for every 550 students who are enrolled in the school district or charter school. The State Board of Education is required to issue a certificate to school counselors who satisfy the certification requirements adopted by the Board by rule. A person cannot be employed as a school counselor in a school district or charter school in Arizona after June 30, 2022 unless that person obtains a school counselor certificate from the Board. Establishes the School Counseling Plan Grant Fund to be administered by the Department of Education to provide grants to schools, school districts and charter schools to assist with the costs of a "school counseling plan" (defined). Application requirements for grants from the Fund are specified. Appropriates the following amounts from the general fund in the following fiscal years to the Fund: \$19 million in FY2021-22, \$38 million in FY2022-23, \$57 million in FY2023-24, \$76 million in FY2024- 25, and \$95 million in FY2025-26.

First sponsor: Sen. Bowie (D - Dist. 18)

Status: 1/12 referred to Senate educ, appro.

SB1109:**INDIVIDUAL INCOME TAX; RATE ADJUSTMENT**

For each fiscal year beginning with FY2021-22, the Joint Legislative Budget Committee (JLBC) is required to follow a specified formula to compute an individual income tax rate reduction. For each tax year beginning January 1, 2022 and after, the Department of Revenue is required to reduce for the current taxable year each individual income tax rate by an equal percentage such that the total amount of the rate reduction is equal to the amount calculated by the JLBC. If the amount calculated by the JLBC is equal to or less than zero, the individual income tax rates shall be the same as the rates for the immediately preceding taxable year. Applies to taxable years beginning with 2022.

First sponsor: Sen. Mesnard (R - Dist. 17)

Status: 2/24 Senate COW approved with flr amend #4524. 2/18 from Senate fin do pass. 1/20 referred to Senate fin.

SB1114:**SCHOOLS; REQUIRED POSTING; ABUSE HOTLINE**

School district schools and charter schools are required to post in a clearly visible location in a public area of the school that is readily accessible to students a sign that contains the telephone number of the centralized intake hotline concerning suspected abuse and neglect of children, instructions to call 911 for emergencies, and directions for accessing the website of the Department of Child Safety for more information.

First sponsor: Sen. Mesnard (R - Dist. 17)

Status: 2/23 passed Senate 30-0; ready for House. 2/17 from Senate educ do pass. 1/20 referred to Senate educ.

SB1139:**CLASSROOM SITE FUND; DISTRIBUTION**

Modifies the purposes for which monies from the Classroom Site Fund must be spent to remove teacher liability insurance premiums and to add educational interventions, voluntary full-day kindergarten, student support services, tutoring, character education, school safety, career and technical education, school improvement, and transportation. Deletes the requirement for school districts and charter schools to allocate 40 percent of the monies received from the Classroom Site Fund for teacher compensation increases based on performance and employment related expenses, 20 percent of the monies for teacher base salary increases and employment related expenses, and 40 percent of the monies for maintenance and operation purposes. The performance based compensation system adopted by school district governing boards is no longer required to have individual teacher performance account for 33 percent of the 40 percent allocation for teacher compensation.

First sponsor: Sen. Boyer (R - Dist. 20)

Status: [2/24 referred to House educ.](#) 1/28 passed Senate 29-0; ready for House.

SB1148:**COMMON SCHOOL DISTRICTS; UNIFICATION; BUDGET**

A common school district that is not within the boundaries of a high school district and that was authorized by the voters to establish a unified school district in an election held before the effective date of this legislation is authorized to continue calculating its budget and equalization assistance pursuant to common school district statute until a high school is approved by the School Facilities Board and constructed for the newly formed unified school district, if the newly formed unified school district has not constructed a high school within

10 years after the date of the election. A school district cannot retroactively adjust its budget under this legislation. Session law containing this same authorization that expired on June 30, 2020 is repealed. Retroactive to July 1, 2020. Emergency clause. [Capital Reports Note: Legislative staff indicate this legislation applies only to the Nadaburg Unified School District.]

First sponsor: Sen. Kerr (R - Dist. 13)

Status: [2/3 Senate COW approved with amend #4032.](#) 1/27 from Senate educ with amend #4032.

SB1158:**SCHOOLS; SEIZURE MANAGEMENT; TREATMENT PLANS**

Beginning in the 2021-2022 school year, the parent or guardian of a student who has a seizure disorder and who is enrolled in public school in Arizona is authorized to submit to the school district or charter school in which the student is enrolled a copy of a seizure management and treatment plan developed by the parent or guardian and the physician responsible for the student's seizure treatment. Requirements for the plan are specified. School districts, charter schools, employees of school districts or charter schools and nurses who are under contract with a school district or charter school are immune from civil liability with respect to all decisions made and actions taken that are based on good faith implementation of a seizure management and treatment plan. By December 1, 2021, the State Board of Education is required to approve an online course of instruction that is provided free of charge by a nonprofit national foundation and that supports the welfare of individuals with epilepsy and seizure disorders. School nurses and school employees whose duties include regular contact with students are required to complete the online course.

First sponsor: Sen. Kerr (R - Dist. 13)

Status: 1/14 referred to Senate educ.

SB1164:**SCHOOLS; AUDITS; FINANCIAL RECORDS; BUDGETS**

School districts and charter schools are required to send a copy of audit reports to the county

school superintendent and the Arizona Department of Education (ADE). ADE is required to make the audit reports available on its website. School district and charter school governing boards are required to publicly accept all audits and compliance questionnaires by roll call vote. If a school district fails to establish and maintain the uniform system of financial records, the Auditor General is required to report that district to the State Board of Education, in addition to ADE, and is required to detail the deficiencies in writing in the report.

First sponsor: Sen. Boyer (R - Dist. 20)

Status: [2/2 from Senate rules okay](#). 1/27 from Senate educ do pass.

SB1165:

SCHOOLS; PERFORMANCE EVALUATIONS

Charter school governing bodies and school district governing boards are not required to conduct principal or teacher performance evaluations in the 2020-21 school year. For a teacher who was designated in the lowest performance classification for the 2019-2020 school year, the absence of an evaluation in the 2020-2021 school year cannot be used to enforce dismissal or nonrenewal procedures. A teacher evaluation in the 2020-21 school year is not required to a teacher to be eligible to receive performance pay from the Classroom Site Fund. These provisions self-repeal January 1, 2023. Retroactive to July 1, 2020. Emergency clause.

First sponsor: Sen. Boyer (R - Dist. 20)

Status: [2/25 referred to House educ](#). [2/4 passed Senate 28-1](#); [ready for House](#). 1/27 from Senate educ do pass.

SB1174:

APPROPRIATION; STEM INTERNSHIPS

Appropriates \$2 million from the general fund in FY2020-21 to the Arizona Commerce Authority for matching monies for educational stipends for high school, college and university students and for K- 12 teachers in Arizona who participate in STEM internships. The Authority is required to establish guidelines and procedures for awarding the stipends. Some stipend requirements are specified, including maximum award amounts. By December 1, the Authority is required to submit an annual report to the Governor and the Legislature on the stipends and internships.

First sponsor: Sen. Bowie (D - Dist. 18)

Status: [2/25 Senate COW approved with flr amend #4592](#). [2/17 from Senate appro do pass](#). [2/3 from Senate educ do pass](#). 1/19 referred to Senate educ, appro.

SB1178:

SCHOOLS; TEST RESULTS; LETTER CLASSIFICATION

If the State Board of Education (SBE) alters the statewide assessment testing window for any reason, the SBE is authorized to adjust the dates by which local education agencies are required to receive the scores and assessment data proportionately. If the SBE adjusts the dates by which local education agencies are required to receive the scores and assessment data, the SBE cannot impose penalties on the contractor unless the scores and assessment data are received after the adjusted dates. As session law, the Arizona Department of Education (ADE) is prohibited from assigning schools or school districts letter grade classifications for school years 2020-

2021 and 2021-2022. ADE is required to continue to collect and publish data in school years 2020-2021 and 2021-2022 concerning the academic and educational performance indicators for schools and school districts. ADE is required to develop criteria to identify schools and school districts for school years 2020-2021 and 2021-2022 that demonstrate a below average level of performance. During school years 2020-2021 and 2021-2022, the governing board of a school district is authorized to adopt alternative policies regarding performance based funding or policies regarding dismissal or nonrenewal procedures for teachers who continue to be designated in the lowest performance classification. Retroactive to July 1, 2020.*First sponsor:* Sen. Boyer (R - Dist. 20)

Status: [2/4 Senate COW approved with flr amend #4111](#). 1/27 from Senate educ do pass.

SB1188:**RESULTS-BASED FUNDING; REPEAL; SPECIAL EDUCATION**

Repeals the Results-Based Funding Fund and statute requiring the Department of Education to distribute monies from the Fund to school districts and charter schools based on a specified formula. Appropriates \$68.6 million from the general fund in FY2021-22 to the Department of Education to provide special education compensatory grants. Contains a legislative intent section.

First sponsor: Sen. Engel (D - Dist. 10)

Status: 1/19 referred to Senate educ, appro.

SB1189:**SPECIAL EDUCATION; GROUP B WEIGHTS**

Monies in the Extraordinary Special Education Needs Fund are continuously appropriated, instead of subject to legislative appropriation. The Arizona Department of Education (ADE) is authorized to retain up to two percent of the monies in the Fund for administration purposes. ADE is required to award monies from the Fund to school districts and charter schools with eligible claims demonstrating that a student receiving special education services has incurred costs in the current year of at least the statewide per pupil funding average multiplied by three. ADE is required to evaluate claim requests on a quarterly basis, and a process for prioritizing funding if there are insufficient monies in the Fund is specified. ADE is required to report to the Governor and the Legislature by December 15 of each year on claims funded in the previous year. Certain special education related group B support level weights are increased. Appropriates \$5 million from the general fund in FY2021-22 to the Fund.

First sponsor: Sen. Engel (D - Dist. 10)

Status: 1/27 from Senate educ do pass.

SB1191:**FINANCIAL AID TRUST FUND; APPROPRIATION**

The Arizona Board of Regents is required, instead of allowed, to establish a Financial Aid Trust Fund. At least 75 percent of the monies distributed from the Fund must be awarded to resident undergraduate students. Previously, at least 50 percent of the monies were required to be used for grant aid. Appropriates \$85 million from the general fund in FY2021-22 to the Financial Aid Trust Fund.

First sponsor: Sen. Engel (D - Dist. 10)

Status: 1/19 referred to Senate educ, appro.

SB1192:**SCHOOLS; DRUG VIOLATIONS; REPORTING OPTIONS**

In lieu of the requirement to immediately report a drug violation to a peace officer, and if the violation involves a student, a school administrator is permitted to refer the student to an appropriate program for at-risk students that is selected by the school.

First sponsor: Sen. Engel (D - Dist. 10)

Status: 1/19 referred to Senate jud.

SB1210:**SCHOOLS; COMPULSORY ATTENDANCE AGE; INCREASE**

School attendance is mandatory for children if they are between 6 and 18 years of age (formerly, between 6 and 16) unless the child has obtained a high school diploma or G.E.D. or has graduated from a home school program.

First sponsor: Sen. Mendez (D - Dist. 26)

Status: 1/19 referred to Senate educ.

SB1211:**EMPLOYEES; SCHOOL CONFERENCES; LEAVE**

Employers are required to grant an employee school conference or activity leave of up to a total of 16 hours during any school year, not more than 4 hours of which may be taken during one day, to attend school conferences or activities related to the employee's child if a list of specified conditions applies.

First sponsor: Sen. Mendez (D - Dist. 26)

Status: 1/19 referred to Senate com.

SB1212:**SCHOOLS MEALS; WATER**

By July 1, 2022, each school district and charter school is required to provide access to free, fresh drinking water during meal times in the food service areas of each school.

First sponsor: Sen. Mendez (D - Dist. 26)

Status: 1/19 referred to Senate educ.

SB1213:**POSTSECONDARY INSTITUTIONS; SEXUAL CONSENT POLICIES**

Each public and private college, university and community college in Arizona is required to adopt policies to define consent to sexual activity that contain specified provisions.

First sponsor: Sen. Mendez (D - Dist. 26)

Status: 1/19 referred to Senate educ.

SB1227:**STUDY COMMITTEE ON CLASS SIZES**

Establishes a 15-member Study Committee on Class Sizes to determine appropriate class sizes, identify methods of reducing class sizes, determine the costs of the methods of reducing class sizes, and identify how existing school facilities and available classroom space are conducive to reducing class sizes. The Committee is required to submit a report of its findings and recommendations to the Governor, the Superintendent of Public Instruction, and the Legislature by December 31, 2021, and self-repeals June 1, 2022.

First sponsor: Sen. Marsh (D - Dist. 28)

Status: 2/2 from Senate rules okay. 1/27 from Senate educ with amend #4033.

SB1246:**SCHOOL DISTRICTS; BOARDS; TERM LIMITS**

A person is not eligible to serve more than two consecutive terms on the governing board of a school district. Session law allows all persons serving as members of a school district governing board on the effective date of this legislation to continue to serve until the expiration of their normal terms.

First sponsor: Sen. Bowie (R - Dist. 18)

Status: 1/21 referred to Senate educ.

SB1260:**PROPERTY TAX EXEMPTIONS; STATUTORY CONFORMITY**

Exempts the property of veterans with service or nonservice connected disabilities who are Arizona residents from taxation, with an allowed exemption amount of \$4,047 multiplied by the percentage of the veteran's disability, as rated by the U.S. Department of Veterans Affairs, if the person's total assessment does not exceed \$27,498. The exemption limit for property of widows, widowers and persons with total and permanent disabilities is increased to \$4,047, from \$3,000, if the person's total assessment does not exceed \$27,498, increased from \$20,000. Also makes various changes to property tax statutes in order to conform to proposed changes to property tax

exemptions contained in the state Constitution. Conditionally enacted on the state Constitution being amended by a vote of the people at the next general election by the passage of an unspecified Senate Concurrent Resolution (blank in original) to consolidate and reorganize provisions relating to exemptions from property taxation.

First sponsor: Sen. Mesnard (R - Dist. 17)

Status: 3/4 passed Senate on reconsideration 16-14; ready for House. 2/24 Senate COW approved with amend #4086 and flr amend #4527. 2/9 from Senate rules okay. 2/4 from Senate fin with amend #4086. 1/21 referred to Senate fin.

SB1273:

STOS; CONTRIBUTIONS; ALLOWABLE USES

An educational scholarship or tuition grant issued by a school tuition organization may be used for registration, extracurricular activities, standardized testing for college credit or readiness and career and technical education industry certification assessments for the student.

First sponsor: Sen. Mesnard (R - Dist. 17)

Status: 3/3 passed Senate 16-14; ready for House. 2/9 from Senate rules okay. 2/4 from Senate fin do pass. 1/21 referred to Senate fin.

SB1279:

STUDENTS; DATA; ACCESSIBILITY

The Arizona Department of Education (ADE) is required to adopt policies and procedures to allow access of specified student level data to county school superintendents, the State Board of Education and the State Board for Charter Schools. ADE is required to develop, publish, and make publicly available policies and procedures to comply with the federal Family Educational Rights and Privacy Act and other relevant privacy laws and policies. Requirements for the policies and procedures are listed.

First sponsor: Sen. Pace (R - Dist. 25)

Status: 2/24 passed Senate 30-0; ready for House. 2/17 from Senate educ do pass. 1/21 referred to Senate educ.

SB1287:

SCHOOL FUNDING; APPROPRIATIONS

Establishes the Building Renewal Fund, to be administered by the School Facilities Board (SFB). The SFB is required to distribute monies in the Fund to school districts to maintain the adequacy of existing school facilities. Establishes a formula for computing the building renewal amount for each school building based on age, student capacity, and cost per square foot. The SFB is required to inventory and inspect all school buildings in this state in order to develop a database to administer the building renewal formula, and to use the database to compute the building renewal formula distributions. Establishes requirements for project priority and prohibited expenditures. Makes supplemental appropriations of the following amounts from the general fund in the following fiscal years to the Fund: \$57.8 million in FY2021-22, \$115.6 million in FY2022-23, \$173.4 million in FY2023-24, \$231.2 million in FY2024-25, and \$289 million in FY2025-26. Makes supplemental appropriations of the following amounts from the general fund in the following fiscal years to the Department of Education for apportionment to school districts for district additional assistance: \$70.49 million in FY2021-22, \$140.98 million in FY2022-23, \$211.47 million in FY2023-24, \$281.95 million in FY2024-25, and \$352.44 million in FY2025-26. Makes a supplemental appropriation of \$18.66 million from the general fund in FY2025-26 to the Department of Education for apportionment to school districts for district additional assistance.

First sponsor: Sen. Engel (D - Dist. 10)

Status: 1/25 referred to Senate educ, appro.

SB1289:**FOURTH-YEAR FUNDING; CTEDS**

Students in 9th grade and students in the school year immediately following graduation who are enrolled in courses that are approved jointly by the governing board of the Career Technical Education District (CTED) and each participating school district or charter school may be included in a CTED's calculation of student count or average daily membership. Funding cannot be provided for more than four years for the same student. Funding for students in grade 9 is provided only if the student reaches the grade 10, and at that time, funding is provided for that student for grade 9 and for any subsequent year in which the student is eligible for funding. The member school district and the CTED are required to determine the apportionment of the average daily membership and student enrollment for a student, except that the amount apportioned cannot exceed 1.0 for either entity.

First sponsor: Sen. Engel (D - Dist. 10)

Status: 1/25 referred to Senate educ.

SB1292:**APPROPRIATION; DYSLEXIA AND LITERACY SERVICES**

Appropriates \$2.5 million from the general fund in FY2021-22 to the Department of Education for a list of specified dyslexia and literacy services, including designating a dyslexia specialist, implementing a dyslexia screening plan, improving the reading proficiency of pupils in kindergarten through 3rd grade, and distributing to school districts and charter schools to provide additional funding to support students with language-based learning struggles, including dyslexia.

First sponsor: Sen. Shope (R - Dist. 8)

Status: 2/17 passed Senate 22-8; ready for House. FAILED Senate on reconsideration 15-15. 2/3 from Senate appro do pass. 1/25 referred to Senate appro.

SB1294:**COLLEGE COURSE CREDIT; DUAL ENROLLMENT**

For high school graduation requirements being fulfilled by a college course, the school board is authorized to award up to 1 Carnegie unit for each three semester hours of credit that the student earns in an appropriate college course. High school freshmen and sophomores are permitted to enroll in dual enrollment courses for college credit.

First sponsor: Rep. Shope (R - Dist 8)

Status: 2/23 passed Senate 21-9; ready for House. 2/16 from Senate rules okay. 1/25 referred to Senate educ.

SB1295:**ADVANCED PLACEMENT COURSES; EXAMS; APPROPRIATIONS**

Establishes the Advanced Placement Course Access, Participation and Success Program within the Arizona Department of Education (ADE) to expand and enhance access to, participation in and student success in advanced placement courses and advanced placement exams. Establishes the Advanced Placement Exam Fee Waiver Program to eliminate or reduce the advanced placement exam fee costs for all students enrolled in public schools in Arizona who have a family income that does not exceed 185 percent of the federal poverty guidelines or otherwise meet the eligibility guidelines as set by ADE. ADE is required to submit a report containing specified information on these programs to the Governor and the Legislature by August 15 of each year. The programs terminate on July 1, 2031. Appropriates \$1.5 million from the general fund in FY2021-22 to the newly established Advanced Placement Course Access, Participation and Success Program Fund and \$1.2 million from the general fund in FY2021-22 to the newly established Advanced Placement Exam Fee Waiver Program Fund.

First sponsor: Sen. Shope (R - Dist. 8)

Status: 2/25 Senate COW approved with amend #4064 and flr amend #4537. 2/17 from Senate appro do pass. 2/3 from Senate educ with amend #4064. 1/25 referred to Senate educ, appro.

SB1315:

NONCERTIFICATED SCHOOL EMPLOYEES; DUE PROCESS

School boards are required to adopt personnel policies for noncertificated school district employees with substantially equivalent due process procedures as those for certificated teachers.

First sponsor: Sen. Alston (D - Dist 24)

Status: 1/25 referred to Senate educ.

SB1316:

HEARING EVALUATIONS; PRESCHOOLS

The Department of Health Services program of hearing evaluation services is expanded to include students in public or private preschool programs.

First sponsor: Sen. Alston (D - Dist 24)

Status: 1/25 referred to Senate educ.

SB1317:

TEXTBOOKS; REPRESENTATION; DISABILITIES; SEXUAL ORIENTATION

Governing boards for common schools and high schools are prohibited from approving any textbook or other instructional material that contains any matter reflecting adversely on persons on the basis of race, ethnicity, sex, religion, disability, nationality, sexual orientation or gender identity.

First sponsor: Sen. Alston (D - Dist 24)

Status: 1/25 referred to Senate educ.

SB1318:

SCHOOLS; CORPORAL PUNISHMENT; PROHIBITION

A teacher, principal or other school employee is prohibited from subjecting a student to "corporal punishment" (defined).

First sponsor: Sen. Alston (D - Dist 24)

Status: 1/25 referred to Senate educ.

SB1340:

SCHOOLS; SEX EDUCATION INSTRUCTION

All school districts and charter schools are required to provide sex education instruction that is "medically accurate" and "age appropriate" (both defined) for students in kindergarten through grade 12. Information that must be included in sex education instruction is specified. Sex education for grades 6 through 12 is required to stress the importance of using effective methods of contraception, including abstinence, to prevent unintended pregnancy and protect against sexually transmitted infections. School districts and charter schools are required to make sex education instruction materials available for parental review. A student may be excused from any part of the instruction only at the written request of the student's parent or guardian. Parents have the right to opt out of sex education, instead of the right to opt in. Statute governing parental involvement in schools and requiring school boards to adopt policies promoting parent involvement that include a list of required provisions is expanded to include charter schools.

First sponsor: Sen. Navarrete (D - Dist 30)

Status: 1/25 referred to Senate educ.

SB1341:**SCHOOLS; INCENTIVE PROGRAM; DUAL ENROLLMENT**

The College Credit by Examination Incentive Program is renamed the Dual Enrollment and College Credit by Examination Incentive Program, and the Program is expanded to provide an incentive bonus to teachers, school districts and charter schools for students who complete a qualifying dual enrollment course with a passing grade. Each community college district governing board is required to maintain a list of qualifying dual enrollment courses that a high school student may take and the passing grade required in each dual enrollment course in order to receive college credit, and to provide the list of dual enrollment courses and passing grades to the Arizona Department of Education (ADE) and the Joint Legislative Budget Committee by September 1 of each year. Beginning in FY2022- 23, ADE is required to pay an incentive bonus to school districts and charter schools for each student in grades 9 through 12 who completes a qualifying dual enrollment course and who is enrolled in a school where 50 percent or more of the students are eligible for free or reduced-price lunches. Each qualifying student generates a bonus of \$450 per passing grade in a qualifying dual enrollment course for the school. If the statewide sum of per student bonuses exceeds the amount available, bonus monies must be reduced proportionally.

First sponsor: Sen. Navarrete (D - Dist 30)

Status: 1/25 referred to Senate educ.

SB1349:**PROCUREMENT; FINAL LIST; NUMBER**

For the purpose of the procurement code, a request for qualifications is required to state that in a procurement of multiple contracts for professional services to be awarded to a single person or firm, that there will be a single final list of ten persons or firms, increased from at least three and not more than five persons or firms. The maximum number of persons or firms on the single final list for a procurement for multiple contracts that are awarded to separate persons or firms is increased to ten, from five. If the purchasing agency will hold interviews as part of the selection process, the minimum number of interviews held is increased to ten.

First sponsor: Sen. Gray (R - Dist 21)

Status: [2/23 withdrawn from Senate appro.](#) [2/17 from Senate gov with amend #4270.](#) 1/26 referred to Senate gov, appro.

SB1376:**SCHOOLS; CURRICULUM; MENTAL HEALTH**

The State Board of Education must require that all health education instruction include mental health instruction. Mental health instruction may be included in a health course or another existing course and is required to incorporate the multiple dimensions of health by including mental health and the relationship of physical and mental health to enhance student understanding, social and emotional learning, and attitudes and behavior that promote health and well-being.

First sponsor: Sen. Bowie (D - Dist 18)

Status: [2/25 referred to House educ.](#) [2/16 passed Senate 29-1; ready for House.](#) [2/3 from Senate educ do pass.](#) 1/26 referred to Senate educ.

SB1393:**CONTINUING HIGH SCHOOL PROGRAM**

The State Board of Education is required to establish a continuing high school program to provide adult learners with alternative study services that lead to the issuance of a high school diploma and industry recognized credentials. The Board is required to authorize service providers that are qualified 501(c) (3) organizations that meet specified requirements to operate schools through partnerships with school districts, nonprofit charter schools or Career Technical Education Districts. A school participating in the program is eligible to receive base support level funding and additional assistance in the same manner as a school district or charter school, but is not eligible for transportation funding or Arizona online instruction funding. Establishes reporting

requirements for service providers, and requires the Department of Education to report on the Program to the Governor and the Legislature by December 15, 2024 and by December 15 of each year after. The Board is authorized to approve program service providers with a total projected average daily membership of up to 350 in FY2022-23, up to 700 in FY2023-

24, and up to 1,400 in FY2024-25 and each FY after. The program terminates on July 1, 2031.

First sponsor: Sen. Boyer (R - Dist 20)

Status: 1/26 referred to Senate educ.

SB1395:

2021 SUMMER SCHOOL; ADE; APPROPRIATION

Appropriates \$25 million from the general fund in FY2020-21 to the Arizona Department of Education (ADE) to award grants to school districts for funding summer school programs for the summer of 2021. ADE is required to establish grant application criteria and to give priority to Title I schools when awarding grants.

First sponsor: Sen. Marsh (D - Dist 28)

Status: 1/27 referred to Senate educ, appro.

SB1399:

COURSE OPTIONS; FUNDING PORTABILITY; PROGRAM

Establishes a Course Options and Funding Portability Program to be administered by the State Board of Education. Beginning in the 2022- 2023 school year, school districts and charter schools in the Program are authorized to allow any student in grades 10 through 12 to enroll in one or more courses offered by the school district or charter school, whether or not the student is primarily enrolled in the school district or charter school. A student who enrolls in a course or courses offered by a school district or charter school that is not the student's primary school district or charter school is considered to be concurrently enrolled in the school district or charter school offering the course under the Program. Establishes a process for students to participate in the Program. For each course completed under the Program, the lesser of the average daily membership that is equal to 1.0 divided by the total number of courses that the student is required to take that school year, or one sixth average daily membership is generated and transferred to the school district or charter school in which the student is concurrently enrolled. The primary school district or charter school in which the student is enrolled is required to subtract the average daily membership generated from its average daily membership calculation. The State Board of Education is required to adopt rules to carry out the Program. The Program ends on July 1, 2031.

First sponsor: Sen. Boyer (R - Dist 20)

Status: 1/27 referred to Senate educ, appro.

SB1400:

SCHOOLS; COURSE EQUIVALENTS

Beginning in the 2022-2023 school year, school districts and charter schools are required to allow students in grades 9 through 12 to receive course credits through any of a list of methods, including working, participating in organized sports, community arts, or approved outside learning opportunities, and passing any course offered by a private postsecondary institution, community college or state university. Establishes guidelines for earning course credit and generating average daily membership through these methods. The State Board of Education is required to adopt rules to carry out this requirement, and is permitted to adopt rules to allow out-of-school experiences to satisfy the academic standards prescribed by the State Board of Education for students in kindergarten programs and grades 1 through 8.

First sponsor: Sen. Boyer (R - Dist 20)

Status: 2/25 retained on Senate COW calendar. 2/16 from Senate rules okay. 1/27 referred to Senate educ.

SB1401:**ALTERNATIVE TEACHER DEVELOPMENT PROGRAM; EXTENSION**

The statutory life of the Alternative Teacher Development Program is extended ten years to July 1, 2030. Retroactive to July 1, 2020.

First sponsor: Sen. Boyer (R - Dist 20)

Status: [2/24 Senate COW approved. 2/16 from Senate rules okay. 1/27 referred to Senate educ.](#)

SB1403:**LITERACY; DYSLEXIA SCREENING**

The deadline for school districts and charter schools to ensure that at least one kindergarten through third grade teacher in each school has received training related to dyslexia is extended one year to July 1, 2022. The deadline for the Department of Education to develop a dyslexia screening plan is extended two years to July 1, 2022.

First sponsor: Sen. Boyer (R - Dist 20)

Status: [2/25 Senate COW approved with amend #4155 and flr amend #4596. 2/16 from Senate rules okay. 1/27 referred to Senate educ.](#)

SB1404:**CTEDS; DISTRICT GOVERNING BOARDS; ELECTIONS**

To be eligible for election to the office of Career Technical Education Board member from the single member district, a person must have been a resident of the single member district for at least one year immediately preceding the date of the election. A qualified elector of a school district that has previously increased its governing board to five members is authorized to submit to the county school superintendent a petition, signed by at least ten percent of the qualified electors of the district, requesting that the question of reducing the number of members of the school district governing board to three be considered in the next general election. If the majority of the electors voting on the question of reducing the number of governing board members votes in the affirmative, the school district is required to reduce its governing board to three members. A member who is serving on a school district governing board that reduces its governing board to three members continues to serve as a member of the governing board until expiration of the member's current term of office. A process for reducing the membership of the board is specified.

First sponsor: Sen. Boyer (R - Dist 20)

Status: [2/25 Senate COW approved with amend #4277. NOTE SHORT TITLE CHANGE. 2/18 from Senate educ with amend #4277. 1/27 referred to Senate educ.](#)

SB1410:**APPROPRIATION; NEW FACILITY; KIRKLAND ELEMENTARY**

Appropriates \$2 million from the general fund in FY2021-22 to the School Facilities Board to distribute to the Kirkland Elementary School District to construct a new school facility.

First sponsor: Sen. Fann (R - Dist 1)

Status: [2/22 passed Senate 30-0; ready for House. 2/18 Senate COW approved with amend #4161 and the rules tech amendment. 1/27 referred to Senate appro.](#)

SB1423:**SCHOOLS; BULLYING POLICY; DEFINITION**

Defines "bullying" as any written, verbal or physical act or any electronic communication that is intended to harm or that a reasonable person would know is likely to harm one or more students. Charter schools are required to prescribe and enforce policies and procedures to prohibit students from harassing, intimidating and bullying other students. The policies and procedures must include specified elements. Also modifies the required elements of school district anti-bullying policies. Contains a legislative intent section.

First sponsor: Sen. Bowie (D - Dist 18)

Status: [1/27 referred to Senate educ.](#)

SB1433:**STUDENTS; DISTANCE LEARNING PLANS; FUNDING**

For FY2020-21, students who receive instruction through a distance learning plan are required to be funded at the same amount as students receiving in-person instruction, and cannot be funded as students receiving Arizona online instruction. Retroactive to July 1, 2020. Emergency clause.

First sponsor: Sen. Mesnard (R - Dist 17)

Status: [2/18 passed Senate 24-6; ready for House.](#) 1/27 referred to Senate appro.

SB1449:**STUDENTS; DISTANCE LEARNING PLANS; FUNDING**

Subject to the review by the Joint Legislative Budget Committee, the Superintendent of Public Instruction is required to adjust state aid for a school district in the current year if the governing board of a school district requests the recalculation of state aid for a prior year due to a change in assessed valuation that occurred as the result of a decision by a county board of equalization or the State Board of Equalization. Retroactive to July 1, 2019.

First sponsor: Sen. Kerr (R - Dist 13)

Status: [2/22 passed Senate 30-0; ready for House.](#) [2/16 from Senate rules okay.](#) 1/27 referred to Senate appro.

SB1452:**ARIZONA EMPOWERMENT SCHOLARSHIPS ACCOUNTS; REVISIONS**

Numerous changes to statutes relating to Arizona Empowerment Scholarship Accounts (ESAs). The definition of "qualified student" is expanded to include a child who receives federal Title I services for low-income students under the federal Every Student Succeeds Act or a child who receives free or reduced-price lunches under the National School Lunch and Child Nutrition Acts. The prohibition on a student accepting a scholarship from a school tuition organization concurrently with an ESA for the qualified student in the same year applies only before grade nine or in any year if the combined scholarship awards exceed the total per pupil spending of the public school district in which the student resides. Expands the list of qualified expenses that ESA monies may be used for to include public transportation services in Arizona, including a commuter pass for the qualified student, or commercial transportation service between the qualified student's residence and a qualified school in which the qualified student is enrolled. A child who participates in an ESA continues to be entitled to an equitable share of the funding that would otherwise be allocated to a charter school or school district for that child from the Classroom Site Fund. More.

First sponsor: Sen. Boyer (R - Dist 20)

Status: [2/23 referred to House ways-means.](#) [2/15 Senate COW approved with amend #4067 and flr amend #4253.](#) [Passed Senate 16-14; ready for House.](#) [2/3 from Senate educ with amend #4067.](#) 1/27 referred to Senate educ.

SB1453:**SCHOOL DISTRICTS; AGGREGATE EXPENDITURE LIMITATION**

For the purpose of calculating expenditure limits for school districts, the definition of "base limit" is modified to mean the total amount of expenditures of local revenues of all school districts in FY2022-23, instead of FY1979-80, and the calculations for the aggregate expenditure limitation for all school districts are modified to use the aggregate student population of all school districts for the school year 2021-2022, instead of 1978-1979, and the GDP price deflator for the 2021 calendar year, instead of the 1978 calendar year. Conditionally enacted on the state Constitution being amended by a vote of the people at the 2020 general election by passage of an unspecified Senate Concurrent Resolution (blank in original).

First sponsor: Sen. Boyer (R - Dist 20)

Status: 2/25 Senate COW approved with amend #4157. 2/16 from Senate rules okay. 1/27 referred to Senate educ.

SB1456:

SEX EDUCATION INSTRUCTION; PARENTAL RIGHTS

Numerous changes to statutes relating to sex education in public schools. School districts and charter schools are prohibited from providing sex education instruction before the 6th grade. Prohibits charter schools, in addition to school districts, from providing sex education instruction to a student unless the student's parent provides written permission. Written permission from a parent is also required for a student to participate in instruction on AIDS and HIV. School districts and charter schools are required to make any sex education curricula, including curricula related to instruction on AIDS and HIV, available for a parent's review, and to notify parents where the curricula is available before the parent provides written permission. Before a school district or charter school offers sex education instruction, the school district governing board or charter school governing body is required to review and approve the sex education course of study and ensure compliance with statute. Before approval, the board must make any proposed sex education course of study available to the public for review and comment. Public educational institutions are required to obtain signed, written consent from a student's parent or guardian before providing sex education instruction or instruction regarding sexual orientation, gender identity, or gender expression to the student. When the public educational institution seeks consent, it must at the same time inform the student's parent or guardian of the parent or guardian's right to review the instructional materials and activities.

By December 15, 2021, each school district and charter school that offers any sex education instruction is required to review its course of study and revise it to comply with this legislation.

First sponsor: Sen. Barto (R - Dist. 15)

Status: 3/3 passed Senate 16-14; ready for House. 2/23 from Senate rules okay. 2/17 from Senate educ do pass. 1/27 referred to Senate educ.

SB1464:

PROCUREMENT; INFORMATION CONTENT PROVIDER; PROHIBITION

Beginning on the effective date of this legislation, the Director of the Department of Administration is required to terminate, and direct any state government unit or political subdivision to terminate, any existing contract with a contractor that is an information content provider or a qualified marketplace platform that has engaged in "targeted censorship" (defined as deleting or placing a disclaimer on any form of free speech that is unequally applied based on a particular belief that is expressed in any form). State government units and political subdivisions are prohibited from contracting with an information content provider or a qualified marketplace platform that has engaged in targeted censorship.

First sponsor: Sen. Rogers (R - Dist. 6)

Status: 1/28 referred to Senate trans-tech.

SB1500:

TECH CORRECTION; EXCHANGE TEACHERS

Minor change in Title 15 (Education) related to exchange teachers. Apparent striker bus.

First sponsor: Sen. Townsend (R - Dist 16)

Status: 2/25 Senate COW approved with amend #4465 and flr amend #4598. NOTE SHORT TITLE CHANGE. 2/16 further referred to Senate appro.

SB1510:

APPROPRIATION; SCHOOLS; ENROLLMENT STABILIZATION GRANTS

Appropriates an unspecified amount (blank in original) from the general fund in FY2021-22 to the Department of Education to distribute to school districts and charter schools for enrollment

stabilization grants to mitigate the economic impacts of COVID-19 and provide financial stability to local education agencies in Arizona.

First sponsor: Sen. Boyer (R - Dist 20)

Status: 2/1 referred to Senate appro. filed.

SB1513:

EMPOWERMENT SCHOLARSHIP ACCOUNTS; QUALIFIED STUDENTS

For the purpose of Arizona empowerment scholarship accounts, the definition of "qualified student" is expanded to include a child whose parent is a veteran of the U.S. Armed Forces, a child whose parent is a "first responder," and a child of a "health professional" (define elsewhere in statute) who is employed full-time and who provides direct patient care.

First sponsor: Sen. Rogers (R - Dist. 6)

Status: 2/1 referred to Senate educ. filed.

SB1572:

SCHOOLS; EARLY LITERACY

Beginning August 1, 2022, the State Board of Education must require all applicants for all certificates for common instruction to pass a literacy instruction assessment to show that the applicant is capable of effectively teaching foundational reading skills, implementing reading instruction, and providing effective instruction and interventions for students with reading deficiencies, including students with characteristics of dyslexia. Beginning August 1, 2022, the State Board of Education must require education preparation programs in Arizona to require applicants seeking teacher recertification to pass a literacy instruction assessment and provide for these skills. If sufficient monies are appropriated, beginning in the 2022-2023 school year, the State Board of Education is required to adopt a statewide kindergarten entry reading deficiency evaluation tool to administer to students in kindergarten programs within 45 calendar days after the beginning of each school year. The parent of any student who exhibits a reading deficiency at any time during the school year must be notified in writing not later than 15 days after the reading deficiency is identified, and information that must be included in the notice is specified. Amending sections 15-501.01, 15-701 and 15-704, Arizona revised statutes; relating to school instruction.

First sponsor: Sen. Shope (R - Dist. 8)

Status: 3/3 passed Senate 26-4; ready for House. 2/25 Senate COW approved with amend #4278 and flr amend #4541. 2/18 from Senate educ with amend #4278. 2/1 referred to Senate educ. filed.

SB1619:

CHARTER SCHOOLS; FORMATION; PETITION REQUIREMENTS

Each applicant seeking to establish a charter school is required to present to the county school superintendent of the county in which the charter school will be located a petition that is signed by at least 30 parents or guardians of students who reside more than four miles from any school district school that is assigned a letter grade of A and who intend on having their children attend the new charter school, or signed by at least 20 parents or guardians of students who reside more than four miles from any school district school that is assigned a letter grade of B and who intend on having their children attend the new charter school, or signed by at least 10 parents or guardians of students who reside more than four miles from any school district school that is assigned a letter grade of C or lower and who intend on having their children attend the new charter school.

First sponsor: Sen. Quezada (D - Dist. 29)

Status: 2/1 referred to Senate educ.

SB1620:**CHARTER SCHOOL OMNIBUS**

Various changes to statutes relating to charter schools. Beginning January 1, 2022, the sponsor of a charter school is prohibited from contracting with a for-profit organization to establish a charter school. Charter schools, governing bodies of charter schools, charter school sponsors, charter holders, charter school operators, corporate boards of directors of charter school operators and management organizations that contract with charter schools are required to comply with the open meeting requirements of Arizona's open meeting law, and with the public records requirements of Arizona's public records laws. Each charter school and education management organization or charter management organization that enters into a management services contract with the charter school is required to ensure that an annual independent audit of financial statements is conducted and that the results of that audit, including individual salaries paid by the charter school to the education management organization or charter management organization, and any management letter issued in connection with that audit are made available to the public. Charter school governing boards must consist of at least three members, no more than two of which may be immediate family members serving simultaneously. Immediate family members are prohibited from being a majority of the governing board members of a charter school. If a charter school closes, any asset of that charter school that was acquired in whole or in part with public monies is required to be returned to the state, instead of remaining the property of the charter school, with some exceptions. The sponsor of a charter school is required to annually compile specified information relating to the governance and operations of each charter school it sponsors and post the information to a public website. By July 1, 2022, each charter school in Arizona is required to adopt and comply with procurement policies that include at least a list of specified requirements and prohibitions, including a prohibition on purchasing any good or service from any member of the charter holder or charter school governing body or an immediate family member of those persons. The Attorney General is authorized to seek relief for any violation of the procurement policies through an appropriate criminal or civil action in superior court. A charter school is prohibited from limiting admission based on ability to provide a financial contribution to the charter school or any agreement to volunteer at or for the charter school. The Department of Education or the Auditor General is required, instead of allowed, to conduct financial, program or compliance audits of charter schools. An audit of a charter school is required to identify the source of any profit distribution that exceeds net profits for that year. More.

First sponsor: Sen. Quezada (D - Dist. 29)

Status: 2/1 referred to Senate educ.

SB1621:**ARIZONA ONLINE INSTRUCTION; REPORTING**

Online course providers and online schools are required to report a list of specified information to the Department of Education, including the number of students enrolled and average number of courses these students passed.

First sponsor: Sen. Quezada (D - Dist. 29)

Status: 2/1 referred to Senate educ.

SB1622:**SCHOOL REPORT CARDS**

For the purpose of school report cards, "school" includes online course providers and online schools. The information that the school report card is required to include beginning in FY2020-

21 is expanded to include specified revenue and spending breakdowns per pupil, the state average funding information for school districts and charter schools, and per pupil amounts for special education, extracurricular activities and facilities.

First sponsor: Sen. Quezada (D - Dist. 29)

Status: 2/1 referred to Senate educ.

SB1623:

STUDENTS; UNPAID SCHOOL MEAL FEES

Local education agencies are required to ensure that a student with unpaid school meal fees is not shamed, treated differently or served a meal that differs from what a student with no unpaid fees would receive. School personnel and volunteers at a local education agency that serves meals to students during the instructional day are prohibited from taking disciplinary action against a student that results in the denial or delay of a meal.

First sponsor: Sen. Quezada (D - Dist. 29)

Status: 2/4 referred to Senate educ.

SB1624:

STUDENTS; UNPAID SCHOOL MEAL FEES

Repeals the Results-Based Funding Fund and statute requiring the Department of Education to distribute monies from the Fund to school districts and charter schools based on a specified formula. Eligibility for support programs funded by the Early Literacy Grant Program Fund is expanded to include prekindergarten students. Appropriates \$68.6 million from the general fund in FY2021-22 to the Early Childhood Development and Health Fund. Contains a legislative intent section.

First sponsor: Sen. Quezada (D - Dist. 29)

Status: 2/4 referred to Senate appro.

SB1625:

SPECIAL EDUCATION; COST STUDIES

By December 1, 2021 and every two years thereafter, the Department of Education is required to complete a cost study of special education programs.

First sponsor: Sen. Quezada (D - Dist. 29)

Status: 2/4 referred to Senate educ.

SB1626:

SCHOOLS; PROHIBITED COURSES; REPEAL

Repeals statute prohibiting school districts or charter schools from offering classes that promote the overthrow of the U.S. government, promote resentment toward a race or class of people, are designed primarily for students of a particular ethnic group or advocate ethnic solidarity.

First sponsor: Sen. Quezada (D - Dist. 29)

Status: 2/3 referred to Senate educ.

SB1627:

MODEL ETHNIC STUDIES CURRICULUM

By September 1, 2022, the Superintendent of Public Instruction is required to develop a model ethnic studies curriculum for use in grades 7 through 12, designed to prepare students to be global citizens in a global society with an appreciation for the contributions of diverse cultures. The Superintendent is required to post the model curriculum online and periodically update the model

curriculum to incorporate best practices in ethnic studies. A public school that serves any combination of students in grades 7 through 12 is authorized to offer an ethnic studies course that incorporates the model curriculum. The Superintendent is also required to establish an Ethnic Studies Advisory Committee to recommend state learning standards and grade-level expectations that identify the knowledge and skills that all public school students need to be global citizens in a global society with an appreciation for the contributions of diverse cultures.

First sponsor: Sen. Quezada (D - Dist. 29)

Status: 2/3 referred to Senate educ.

SB1628:

PUPIL DISCIPLINE; SCHOOLS

A school district or charter school is authorized to suspend or expel a student in kindergarten through 4th grade only if all of a list of circumstances apply, including that the district or school has employed alternative behavioral and disciplinary interventions. School districts and charter schools are prohibited from imposing an expulsion of more than one year or a suspension of more than 15 school days. If a student is expelled from a school district or charter school, the district or school is required to provide the student and the student's parents with resources regarding at least three accessible alternative educational options currently available to the student. If a student is expelled from a school district or charter school or suspended for more than 5 school days, the district or school is authorized to provide educational services for the student in an alternative education setting. School districts and charter schools are permitted to refuse to admit a student who was previously expelled from that district or school and continues to endanger the health or safety of others due to continuing to threaten violence. School districts and charter schools are required to quarterly report to the Department of Education on a list of specified information related to student discipline, including suspension, expulsion, and alternative education. More.

First sponsor: Sen. Quezada (D - Dist. 29)

Status: 2/3 referred to Senate educ.

SB1629:

SCHOOLS; PUPIL DISCIPLINE; ANNUAL REPORT

By September 1 of each year beginning in 2022, the Arizona Department of Education (ADE) is required to submit to the Governor and the Legislature a report containing a list of information on school "discipline measures" (defined) and the "rate of disciplinary disparity" (defined) for each discipline measure by "subgroup" (defined as a list of specified demographic groups). ADE is required to track school district and charter school progress toward reducing the disciplinary rate and rate of disciplinary disparity and annually submit related information to the State Board of Education.

First sponsor: Sen. Quezada (D - Dist. 29)

Status: 2/3 referred to Senate educ.

SB1630:

SCHOOLS; TEACHER PERFORMANCE EVALUATIONS

The specific procedures for the teacher performance evaluation system that school governing boards are required to prescribe must include one actual classroom observation, reduced from at least two. The qualified evaluator is authorized to use a series of informal walk-throughs throughout the school year to determine teacher performance.

First sponsor: Sen. Quezada (D - Dist. 29)

Status: 2/3 referred to Senate educ.

SB1640:**CORPORATE INCOME TAX; CREDIT; EDUCATION**

Establishes the High Demand Public School Fund for the purpose of providing grants to public schools to accommodate students who are on the public school's waiting list. Establishes requirements for public schools to receive a grant from the Fund. Establishes a list of authorized uses for grant monies. Establishes a corporate income tax credit for the amount of voluntary cash contributions made by the taxpayer during the tax year to the Fund. The amount of the credit is the total amount of the taxpayer's contribution for the tax year. The aggregate amount of credits is capped at \$20 million in FY2020-21, and the cap is increased by 10 percent each FY, except that the aggregate amount cannot exceed \$100 million in any FY. Taxpayers are allowed to designate a public school beneficiary. If the allowable tax credit exceeds taxes due, the taxpayer may carry the unused amount forward for up to five consecutive tax years. Retroactive to tax years beginning with 2021.

First sponsor: Sen. Leach (R - Dist. 11)

Status: 2/23 from Senate rules with the tech amend. 2/17 Senate fin amended; report awaited. 2/3 referred to Senate fin.

SB1677:**CHARTER SCHOOLS; SALE; VACANT BUILDINGS**

If a charter school decides to sell or lease a vacant and unused building or a vacant and unused portion of a building, the charter school cannot prohibit a school district from negotiating to buy or lease the property in the same manner as other potential buyers or lessees.

First sponsor: Sen. Quezada (D - Dist. 29)

Status: 2/3 referred to Senate educ.

SB1683:**SCHOOLS; TRANSPORTATION SUPPORT; PROGRAMS; APPROPRIATION**

The State Board of Education (SBE) is required to establish the Transportation Support for Enrollment Options Grant Program. Beginning in the 2021-2022 school year, the parent of a student in Arizona is authorized to apply for monthly transportation grants of up to \$80 a month if the parent's child or children attend either a school district school under open enrollment or a charter school, and the parent either needs financial support to exercise that option or lives within 20 miles of the school district boundary of the selected school, but a bus program is not available to pick up the student in the parent's neighborhood. Beginning in the 2021-2022 school year, the Arizona Department of Education (ADE) is required to establish the Parent Options for School Transportation Grant Program. School districts and charter schools are authorized to apply to ADE to participate in the Program. A participating school district or charter school is permitted to use a portion of its transportation funding to provide transportation grants to parents of students in that school or district. Both programs terminate on July 1, 2031. Appropriates \$10 million from the general fund in FY2021-22 to SBE to distribute public school transportation modernization grants, family transportation stipend grants and improved municipal bus route grants. Establishes requirements for the grants.

First sponsor: Sen. Boyer (R - Dist. 20)

Status: 2/10 from Senate educ with amend #4158. 2/3 referred to Senate educ, appro.

SB1684:**SCHOOLS; TRANSPORTATION SUPPORT; ENROLLMENT POLICIES**

Numerous changes to statutes relating to school choice. Modifies statute governing open enrollment policies, including to require school districts to give enrollment preference to and reserve capacity for resident students, students returning to the school from the prior year, and siblings of enrolled students. If the number of open enrollment requests or applications exceeds the capacity of a program, class, grade level or building, a school district school is required to select students through an equitable selection process, except that preference shall be given to siblings of a student selected through the equitable selection process. School district schools are prohibited from limiting open enrollment admission based on a list of factors. The State Board of Education (SBE) is required to establish the Transportation Support for Enrollment Options Grant Program. Beginning in the 2021-2022 school year, the parent of a student in Arizona is authorized to apply for monthly transportation grants of up to \$80 a month if the parent's child or children attend either a school district school under open enrollment or a charter school, and the parent either needs financial support to exercise that option or lives within 20 miles of the school district boundary of the selected school, but a bus program is not available to pick up the student in the parent's neighborhood. Beginning in the 2021-2022 school year, the Arizona Department of Education (ADE) is required to establish the Parent Options for School Transportation Grant Program. School districts and charter schools are authorized to apply to ADE to participate in the Program. A participating school district or charter school is permitted to use a portion of its transportation funding to provide transportation grants to parents of students in that school or district. Both programs terminate on July 1, 2031. More. Appropriates \$10 million from the general fund in FY2021-22 to SBE to distribute public school transportation modernization grants, family transportation stipend grants and improved municipal bus route grants. Establishes requirements for the grants.

First sponsor: Sen. Boyer (R - Dist. 20)

Status: 2/18 from Senate educ with amend #4279. 2/3 referred to Senate educ, appro.

SB1685:**SCHOOLS; ATTENDANCE BOUNDARIES; OPEN ENROLLMENT**

Numerous changes to statutes relating to school choice. Modifies statute governing open enrollment policies, including to require school districts to give enrollment preference to and reserve capacity for resident students, students returning to the school from the prior year, and siblings of enrolled students. If the number of open enrollment requests or applications exceeds the capacity of a program, class, grade level or building, a school district school is required to select students through an equitable selection process, except that preference shall be given to siblings of a student selected through the equitable selection process. School district schools are prohibited from limiting open enrollment admission based on a list of factors. The State Board of Education (SBE) is required to prescribe a standard format for describing open enrollment options to ensure clarity and consistency for parents in understanding their enrollment options. Each January SBE is required to design a public awareness effort and distribute materials that communicate to the public the ability to choose any public school in Arizona. More.

First sponsor: Sen. Boyer (R - Dist. 20)

Status: 2/24 passed Senate 16-14; ready for House. 2/16 from Senate rules okay. 2/3 referred to Senate educ.

SB1704:**CIVICS EDUCATION; PROFESSIONAL DEVELOPMENT; APPROPRIATION**

The State Board of Education is required to prescribe academic standards that require all school districts and charter schools to provide instruction on American civics education that promotes civic service, prepares students for the duties of citizenship, and includes instruction on a list of topics, including the U.S. Constitution and the Bill of Rights. Establishes the American Civics Education Instruction Grant Program in the Department of Education, to provide grants to pay a teacher's costs of attending a professional development course in civics education and media literacy. Requirements for grant applications are specified. The Program terminates on July 1, 2031. Appropriates \$100,000 from the general fund in FY2021-22 to the newly established American Civics Education Instruction Fund for the Program.

First sponsor: Sen. Mendez (D - Dist. 26)

Status: 2/3 referred to Senate educ, appro.

SB1705:**ADE; DIGITAL AND MEDIA INSTRUCTION**

By January 15, 2022, the Arizona Department of Education (ADE) is required to identify best practices and make recommendations for instruction in "digital citizenship" and "media literacy" (both defined). ADE is required to establish a Digital Citizenship and Media Literacy Advisory Committee within ADE and consult with the Committee to develop the best practices and recommendations. Beginning in the 2022-2023 school year, school districts and charter schools are required to annually review policies and procedures on digital citizenship and media literacy. Contains a legislative intent section.

First sponsor: Sen. Mendez (D - Dist. 26)

Status: 2/3 referred to Senate educ.

SB1706:**SCHOOL INSTRUCTION; HISTORY EDUCATION PROGRAMS**

In adopting the course of study and competency requirements for school curriculum and high school graduation, the State Board of Education must include a requirement that all history education programs include instruction regarding the roles and contributions of lesbian, gay, bisexual and transgender people in the history of the United States and Arizona.

First sponsor: Sen. Mendez (D - Dist. 26)

Status: 2/3 referred to Senate educ.

SB1707:**SCHOOLS; IMMUNIZATION RATE; WEBSITE POSTING**

Each public school, including charter schools, that maintains a website is required to post on the website the immunization rate of students who are enrolled at that school.

First sponsor: Sen. Mendez (D - Dist. 26)

Status: 2/3 referred to Senate educ.

SB1717:**TEACHERS ACADEMY; REVISIONS**

Makes changes relating to the Arizona Teachers Academy. If an Academy student enrolls in a summer term, that term cannot be included in the calculation of the student's post-graduation public service commitment. Also blends multiple enactments. Retroactive to January 1, 2021. Due

to voter protection, this legislation requires the affirmative vote of at least 3/4 of the members of each house of the Legislature for passage.

First sponsor: Sen. Boyer (R - Dist. 20)

Status: 2/25 Senate COW approved with amend #4281 and flr amend #4597. 2/18 from Senate educ with amend #4281. 2/3 referred to Senate educ.

SB1735:

SCHOOLS; EXPENDITURE LIMIT; OVERRIDES

The maximum time period that voters in a school district may approve a budget in excess of the revenue control limit is increased to ten years, from seven years. A budget increase approved for five years or more is no longer required to be reduced to 2/3 of the initial proposed percentage increase in the next to last year and 1/3 of the initial proposed percentage increase in the last year.

First sponsor: Sen. Marsh (D - Dist. 28)

Status: 2/3 referred to Senate educ, fin.

SB1736:

STO SCHOLARSHIPS; LOW-INCOME REQUIREMENTS

To be eligible to receive an educational scholarship or tuition grants from a school tuition organization, a student's family income cannot exceed 185 percent of the income limit required to qualify a child for reduced-price lunches under the federal National School Lunch and Child Nutrition Acts.

First sponsor: Sen. Marsh (D - Dist. 28)

Status: 2/3 referred to Senate fin.

SB1737:

ADMINISTRATIVE COSTS; LIMIT; STOS

Increases the amount that school tuition organizations are required to allocate for educational scholarships or tuition grants to 95 percent of annual revenue from contributions made for tax credit purposes, from 90 percent.

First sponsor: Sen. Marsh (D - Dist. 28)

Status: 2/3 referred to Senate fin.

SB1738:

RESULTS-BASED FUNDING; REPEAL; APPROPRIATION

Repeals the Results-Based Funding Fund and statute requiring the Arizona Department of Education (ADE) to distribute monies from the Fund to school districts and charter schools based on a specified formula. Appropriates \$68.6 million from the general fund in FY2021-22 to ADE to distribute to school districts and charter schools that receive federal Title I monies according to a specified formula.

First sponsor: Sen. Marsh (D - Dist. 28)

Status: 2/3 referred to Senate educ, appro.

SB1739:

COLLEGE CREDIT; INCENTIVE PROGRAM; REPEAL

Repeals the College Credit by Examination Incentive Program, which provided an incentive bonus to teachers, school districts, and charter schools for students who obtained a passing score on a qualifying examination for college credit while in high school. Appropriates \$5 million from

the general fund in FY2021-22 to the Early Literacy Program Fund. Contains a legislative intent section.

First sponsor: Sen. Marsh (D - Dist. 28)

Status: 2/3 referred to Senate educ.

SB1740:

AUDITOR GENERAL; CHARTER SCHOOLS; APPROPRIATION

The school-wide audit team in the office of the Auditor General is required to conduct performance audits and monitor charter schools in the same manner it audits and monitors school districts. Appropriates \$300,000 and three FTE positions from the general fund in FY2021-22 to the Auditor General to conduct audits of charter schools.

First sponsor: Sen. Marsh (D - Dist. 28)

Status: 2/3 referred to Senate educ, appro.

SB1769:

SCHOOLS; GROUP B WEIGHT; ELIGIBILITY

For the purpose of school base support level funding, establishes a weighted student count of 0.075 to 0.250 for the newly established "FRPL" (defined as students who meet the economic eligibility requirements for the federal National School Lunch and Child Nutrition Acts for free or reduced-price lunches), depending on the percentage of students at that school that meet the economic eligibility requirements. For FY2021- 22, only schools in which 96 percent or more of the students meet the economic eligibility requirements qualify for the FRPL group B weight. For FY2022-23, only schools in which 91 percent or more of the students meet the economic eligibility requirements qualify for the FRPL group B weight.

First sponsor: Sen. Gonzales (D - Dist. 3)

Status: 2/3 referred to Senate educ, appro.

SB1770:

SCHOOLS; GRADUATION REQUIREMENTS; ADJUSTMENT

The State Board of Education is required to adjust the minimum number of credits necessary for high school graduation for a student who is in grades 9 through 12 and who is homeless, is a former dependent child or foster child or has been placed in out-of-home placement, or is a delinquent juvenile or an incorrigible child who has been ordered by a court to the Department of Juvenile Corrections, a probation department or private agency, or to receive residential treatment services. A student who qualifies for an adjustment is required to take all required statewide assessments or an achievement assessment from the menu of assessments, and is required to correctly answer at least 60 of the 100 questions on a civics test unless otherwise exempt. School districts and charter schools are required to establish a process for requesting qualification for an adjustment, and to identify and inform students who may qualify.

First sponsor: Sen. Gonzales (D - Dist. 3)

Status: 2/3 referred to Senate educ.

SB1774:

PUBLIC SCHOOLS; 2020-2021; 2021-2022; FUNDING

For the purposes of computing base support level funding for FY2020-21, the weighted student count for a school district, charter school, or Career Technical Education District (CTED) is the greater of the weighted student count computed for FY2018-19, FY2019-20, or FY2020-21. For the purposes of computing base support level funding for FY2021-22, the weighted student count

for a school district, charter school, or CTED is the greater of the weighted student count computed for FY2018-19, FY2019-20, FY2020-21, or FY2021-22. For FY2020-21, the amounts for charter additional assistance must be computed using the greater of the student count for FY2018-19, FY2019-20, or FY2020-21. For FY2021-22, the amounts for charter additional assistance must be computed using the greater of the student count for FY2018-19, FY2019-20, FY2020-21, or FY2021-22. For FY2020-21, the amounts for district additional assistance must be computed using the greater of the student count for FY2018-19 or FY2019-20. For FY2021-22, the amounts for district additional assistance must be computed using the greater of the student count for FY2018-19, FY2019-20, or FY2020-21. For FY2020-21, students who receive instruction through a distance learning plan are required to be funded at the same amount as students receiving in-person instruction and cannot be funded as students receiving Arizona online instruction. Retroactive to July 1, 2020. Emergency clause.

First sponsor: Sen. Gonzales (D - Dist. 3)

Status: 2/3 referred to Senate educ, appro.

SB1810:

CHILDHOOD TRAUMA TRAINING; PROGRAM; APPROPRIATION

Beginning in the 2022-2023 school year, the Arizona Department of Education (ADE) is required to offer to certificated teachers and administrators in public schools optional childhood trauma awareness and prevention training on the effects of childhood trauma on student achievement and social development. Information that must be included in the training is specified, and ADE is authorized to partner with a nonprofit organization to provide the training. The State Board of Education is required to adopt rules to allow certificated teachers and administrators to count childhood trauma awareness and prevention training as continuing education credits. Appropriates \$100,000 from the general fund in FY2021-22 to the newly established Childhood Trauma Awareness and Prevention Training Grant Program Fund, which ADE may use to issue grants to pay the costs of attending childhood trauma awareness and prevention training.

First sponsor: Sen. Peshlakai (D - Dist. 7)

Status: 2/3 referred to Senate educ, appro.

SCR1020:

ENGLISH LANGUAGE EDUCATION; REQUIREMENTS

The 2022 general election ballot is to carry the question of whether to amend state statute to repeal and replace provisions related to English language learners. Public schools are required to ensure that all English language learners receive the highest quality education, master the English language and access high quality, innovative research-based language programs. School districts and charter schools are authorized to establish dual- language immersion programs for both native and nonnative English speakers. Directs Legislative Council to prepare conforming legislation.

First sponsor: Sen. Shope (R - Dist. 8)

Status: 2/22 passed Senate 23-7; ready for House. 2/16 from Senate rules okay. 1/25 referred to Senate educ.

SCR1021:

AGGREGATE EXPENDITURE LIMITATION; SCHOOL DISTRICTS

The 2022 general election ballot is to carry the question of whether to amend the state Constitution to change the aggregate expenditure limitation for all school districts by using FY2022-23 as the base year, instead of FY1979-80.

First sponsor: Sen. Boyer (R - Dist. 20)

Status: 2/10 from Senate educ do pass. 1/25 referred to Senate educ, appro.

SCR1022:

SCHOOL DISTRICTS; EXPENDITURE LIMIT; AUTHORIZATION

The Legislature authorizes the expenditure of local revenues by school districts in excess of the expenditure limitation prescribed in the state Constitution in FY2020-21. This authorization is effective only on the approval of this resolution by at least 2/3 of the members of each house of the Legislature by roll call vote.

First sponsor: Sen. Boyer (R - Dist. 20)

Status: [2/10 from Senate educ do pass](#). 1/25 referred to Senate educ, appro.



AMPHITHEATER

P u b l i c S c h o o l s

March 9, 2021 Governing Board Meeting

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Legislative Update

Federal COVID-19 Relief

Coronavirus Aid, Relief, and Economic Security (CARES) Act

- \$2 trillion relief package that \$13.5 billion for K-12
- Arizona received \$626 million in Education Stabilization Funds (ESF)
- Arizona Governor issued CARES funds to Arizona school districts through an Enrollment Stability Grant
- Amphitheater Public Schools approx. \$5.6 million from AZ Enrollment Stability Grant
- Ability to use the funding extended to December 31, 2021 through Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act

Elementary and Secondary School Emergency Relief (ESSER) Fund

Designed to help address local relief, prevention and preparation, and recovery efforts.

- ESSER 1 Funds (expires 9/30/22)
 - Amphitheater Public Schools received approx. \$3.1 million
 - Had to share funds with private schools
- ESSER 2 Funds (expires 9/30/23)
 - Amphitheater Public Schools received approx. \$13 million
 - No sharing requirement for school districts
- Possible ESSER 3 (TBD)



Arizona Governor's Executive Orders

Executive Order 2021-04

- School Districts shall return to teacher-led, in-person instruction on the Monday after spring break (or if no spring break, then by March 15)
- Develops criteria for type of in-person instruction based on transmission rates of low, moderate, substantial or high community transmission as determined by Arizona Department of Health Services

Executive Order 2021-05

- Ends the limitations on gatherings of more than 50 persons on businesses and public events

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Arizona State Congress Session Statistics*

*As of Friday, March 5, 2021

- Total Days of Session: 54
- Bills Posted: 1708
- Bills Passed: 44
- Bills Vetoed: 120
- Bills Signed: 41
- Resolutions Posted: 115
- Resolutions Passed: 1

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Deadlines

March 26: Last day for each house to consider bills passed from the other house

April 16: Last day for consideration of bills in conference committees

April 20: 100th day

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Breakdown of Education Bills

100 House Bills

- Representative Udall (Dist. 25) sponsored 17 education bills

101 Senate Bills

- Senator Quezada (Dist. 29) sponsored 13 education bills

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Bills Sponsored by State Legislators in Amphitheater District

District 3

Rep. Alma Hernandez

1. HB2241: Schools; Instruction; Holocaust; Genocides
2. HB2754: School Safety; School Resource Officers

District 9

Sen. Victoria Steele

1. SB1005: Schools; Child Abuse Prevention Education

Rep. Dr. Randy Friese

1. HB2146: STO Scholarships; Means Testing
2. HB2147: STO Scholarships; Beneficiary Recommendations
3. HB2148: STO Scholarships; Student Transfers
4. HB2149: Charter Schools; Sponsorship; State Board
5. HB2150: Charter Schools; Lunches; National Acts
6. HB2151: Experienced Teacher Retention; Pilot Program

Rep. Pamela Powers Hannley

1. HB2251: Sex Education; Comprehensive; Medically Accurate

District 11

Rep. Mark Finchem

1. HCR2030: Teachers; Ethics Standards; Rules



Signed by Governor

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Signed by Governor

HB2018: Schools; Audits; Financial Records; Budgets

- School districts and charter schools must send a copy of audit reports to the county school superintendent and ADE, which ADE must publish, and governing boards must publicly accept by roll call vote

HB2023 Schools; Employees; Employment; Discipline

- Requires ADE to investigate complaints of immoral or unprofessional conduct by a noncertificated employee



Other Bills of Note

100



SB1139: Classroom Site Fund; Distribution

- Removes the requirement that school districts and charter schools spend CSF monies in the below manner:
 1. 40% for increased teacher compensation based on performance and employment related expenses
 2. 40% for maintenance and operation purposes
 3. 20% for teacher base salary increases and employment-related expenses
- ASBA supports

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SB1452: Arizona Empowerment Scholarship Accounts; Revisions

- Expands the definition of “qualified student” to allow a student eligible to receive an ESA who:
 1. Receives federal Title I services for low-income students
 2. Receives free or reduced-price lunch
 3. This includes a student attending a school that qualifies for school wide Title I funding and a student eligible to attend kindergarten who resides within the attendance boundary of a school that qualifies for school wide Title I funding
 4. This would include a family of 4 with an annual household income of less than \$48,740
- Reduces time students must attend public school to qualify for ESA from the “first 100 days” to “any 30 days”
- Expands eligibility for ESA to:
 1. Current fiscal year (rather than prior fiscal year)
 2. Students counted among public school ADM (including AOI) during prior fiscal year
 3. Allows 9-12 grade students to accept both an ESA and STO scholarship as long as combined total of awards per year is less than the total per pupil spending in the student’s home school district



SB1165: Schools; Performance Evaluations

- Exempts a school district governing board or charter school governing body from conducting performance evaluations of principals and certificated teachers in SY 20-21
- Specifies that absence of a performance evaluation does not disqualify a teacher from receiving performance pay from the Classroom Site Fund
- Prohibits the absence of an evaluation in the SY 20-21 from being used to enforce dismissal or nonrenewal procedures against a teacher designated in the lowest performance classification in SY 19-20

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COVID-19 Liability Protections

HB2549

Probable Cause Hearing: Pandemic Liability

- Requires courts to conduct a probable cause hearing for tort claims related to contracting an illness that is a public health pandemic

SB1377

Civil Liability; Public Health Pandemic

- Provides liability protections for public school districts during pandemic
- Public school districts would not be liable for injury from the public health pandemic where it has acted in good faith to protect against the pandemic
- Places burden on the claimant to prove by clear and convincing evidence that the person or provider failed to act or acted with willful misconduct or gross negligence



Final Thoughts

- Next Update: April 13th
- Requests for Action





GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10

DATE OF MEETING: March 9, 2021

TITLE: Approval of Appointment of Non-Administrative Personnel

BACKGROUND:

Candidate(s) will be presented herein to fill vacancies created by leaves of absence, retirements, resignations, and new positions. Appointments are current as of March 8, 2021.

RECOMMENDATION:

It is the recommendation of the Administration that the appointment(s) be approved as presented.

INITIATED BY:

Michelle H. Tong, J.D., Associate to the Superintendent

Date: March 8, 2021

Todd A. Jaeger, J.D., Superintendent

3/9/2021

**GOVERNING BOARD MEETING
APPOINTMENTS**

LAST NAME	FIRST NAME	TITLE	CT/CL	LOCATION	LEVEL	EXPERIENCE	ADD'L INFO	RECOMMENDED BY	COMMENT
Leider	Sydney	Teacher - Mathematics	CT	Ironwood Ridge High	CTT-BA	0 years	Replacement	Mr. Munger	
Bennett	Michele	Inventory Control Clerk	CL	Warehouse	G	5+ years	Replacement	Mr. Startt	
Corona	Linda	Food Service Attendant I	CL	Cross Middle School	A	N/A	Replacement	Ms. Cribbs	
Galindo	Griselda	Food Service Attendant I	CL	Food Service Admin	A	N/A	Replacement	Ms. Cribbs	
Laliberte	Adam	Special Education Teaching Assistan	CL	Rillito Center	E	N/A	Rehire	Ms. Haller	
Miranda	Maricela	Food Service Attendant I	CL	La Cima Middle School	A	N/A	Replacement	Ms. Cribbs	
Tobin	Timothy	Special Education Teaching Assistan	CL	Rillito Center	E	N/A	Rehire	Ms. Haller	
Wichers	Abigail	Campus Monitor	CL	Mesa Verde Elementary	A	N/A	Replacement	Ms. Tracy	

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<p>* Addendum New Rehire Replacement Rescind</p>	<p>2019-2020 School Year Former employee or new hire receiving extra-curricular position New hire filling a newly created position Former employee returning to a position in the district New hire filling a vacated position Declined position after appointment</p>	<p>HSP High School Principal MSP Middle School Principal ESP Elementary School Principal HSA High School Assistant Principal MSA Assistant Middle School Principal ESA Elementary Assistant Principal SAS Support Administrator</p>	<p>ADCT ADCL ADACS ADDM CT-AD CT CL-AD CL PR ASW</p>	<p>Addendum Certified Addendum Classified Addendum Amphi Community Schools Addendum Only Certified Administrative Certified Classified Administrative Classified Professional Student Worker</p>
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03/09/2021
 GOVERNING BOARD MEETING
 APPOINTMENTS

Substitutes

LAST NAME	FIRST NAME	TITLE	CT / CL	LOCATION	EFFECTIVE DATE	COMMENT
Clarck	Nolwenn		CT		02/23/2021	
Maichrye	Christin		CT		02/17/2021	
Stegen	Andrew		CT		02/15/2021	
Steiner	Jake		CT		02/23/2021	
Carozzoni	Kelly		CL		02/22/2021	

AD Administrative
 PR Professional
 CT Certified
 CL Classified



GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10

DATE OF MEETING: March 9, 2021

TITLE: Approval of Personnel Changes

BACKGROUND:

Changes in the employment status of employee(s) and/or job description(s) will be presented herein. Changes are current as of March 1, 2021.

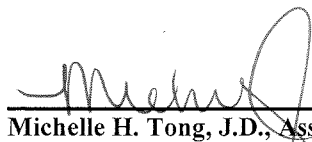
The following job descriptions are being presented for approval:

Gear Up Discover Guide Liaison

RECOMMENDATION:

It is the recommendation of the Administration that the personnel changes be approved as presented.

INITIATED BY:


Michelle H. Tong, J.D., Associate to the Superintendent

Date: March 1, 2021



Todd A. Jaeger, J.D., Superintendent

3/9/2021

**GOVERNING BOARD MEETING
PERSONNEL CHANGES**

LAST NAME	FIRST NAME	TITLE	CT/CL	LOCATION	REASON	LEVEL	FINANCIAL CHANGE	COMMENT
Delgado	Selah	Occupational Therapist	CL-PR	Wetmore Center	Additional Position			\$3,260.99
Grammer	Lindsey	Custodian I	CL	Painted Sky Elementary	Promotion	D	+\$0.48	
Marquez	Galahad	Bilingual Clerk	CL	Holaway Elementary	Increase FTE		N/A	
Marquez	Galahad	Bilingual Instructional Assistant	CL	Holaway Elementary	Decrease FTE		N/A	
Marquez	Patricia	Supervisor of Food Service	CL	Amphi High School	Transfer	J	N/A	
Moralez	Manuel	Bus Driver	CL	Transportation	Decrease FTE		N/A	
Avila	Paul	Coach - Softball Assistant HS	ADCT	CDO High School	Addendum			\$2,400.00
Basye	Jody	Coach - Track Assistant HS	ADCT	CDO High School	Addendum			\$1,200.00
Deniston	Courtenay	ADDN - Homebound	ADCT	Wetmore Center	Addendum			\$30.00 per hour
Escobar	Rigel	ADDN - Section 504	ADCT	Holaway Elementary	Addendum			\$150.00
Gerard	Michelle	Coach - Track Head HS	ADCT	CDO High School	Addendum			\$3,000.00
Goldstein	Heidi	Coach - Track Assistant HS	ADCT	CDO High School	Addendum			\$2,400.00
Graun	Suzanne	ADDN - Certified Tutor	ADCT	La Cima Middle School	Addendum			\$30.00 per hour
Haight	Susan	Special Education Facilitator	ADCT	Innovation Academy	Addendum			\$585.37
Heagle	Denise	ADDN - Curriculum Development	ADCT	Wetmore Center	Addendum			\$25.00 per hour
Howell	Luke	Special Events Worker	ADCT	Ironwood Ridge High	Addendum			\$12.15 per hour
Kati	Stephanie	ADDN - AZELLA Testing	ADCT	Wetmore Center	Addendum			\$30.00 per hour
Lipich	Brandi	Special Education Facilitator	ADCT	Holaway Elementary	Addendum			\$245.15
McGowan	Alissa	Coach - Softball Assistant HS	ADCT	Ironwood Ridge High	Addendum			\$2,400.00
Powell	Matthew	Coach - Equipment Technician Sr	ADCT	CDO High School	Addendum			\$1,850.00

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*	2019-2020 School Year						ADCT	Addendum Certified
Addendum	Employee receiving extra-curricular position or stipend						ADCL	Addendum Classified
Added Duty	Employee working additional hours or days						ADACS	Addendum Amphi Community Schools
Additional Position	Employee working an additional position						CT-AD	Certified Administrative
Correction	Correction to contract						CT	Certified
Decrease FTE	Decrease in hours						CL-AD	Classified Administrative
Demotion	Voluntary demotion						CL	Classified
Extension	End date being extended						PR	Professional
Increase FTE	Increase in hours/contract						EL	Elementary
Promotion	Employee receiving a promotion to another position						MS	Middle School
Reassignment	Employee moving to another position at the direction of the administration						HS	High School
Status Change	Employee changing status (i.e. short term to career)							
Temporary	Employee working for a limited period of time							
Transfer	Employee moving from one position to another							

GOVERNING BOARD MEETING PERSONNEL CHANGES

LAST NAME	FIRST NAME	TITLE	CT/CL	LOCATION	REASON	LEVEL	FINANCIAL CHANGE	COMMENT
Tarbet	Jeremy	Coach - Softball Assistant HS	ADCT	CDO High School	Addendum		\$2,400.00	
Thomas	Shauna	ADDN - Odyssey of the Mind	ADCT	Harelson Elementary	Addendum		\$234.15	
Yewell	Robyn	ADDN - Odyssey of the Mind	ADCT	Harelson Elementary	Addendum		\$234.15	
Atondo-Ballesteros	Perla	Instructional Aide - Classroom	ADCL	La Cima Middle School	Addendum		\$12.15 per hour	
Dalton-Aragon	Jaron	Instructional Aide - Classroom	ADCL	La Cima Middle School	Addendum		\$12.15 per hour	
Lewis	Jilliane	Instructional Aide - Classroom	ADCL	La Cima Middle School	Addendum		\$12.15 per hour	
Negron	Jesus	Special Events Worker	ADCL	Ironwood Ridge High	Addendum		\$12.15 per hour	
Zinkin	Michael	Special Events Worker	ADCL	Ironwood Ridge High	Addendum		\$12.15 per hour	

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*	2019-2020 School Year					ADCT	Addendum Certified
Addendum	Employee receiving extra-curricular position or stipend					ADCL	Addendum Classified
Added Duty	Employee working additional hours or days					ADACS	Addendum Amphi Community Schools
Additional Position	Employee working an additional position					CT-AD	Certified Administrative
Correction	Correction to contract					CT	Certified
Decrease FTE	Decrease in hours					CL-AD	Classified Administrative
Demotion	Voluntary demotion					CL	Classified
Extension	End date being extended					PR	Professional
Increase FTE	Increase in hours/contract					EL	Elementary
Promotion	Employee receiving a promotion to another position					MS	Middle School
Reassignment	Employee moving to another position at the direction of the administration					HS	High School
Status Change	Employee changing status (i.e. short term to career)						
Temporary	Employee working for a limited period of time						
Transfer	Employee moving from one position to another						

Non-exempt/Addn
\$25.00/hour
February 2021

GEAR UP DISCOVER GUIDE LIAISON

QUALIFICATIONS

A. REQUIRED

- Valid Arizona teaching certificate
- Bachelor's degree in counseling, social work, child development, education or related field
- At least one year of experience working with middle school students
- Knowledge of secondary education requirements
- Knowledge of postsecondary education options, application procedures and admission requirements
- Demonstrated skills in program coordination and completing tasks in a timely manner
- Excellent organizational, training, and presentation skills

B. DESIRED

- Prior experience in student support roles(s)
- Skills in monitoring data

SUMMARY

Working closely with the GEAR UP Program Manager of Middle-Grade Services and the participating school, the GEAR UP Discover Guide Liaison will coordinate service delivery and reporting.

Reports to: School Administrator

ESSENTIAL FUNCTIONS

- Create and submit an implementation plan
- Complete the Discover Guide Order Form
- Disseminate Discover Guide
- Collect and submit documentation of who received the guide and watched the video.
- Collect and submit documentation of educators who received the guide and watched the Discover Guide Teacher Video if done as a group
- Collect and submit a copy of students' ECAP
- End-of-Year Progress Report
- Submit feedback
- Enter information in a Data Sharing Agreement
- Promotes and supports district wide educational advancement in 21st Century skills
- Integrates knowledge and skills that are relevant to the 21st Century
- Performs other related duties as assigned

MENTAL AND PHYSICAL REQUIREMENTS

- Ability to see, hear and speak at normal range, with or without reasonable accommodations
- Ability to read, write and comprehend
- Ability to effectively demonstrate both oral and written communication skills
- Ability to analyze and problem solve
- Ability to concentrate for extended periods of time
- Ability to communicate with students, parents, and school staff verbally and in written form



GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10

DATE OF MEETING: March 9, 2021

TITLE: Approval of Leave(s) of Absence

BACKGROUND:

Leave(s) of absence will be presented herein and are current as of March 1, 2021.

RECOMMENDATION:

It is the recommendation of the Administration that the leave request(s) be approved as presented.

INITIATED BY:

Michelle H. Tong, J.D., Associate to the Superintendent

Date: March 1, 2021

Todd A. Jaeger, J.D., Superintendent

3/9/2021

**GOVERNING BOARD MEETING
LEAVES OF ABSENCE**

LAST NAME	FIRST NAME	TITLE	CT/CL	LOCATION	DATES	COMMENT
Morgan	Kiarah	Teacher - Special Education Presc	CT	Walker Elementary	02/15/2021	Start Date
Taylor	Carrie	Teacher - Kindergarten	CT	Amphi Academy Online	02/12/2021	Return Date
Anaya	Francis	Food Service Attendant I	CL	La Cima Middle School	02/15/2021	Return Date
Baltodano	Zeneyda	Custodian I	CL	Prince Elementary	02/18/2021	Return Date
Chambers	Raymond	Transportation Driver Trainer/Relief	CL	Transportation	02/03/2021	Start Date
Martinez	Janitza	Crossing Guard	CL	Keeling Elementary	02/16/2021	Return Date
Myers	Crystal	Special Education Teaching Assist	CL	Donaldson Elementary	02/08/2021	Start Date
Rubio	Olga	Food Service Attendant I	CL	La Cima Middle School	02/16/2021	Return Date
Slabaugh	Joyce	Graphics & Printing Lead	CL	Graphics & Printing	02/15/2021	Start Date

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* 2019-2020 School Year
 CT-AD Certified Administrative
 CT Certified
 CL-AD Classified Administrative
 CL Classified
 PR Professional



GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10

DATE OF MEETING: March 9, 2021

TITLE: Approval of Separation(s) and Termination(s)

BACKGROUND:

Separation(s) and termination(s) will be presented herein. Separations are current as of March 8, 2021.

RECOMMENDATION:

It is the recommendation of the Administration that the resignation(s) or termination(s) be approved as presented.

INITIATED BY:

Michelle H. Tong, J.D., Associate to the Superintendent

Date: March 8, 2021

Todd A. Jaeger, J.D., Superintendent

3/9/2021

**GOVERNING BOARD MEETING
SEPARATIONS**

LAST NAME	FIRST NAME	TITLE	CT/CL	LOCATION	EFFECTIVE DATE	REASON	COMMENT
Kuhn	Dianna	Principal	CT-AD	Rio Vista Elementary	06/30/2021	Retirement	Returning ESI
Branham	Michelle	Teacher - Literacy Interventio	CT	Copper Creek Elementary	05/21/2021	Retirement	
Lynch	Michelle	Teacher - Cross Categorical	CT	Donaldson Elementary	05/21/2021	Resignation	
Stone	M Charlene	Teacher - Biology	CT	CDO High School	05/21/2021	Retirement	
Belisle	Jeanne	Custodian I	CL	Wilson K-8 School	05/21/2021	Retirement	
Chavarria De Cent	Perla	Custodian I	CL	Prince Elementary	03/12/2021	Resignation	
Hegi	Brittany	Special Education Teaching	CL	Donaldson Elementary	02/11/2021	Resignation	
Hunst	Shannon	Special Education Teaching	CL	Harelson Elementary	02/16/2021	Resignation	
Proulx	Donald	Security Officer	CL	Amphi High School	02/09/2021	Resignation	
Rubio	Andre	Security Officer	CL	Ironwood Ridge High	02/11/2021	Resignation	
Torregrosa	Dennis	Bus Driver	CL	Transportation	05/20/2021	Retirement	Returning ESI

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* 2019-2020 School Year
 Budget RIF Reduction in force due to budget
 Abandonment Employee abandoned position
 Breach of Contract Employee did not fulfill contract
 Dismissal Employee terminated by the District
 Resignation Employee resigning from the District
 Retirement Employee retiring from the District

ADCT Addendum Certified
 ADCL Addendum Classified
 ADDM Addendum Only
 CT-AD Certified Administrative
 CT Certified
 CL-AD Classified Administrative
 CL Classified
 PR Professional



GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10

DATE OF MEETING: March 9, 2021

TITLE: Approval of Stipend for Coaching Volunteers

BACKGROUND:

Coaching volunteer(s) and corresponding stipend(s) will be presented herein and are current as of March 1, 2021.

RECOMMENDATION:

It is the recommendation of the Administration that the Governing Board approve payment of the listed stipend(s) for the identified coaching volunteers.

INITIATED BY:

A handwritten signature in black ink, appearing to read "Michelle H. Tong".

Michelle H. Tong, J.D., Associate to the Superintendent

Date: March 1, 2021

A handwritten signature in black ink, appearing to read "Todd A. Jaeger".

Todd A. Jaeger, J.D., Superintendent

3/9/2021

**GOVERNING BOARD MEETING
COACHING VOLUNTEERS**

LAST NAME	FIRST NAME	POSITION	LOCATION	REASON	AMOUNT/COMMENTS
Adeyemi	Emily	Coach - Track Assistant HS	Ironwood Ridge High	Stipend	\$1,200.00
Ambrosio	Benjamin	Coach - Soccer Assistant HS	Ironwood Ridge High	Stipend	\$1,200.00
Basye	Andrew	Coach - Baseball Assistant HS	CDO High School	Stipend	\$2,400.00
Bustamante	Manuel	Coach - Baseball Assistant HS	CDO High School	Stipend	\$2,400.00
Carter	Mark	Coach - Volleyball Assistant HS	CDO High School	Stipend	\$2,400.00
Cox	Christopher	Coach - Baseball Assistant HS	CDO High School	Stipend	\$1,200.00
Dunlap	Michael	Coach - Soccer Assistant HS	Ironwood Ridge High	Stipend	\$1,200.00
Estrella	Ivan	Coach - Baseball Assistant HS	CDO High School	Stipend	\$1,200.00
Fowler	Kelly	Coach - Softball Head HS	CDO High School	Stipend	\$3,000.00
Hamblin	Anderson	Coach - Track Assistant HS	Ironwood Ridge High	Stipend	\$1,200.00
Hisey	Jason	Coach - Baseball Head HS	CDO High School	Stipend	\$3,000.00
Jimenez	Raul	Coach - HS Spring Interscholastic	CDO High School	Stipend	\$2,850.00
Leake	Clifton	Coach - Track Head HS	CDO High School	Stipend	\$3,000.00
Lucas	David	Coach - Tennis Head HS	CDO High School	Stipend	\$2,600.00
Martinez	David	Coach - Softball Head HS	Ironwood Ridge High	Stipend	\$3,000.00
McNeill	Donald	Coach - Track Assistant HS	CDO High School	Stipend	\$2,400.00
Miller	Melissa	Coach - Tennis Head HS	CDO High School	Stipend	\$2,600.00
Semon	Hannah	Coach - Volleyball Head HS	Ironwood Ridge High	Stipend	\$3,000.00
Sieferman	Jordan	Coach - Track Assistant HS	CDO High School	Stipend	\$1,200.00
Slaton	Stephanie	Coach - Volleyball Assistant HS	CDO High School	Stipend	\$2,400.00

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* 2019-2020 School Year

**GOVERNING BOARD MEETING
COACHING VOLUNTEERS**

LAST NAME	FIRST NAME	POSITION	LOCATION	REASON	AMOUNT/COMMENTS
Smith	Michael	Coach - Track Head HS	Ironwood Ridge High	Stipend	\$3,000.00
Swingle	Brian	Coach - Volleyball Head HS	CDO High School	Stipend	\$3,000.00
Toia	Dennis	Coach - Softball Assistant HS	Ironwood Ridge High	Stipend	\$2,400.00
Wheatley	Jessica	Coach - Track Assistant HS	CDO High School	Stipend	\$2,400.00

* 2019-2020 School Year



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

TITLE: **Approval of Minutes of Previous Meeting(s)**

BACKGROUND:

The attached minutes of previous Governing Board Meeting(s) are submitted for approval by the Board.

February 9, 2021

RECOMMENDATION:

The Administration recommends that the minutes of the previous meeting(s) be approved.

INITIATED BY:

Karin Smith
Executive Assistant to the Superintendent & Governing Board

Date: March 8, 2021

Todd A. Jaeger, J.D., Superintendent

**Minutes of the Regular Governing Board Meeting
Amphitheater Public Schools
Tuesday, February 9, 2021**

A Regular public meeting of the Governing Board of Amphitheater Public Schools was held Tuesday, February 9, 2021, beginning at 5:15 p.m. at the Wetmore Center, 701 West Wetmore Road, Tucson AZ in the Leadership & Professional Development Center. The meeting was held under COVID-19 pandemic related conditions.

Governing Board Members Present

Ms. Susan Zibrat, President
Ms. Deanna M. Day, M.Ed., Vice President
Dr. Scott K. Baker, Member
Ms. Vicki Cox Golder, Member
Mr. Matthew A. Kopec, Member

Superintendent's Cabinet Members Present

Mr. Todd A. Jaeger, J.D., Superintendent
Dr. Roseanne Lopez, Associate Superintendent for Elementary Education
Mr. Michael Bejarano, Associate Superintendent for Secondary Education
Ms. Michelle H. Tong, J.D., Associate to the Superintendent and Legal Counsel
Mr. Scott Little, Chief Financial Officer
Ms. Kristin McGraw, Director of Student Services
Ms. Tassi Call, Director of 21st Century Education
Dr. Shannon McKinney, Director of Curriculum and Assessment
Mr. James Burns, Executive Manager of Operational Support
Ms. Michelle Valenzuela, Director of Communications

1. CALL TO ORDER AND SIGNING OF THE VISITOR'S REGISTER

President Zibrat called the meeting to order at 5:15 p.m.

2. EXECUTIVE SESSION

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

- 1. Discussion or Consultation with Designated Representatives and Legal Counsel of the Public Body for Legal Advice Related to Litigation Related to the District Property Located in Rancho Vistoso Pursuant to A.R.S. §38-431.03(A)(3) and (4), and**
- 2. Discussions or Consultations with Designated Representatives of the Public Body in Order to Consider Its Position and Instruct Its Representatives Regarding Negotiations with Employee Organizations Pursuant to A.R.S. §38-431.03(A)(5).**

President Zibrat asked for a motion to hold an Executive Session. Vice President Day moved to recess the Open meeting to hold an Executive Session for discussions regarding Agenda Items 2. A., 1. and 2. Mr. Kopec seconded the motion. Roll call vote in favor 5: President Zibrat, Vice President Day, Dr. Baker, Ms. Cox Golder, and Mr. Kopec. Opposed - 0. President Zibrat proclaimed they were in Executive Session at 5:16 p.m.

3. RECONVENE PUBLIC MEETING

President Zibrat reconvened the public meeting at 5:50 p.m.

4. PLEDGE OF ALLEGIANCE

Superintendent Jaeger introduced Harelson Elementary School Principal, Jason Weaver. He thanked the students for leading the Pledge of Allegiance and Jordan Confrey, Technology Specialist, for assisting with the production of the video. Mr. Weaver said the students participating in the pledge were at school for on-campus supervision and represent different grades. He introduced Jaxon, Lillian, Abigail, Raina, Ariaiah, and Adrian. A video of the students leading the pledge was shown. To show the Governing Board's appreciation, certificates were mailed home to the student pledge leaders.

5. RECOGNITION OF STUDENT ART

Superintendent Jaeger invited Hareslon Principal, Mr. Weaver to talk about the art presentation. He said even though students have not been in the classroom much this year, art teacher Martha Phinney was able to create a virtual presentation, and he introduced a video from her. In the video, Ms. Phinney said the students have learned many techniques this year including watercolor silhouettes, holiday still life, color mixing, use of lines and shading, and creating a mandala incorporating items that are important to them. She explained each year the students learn about art history and create a master's study and showed some examples. To mark the Governing Board's appreciation, a certificate of appreciation for the artwork presentation was given to the art teacher and the students of Harelson Elementary.

6. ANNOUNCEMENT OF DATE AND TIME OF THE NEXT SPECIAL GOVERNING BOARD MEETING

President Zibrat announced the next Special Governing Board meeting would be held on Tuesday, February 23, 2021 at 5:30 p.m. at the Wetmore Center, 701 W. Wetmore Road, Tucson AZ 85705, in the Leadership and Professional Development Center.

7. RECOGNITIONS

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

Superintendent Jaeger introduced this item by thanking all the students who participated on the Superintendent's Student Advisory Council. He explained that he meets with the students regularly throughout the year and appreciates their input about their school and the District, on behalf of themselves and their peers. He asked Amphitheater High School Principal, A. J. Malis to introduce the students.

Mr. Malis thanked the Board and introduced the students in attendance. They were Mia Hernandez, Brandon Fimbres and Persia Pablo. He then announced the names of the students unable to attend: Jesus Romo Moreno, Cristian Torres, Ashley De La Rosa Castaneda, Carlos Ybarra, Keagan Haynes, Jocelyn Mullen, Blanca Torres, Andres Espinoza-Zasada, Jayla Rivers, Xavier Ruiz.

President Zibrat invited the students to introduce their family members and comment on their experience on the council. A group picture was taken with the students, the Governing Board and Superintendent Jaeger to mark the occasion. The students received certificates of accommodation for the work on the Advisory Council.

B. Presentation of Distinguished Service Awards

Superintendent Jaeger invited Mr. Bejarano to introduce this award and the recipients.

Mr. Bejarano explained the Distinguished Service Award (DSA) is presented monthly to recognize employees' initiative, collaboration, loyalty, and contributions to the Amphitheater School District. These employees represent a high level of dedication and commitment to the Amphi family, and the values and mission of the District.

Mr. Bejarano announced that the Distinguished Service Award support staff recipient for the month of February is Alma Salazar, Parent Educator with the Parents as Teachers program. Ms. Salazar was not able to attend the meeting. A video presentation was shown honoring Ms. Salazar for the work she has done in the District.

Mr. Bejarano then announced that the Distinguished Service Award certificated recipient for the month of February is Thomas Holaday, teacher at La Cima Middle School. A video presentation was shown honoring Mr. Holaday. Mr. Holaday expressed his appreciation for the award.

President Zibrat congratulated the award winners. Vice President Day said when she was with the District, she remembered Mr. Holadays' enthusiasm and the love of art in his classroom.

On behalf of the Board, Ms. Salazar and Mr. Holaday received a certificate of recognition from the Governing Board, a DSA award, and a gift card from the Amphi Foundation. A group picture of Mr. Holaday, the Governing Board, and Superintendent Jaeger was taken to mark the occasion.

Also, in their honor as DSA recipients, a plaque with their name on it is on display in the Leadership and Professional Development Center.

C. Recognition of Finalists for Amazing Teacher of the Year Award from University of Arizona Online

Superintendent Jaeger invited the Principals to introduce their teacher finalist for this award.

Canyon del Oro High School (CDO) Principal, Ms. Tara Bulleigh, introduced Mr. Toru Tagawa Orchestra Director at CDO, and finalist for the Amazing Teacher of the Year Award. She spoke about his many accomplishments and professionalism with the Fine Arts program. Mr. Tagawa thanked the District for allowing him to share his love of music for nine years.

Amphitheater High School (AHS) Principal, Mr. A.J. Malis introduced Ms. Julie Ramsey, also a finalist for the Amazing Teacher of the Year Award. Ms. Ramsey is in her eighth year at AHS teaching AP English and AP Psychology. He spoke about her involvement with the school and the positive impact she has with her students and staff. Ms. Ramsey said she was very humbled to receive this nomination. She said she loves her job and working in Amphi.

President Zibrat congratulated Mr. Tagawa and Ms. Ramsey and remarked that she is thankful they are part of the District. On behalf of the Board, a certificate of recognition was presented to both recipients. A group picture was taken of Mr. Tagawa, Ms. Ramsey, the Governing Board, Superintendent Jaeger, and the Principals to mark the occasion.

D. Recognition of National Board Certified Teacher Recipients

Superintendent Jaeger explained that becoming a National Board Certified (NBCT) teacher is an arduous process and he is very proud of the number of teachers in our District who have obtained their National Board Certificate. He was very proud to announce this year's National Board Certified teachers, Ms. Danielle Swartz, Ms. Marian Johnson, and Ms. Jill Menaugh. He invited Ms. Peggy Marnier to introduce them and speak about their accomplishments. Ms. Marnier is a teacher at Holaway Elementary School, and she serves as a volunteer mentor for teachers in Amphi who are pursuing their National Board Certification.

Ms. Marnier was pleased and honored to introduce each recipient. She talked about each candidate and their special talents, then presented them with a bouquet of flowers.

Superintendent Jaeger then invited each of their Principals to speak.

Mr. Michael McConnell, Principal of Innovation Academy, said Ms. Swartz, and all teachers who become National Board Certified, show their commitment to students and their professional growth. They know their growth directly relates to student growth and demonstrates lifelong learners for their students.

Mr. A.J. Malis, Principal of Amphitheater High School, praised Ms. Johnson, Math teacher at AHS, for her dedication to the students in and outside her classroom. Outside the classroom on the weekends, she coordinates all the SAT and ACT testing at AHS beyond what our District does. Students from all over the western United States come to take these tests. This is a big job and the sacrifice that she gives, especially during a pandemic, for our students as well as those outside our District and is admirable.

Mr. Matthew Munger, Principal of Ironwood Ridge High School (IRHS), commented that the time and effort each of these recipients have sacrificed for their students, their colleagues, and to the mission of education is commendable. He is honored to work with Ms. Menaugh, Art Teacher at IRHS, and appreciates her problem solving through the different learning models the pandemic has created for education. He praised her for her enthusiasm and dedication in keeping her students engaged.

Superintendent Jaeger emphasized the commitment that it takes to get through this process and what it ultimately provides, not just for the teachers' professional growth, but what it also means for their students. He expressed gratitude and pride for each of those accomplishing their National Board Certification.

President Zibrat congratulated each one and noted that through this difficult year the accomplishment they made by obtaining their certification is truly commendable. She then gave them each an opportunity to say a few words.

Ms. Menaugh expressed her appreciation for the support and collaboration from mentors, and other teachers she has received throughout her career and the certification process.

On behalf of the Governing Board, Ms. Swartz, Ms. Johnson, and Ms. Menaugh received a certificate of accomplishment and recognition. A group picture was taken of the teachers, the Governing Board, and Superintendent Jaeger to mark the occasion.

E. Recognition of Finalist for Presidential Awards of Excellence in Math and Science Teaching

Superintendent Jaeger noted that Ms. Yewell has received numerous awards for her accomplishments. He is honored to announce her recognition as the Arizona finalist for the Presidential Award of Excellence. He invited Mr. Jason Weaver, Principal of Harelson Elementary, to present this award to Ms. Robyn Yewell.

Mr. Weaver said Ms. Yewell, fifth grade teacher at Harelson Elementary, has a long history of awards and accomplishments. She is very active in other duties at school and is an advocate for her students. He is proud that she is representing Harelson Elementary School, Amphitheater School District, and educators across the State of Arizona.

Ms. Yewell said she was humbled and honored to be recognized and felt blessed to be part of the Amphitheater School District.

President Zibrat congratulated Ms. Yewell and said she truly represents the "Pride of Amphi." Vice President Day also congratulated Ms. Yewell and thanked her for representing Amphi.

On behalf of the Board, Ms. Yewell received a certificate of congratulations. A group picture was taken with Ms. Yewell, her husband, Mr. Weaver, the Governing Board, and Superintendent Jaeger to mark the occasion.

F. Recognition of 2021 United Way Literacy Champion Finalists

Superintendent Jaeger invited Ms. Valenzuela to introduce the recipients for this award.

Ms. Valenzuela noted that all of tonight's honorees are celebrated on the marquee outside the District office. She also noted that with the Amazing Teachers Award, K-GUN 9 news airs their recognition on their station and, once both have aired, the video clips will be posted on social media.

Ms. Valenzuela announced that Amphi has two finalists for the 2021 United Way Literacy Champion, Ms. Haley Carolin and Ms. Jennifer Campbell. The United Way defines a finalist for this award as “a local classroom educator who goes above and beyond to improve literacy in our community.” Ms. Valenzuela congratulated Ms. Carolin and Ms. Campbell and expressed how proud Amphi is of our educators who are being recognized tonight as Literacy Champions, and how appropriate especially during Love of Reading Week. They will also be recognized at the annual United Way Business Breakfast, which will be held virtually on February 25, 2021.

Ms. Carolin said literacy is her passion. She felt honored to be chosen and is very proud of her students. Ms. Campbell said she was humbled to be honored by the Board and the United Way. She also thanked her Principal, Ms. Laurie Sheber for her mentorship and leadership. She said she is a proud product of the District and is honored to instill the love of learning in her students.

Ms. Carolin and Ms. Campbell received a certificate of recognition. A group picture was taken of the teachers, the Governing Board, and Superintendent Jaeger to mark the occasion.

SUPERINTENDENT’S REPORT - PANDEMIC UPDATE

Superintendent Jaeger requested that the Board would allow Mr. Brian Eller, K-12 liaison with the Pima County Health Department (PCHD), to join the meeting virtually as part of the Superintendent’s Report. The remainder of his report would follow Public Comment. President Zibrat and Board Members approved Superintendent Jaeger’s request.

Mr. Eller, who appeared virtually, thanked the Board and Superintendent Jaeger for inviting him to speak and noted that he enjoyed hearing the awards and what the educators in Amphi are doing. He said he was honored to be invited to speak and would be happy to answer any questions the Board may have.

He said the County is stepping back from making any recommendations on learning models for the schools. PCHD feels that the AZ Department of Education, school Governing Boards, and local superintendent offices are the parties with knowledge of the best learning model(s) for their school district. PCHD believes their role should be to focus on health-related advice and how to operate schools safely. PCHD has been consistent on the importance of mitigation and the three w’s: wash, wear, and wait. He explained further: wash and sanitize touch surfaces frequently; wash hands frequently; practice restroom etiquette in the school; always wear a mask when in public; and wait, referring to social distancing.

Mr. Eller noted that the Center for Disease Control and Prevention (CDC) will be releasing a new update on school guidance. CDC is finding that schools are a safe place regarding community spread and transmission of the COVID-19 virus. Even in a community with a high rate of transmission, schools can still operate safely. He mentioned the CDC may change social distancing for early learners. He said that data shows ages 5-11 are less likely to transmit because they typically present asymptomatic and are less likely to cough, sneeze, or project airborne particles. He added that this age group is also easier to mitigate versus 4th – 12th grade students.

Mr. Eller reiterated that PCHD is recommending strong mitigation efforts be present at all school sites, regardless of the learning model. He said that school Boards should be making the decision on the learning model for their district. He noted that PCHD recommends continued case reporting. He commended Amphi for doing a great job in consistently reporting COVID-19 cases in the District.

In closing, Mr. Eller said the PCHD would support whatever learning model the Amphitheater Governing Board chooses. He offered to answer any questions the Board may have. There were none.

Superintendent Jaeger asked if Mr. Eller knew when the CDC would update the recommendations he spoke about. Mr. Eller said there should be new information in the next two weeks.

Superintendent Jaeger asked Mr. Eller to clarify the number of cases that have occurred in the public school setting that were attributable to school base transmission, and from student to staff in schools. Mr. Eller said there have been three specific cases in all of Pima County where there has been transmission from student to teacher and all of those cases were attributable to poor mitigation efforts.

Mr. Eller noted the PCHD epidemiology for outbreaks in school transmission would mean two or more cases that relate back to the school, excluding those involving siblings or family members such as cousins, etc. In total, since August 2020, there have been 57 reported outbreaks in over 400+ schools in Pima County. Of those outbreaks, the vast majority most of those cases were due to home or social transmission such as sporting events, sleepovers, and family and large gatherings. He said that the PCHD continues to see contact sports as an issue with four full-team quarantines this past week attributed to a COVID-19 case at a game. PCHD is currently not recommending contact sports including basketball and wrestling.

Mr. Kopec asked if Mr. Eller could update the Board on vaccine distribution. Mr. Eller said that at Tucson Medical Center (TMC), there have been 8,000 K-12 teachers vaccinated. He is waiting for updates from Banner Health and the State and will relay updated information to Superintendent Jaeger to pass on to the Board.

Superintendent Jaeger again thanked Mr. Eller for his time. Mr. Eller said that it was his honor to be at the meeting to update the Amphi Board and community on this subject.

President Zibrat called for a seven-minute break.

8. PUBLIC COMMENT

President Zibrat read the Call to the Audience Procedures.

Ms. Lisa Millerd, teacher at Amphitheater High School and Amphi Education Association (AEA) President, said her comments were written before Mr. Eller spoke. She talked about a recent meeting with a group of educators, who had concerns about the decision-making process for the shift to hybrid learning. They had questions about substitute coverage, mitigation protocols, and having a reasonable workload. They also wanted teacher and staff input to be used for future planning. She concluded by requesting for future planning that staff be included, saying they are the experts and want to work together to do what is best for the students.

Ms. Tenaya Snider talked about a recent conversation she had with other teachers about trust, and the importance of teaching and modeling trust to their students. She felt the District violated that trust by returning to hybrid learning. She commented that being expected to teach students in-person and online is unreasonable, and felt the teachers were not given the opportunity for input before the decision to return to hybrid learning was made.

Ms. Tong read an email from Erika Sparlin, teacher at Coronado K-8. She was concerned about starting hybrid learning on February 15, 2021, when the county has five metrics in the red. She appreciated the District following state and county metrics in the past to determine when to open schools and urged them to continue using that information for future decisions. She acknowledged if the metrics improve, then opening with hybrid learning would be appropriate.

Mr. Kurt Schmidt said his son is a special needs student at Canyon del Oro High School. He thanked the District for all that has been done for all special needs students at Amphi. He felt due to the delivery method, in many ways the last year of school has been a wasted year, and their family is frustrated. His son will be 22 and will not be eligible to be enrolled in public school. Mr. Schmidt requested that his son be allowed to attend another year of school to learn and gain. He also asked the District to help him appeal the eligibility age at the federal, state, and local level under the Individuals with Disabilities Education Act (IDEA).

Ms. Tong read an email from Kimberly Smith an Amphi teacher. She said according to guidelines from the federal, state and city health departments, it was not the time to reopen with hybrid learning. She is concerned about the inconsistencies of testing, quarantining and transmission data. Ms. Smith believed there will be more community spread and since Amphi staff have not been vaccinated it is not safe to return to the classroom. She felt students learn better with the same routine and returning to hybrid learning again will be challenging for them.

R. M. Nason, a teacher at Amphitheater Middle School (AMS), said that, in the past, the District valued input and ideas to create great programs. He was disappointed after taking a survey about instructional options for the future, to learn the decision had already been made. Mr. Nason felt teachers should be allowed input concerning plans for instructional options. He urged the District not to lose the collaborative spirit in the Amphi community.

Mr. Daniel Roper thanked the Amphi Education Association for live streaming the meetings, and Amphi educators for their hard work. He said he learned two lessons this past year. First, no one is coming to save you. Secondly, look for the people that are trying to help. Mr. Roper said the teachers are the helpers and do the best they can every day. He urged the Board to continue to listen to them.

Ms. Liz Yeager, an Amphi teacher, said she felt it was not safe to return to school due to the health metrics and continued community spread. She felt that during remote learning student involvement, work completion and attendance were at high levels compared to hybrid learning. Ms. Yeager acknowledged sacrifices are being made by everyone, and that may be the most important lesson students learn this year.

Ms. Kristen Mitchell, a parent and teacher, felt students should currently be in school five days a week since students and families have the option of fully online learning if they do not want to be in the classroom. Ms. Mitchell believed science supports going back to school safely. She spoke about the negative effects of remote learning for students including anxiety, isolation, and depression. She said many Amphi teachers do not like hybrid learning and wanted to give a “shout out” to all the teachers that have worked so hard this year.

9. INFORMATION¹

A. Superintendent’s Report: Update on Pandemic Conditions

For the Superintendent’s PowerPoint Presentation see Exhibit 1.

Superintendent Jaeger reviewed current data from PCHD’s numbers regarding COVID-19 cases in Pima County. He noted that the epidemiologists and the public health officials glean this information, as well as information of details that is not represented in the numbers from this data. As other science data becomes prevalent, interpretations of what is safe in a school setting changes.

Superintendent Jaeger shared the following data from the Pima County Health Department.

On December 27, 2020 there were 732 cases per 100,000 individuals; percent positivity was at 23.5%; hospital visits for COVID-19 like symptoms were at 14.7%.

On January 3, 2021, there were 835 cases per 100,000 individuals; percent positivity declined to 21.7%; hospital visits were at 14.8%.

On January 10, 2021, there were 679 cases per 100,000 individuals; percent positivity again declined to 18.6%; and hospital visits declined to 13.0%.

On January 17, 2021, all areas continued to decline. There were 506 cases per 100,000; percent positivity was 15.5%; and hospital visits were was 10.6%.

He reviewed the following current PCHD indicators relating to schools re-opening.

Disease Data Indicators: Cases over two consecutive weeks; percent positivity; and COVID-19 like illnesses are all in the red zone.

Healthcare System Availability: Lab testing availability and utilization is in the green; adequate hospital bed capacity to care for two times the current COVID-19 cases (+surge) - statewide are in the red; sufficient Personal Protective Equipment (PPE) for emergency responders is in the yellow.

Public Health Tracking and Prevention: Timely case investigation is in the red; testing of symptomatic contacts within 48 hours is yellow; facilities/support for patients who cannot be discharged home – statewide is yellow.

Superintendent Jaeger noted that looking at the PCHD indicators, there has not been much change and the state-wide school guidance is still recommending virtual/remote learning in all counties. However, he said, what has changed is the interpretation of the data. Therefore, as Mr. Eller stated earlier, the Arizona Department of Health Services (ADHS) and County Health Departments are withdrawing from recommending particular learning models.

Superintendent Jaeger then presented information explaining why Amphi will be opening in a hybrid model on February 15, 2021. He noted that months of experience has brought new data and discernment from the data.

He reviewed that by March 25, 2020, all K-12 schools in the US had closed for in-person instruction and most shifted to online education for the remainder of the school year, including Amphi schools. Then, throughout the fall 2020 term, educational delivery models varied greatly across the country. Of nearly 14,000 districts studied by the CDC, 17% were fully open for in-person instruction; 24% were fully online; 51% were using a hybrid model; and 51% of districts operated school sports programs.

As planning for the current school year began, there was still much uncertainty about the risk of transmission in schools. After a year of experience and data planning now, we must weigh the risk and benefits of the different learning models. Researchers have found that where schools have reopened for in-person instruction, there has been little evidence that schools have contributed in meaningful levels to increased community transmission.

Superintendent Jaeger presented several case studies from areas including Mississippi, North Carolina, and Wisconsin all showing statistics that in-person learning did not increase the spread of the virus. A study by the European Centre for Disease Prevention and Control, in December 2020, reported similar findings from seventeen country-level surveys.

Specific contrary findings of when the spread and the risk of transmission of COVID-19 increased, were attributed to events, competitions, and social gatherings associated with team sports.

Superintendent Jaeger said that administration is also listening to staff and constituents, and there has been a shift among their way of thinking. He said that you can't just look at the numbers on a chart, you must observe what has taken place over the year of this pandemic.

Superintendent Jaeger invited Ms. Vanlenzuela to report on recent staff and family surveys.

Ms. Valenzuela noted that four surveys were sent out last week; a family survey on learning models and summer program interest, an employee survey on learning models and their vaccination status, and a substitute survey on their availability during hybrid learning and vaccine status. She noted that the numbers may not add up, as several families have more than one child and their answers would reflect that. She also mentioned that the vaccine survey and the substitute survey were ongoing.

The number and percent of responses from families and employees was shown on the PowerPoint presentation and was broken out by school and site. A question was asked which educational learning model would they prefer. Families' highest response was 39.84% would prefer "full-time in-person" learning. Employees' highest response was 51.62% would prefer "remote by necessity" model. Least desired learning model for both groups was "full-time through Amphi Academy" with 7.94% response from families and 1.78% response from employees. Other responses from families were 26.42% preferring the "remote by necessity model" and 25.79% preferring the "hybrid model." Other responses from employees were 19.21% would prefer the "full-time in-person model" and 27.39% prefer the "hybrid model".

The surveys included an opportunity to leave comments. Ms. Valenzuela read a few comments that carried common themes from both families and employees. Families would like to see their children back in the classroom to build relationships with teachers, and engage in physical activity, clubs, sports, and socialization. They are finding it challenging to have their children at home, while still working, and caring for multiple siblings. They are worried about their social and emotional well being.

Employees' general concerns included returning to in-person learning before they were fully vaccinated. They would like to see full in-person classes resume with reduced class sizes. With COVID-19 numbers still high, many would like to stay in remote by necessity model. Counseling for students, staff, and parents was also mentioned.

Another question that was asked involved what factors might change your choice of learning model. Leading the charts for both groups were; widespread access to vaccines, improvement in health data/or worsening health data, and health official recommendations.

When families were asked if they would be interested in a summer school program almost 35% of elementary families said they would be interested. Almost 25% of middle school families were interested. About 36% high school families would be interested.

A survey was sent to 1905 employees asking about their vaccine status. 41% of all employees have received at least one vaccination dose, 13% have an appointment scheduled, and 12% intend to schedule an appointment.

The survey for the vaccine is still open and therefore ongoing – the results thus far show that 30% of classified staff and 49% of certified staff have received at least one vaccination. 10% of classified staff and 18% of certified staff have an appointment scheduled, and 12% of classified and 13% of certified staff intend to schedule an appointment.

Substitutes were sent a survey asking their availability beginning February 15, 2021 and vaccine status. 55% said they were available, 45% said they were not. 38% have received at least one vaccination and 22% intend to schedule an appointment. Substitutes' general concern was returning to the classroom before being fully vaccinated.

Superintendent Jaeger noted that the surveys tell us how people are feeling about very personal issues, and he said he values this information. He said that he also appreciates personal messages and emails. In one email he received several weeks back, the sender told him what a bad person he was. Then, when things changed in the direction that person wanted, he received an email from that person telling him how great he was.

He wanted to share this information to show that we can't make everyone happy. Perceptions are *real* but not necessarily *reality*. Still, every perception is appreciated and valued, but not every perception can determine the outcome. Superintendent Jaeger said that he is charged with making decisions, and he makes sure that he is informed before making any decisions. He referenced a survey that was done several months ago, when only 20% of our families wanted in-person learning and

now that group is 40%. Experiences and perceptions have evolved; our children's needs have evolved; staff members' experiences and needs have evolved; and medical needs have evolved.

Vaccines are now being given, before that was just something we saw off on the horizon.

Obviously people are fearful, but the last thing we want is to be fearful of our students. Also, we should not be fearful of the spread in the classroom; it isn't happening. Healthcare officials and scientists are telling us that the spread is not in the classroom. He said that education is as much a calling as law enforcement, fire protection, and medicine. We felt that calling; we chose this way of life; we are essential to our community.

Many teachers want to get back to school, saying our kids need us. This is different from school to school, by grade level, and community. At the same time, we have two schools where a number of faculty have already requested sick leave beginning when we reopen for hybrid. He said he doesn't begrudge people taking the actions they feel they have to take, but he is concerned about the disparity in how students are impacted.

Superintendent Jaeger offered to answer any questions the Board may have.

Dr. Baker asked if all vaccine appointments are being set up through PCHD. Superintendent Jaeger told him that there were several sites PCHD has partnered with to roll out the vaccine.

Ms. Cox Golder asked about private pharmacies. Superintendent Jaeger said private entities have not yet begun giving out vaccines, however the state is readying to begin vaccinations at sites such as CVS, Safeway, and Fry's Food Stores.

Mr. Kopec thanked Superintendent Jaeger for his presentation and felt it was very thoughtful and done well. He said there are several components to look at in every situation. In Pima County, we have the COVID vaccine, and yet the distribution is not as great as we would like it to be. Amphi's goal of February 15, 2021 to open in hybrid mode is later than other school districts around our community, while some districts in our community have not had kids in-person in schools at all. There have been components of having spaces for kids on Amphi Academy Online vs. being able to serve every child when we are in Remote by Necessity. Kids are disconnecting when in hybrid who are much more engaged when in Remote by Necessity model. The other side of that is kids in Remote by Necessity are not able to socialize and be with their friends. Mr. Kopec said the social-emotional component is credibly important and are the factors that are passed down to us from our elected representatives who occupy higher offices than us. Both the President and the Governor have said they want kids back in school. One has an approach of delivering the goods necessary to open, the other is more of a threat. With all these things that we have to balance, the two greatest ones are what's best for our students, and the very legitimate concern that our employees have over their health.

Mr. Kopec continued saying that when he thinks about this District, and the decisions that need to be made, he would not want to wish them on anyone. With all those things in mind, he would prefer to delay opening until the end of the month to allow a better digestion of the new reality coming from the two health departments, state and local, that there is no longer going to be a recommendation coming from them whether we should open or not.

He reminded the Board that change comes rapidly in a pandemic. We have seen changes in how the health department distributes information and their recommendations for school learning models. The virus itself changes, and unlike everything else, the virus itself doesn't care about anybody's opinion. These are things we continue to cope with and there's no getting around that. Mr. Kopec told Superintendent Jaeger and the District Administration that he appreciates the work they are doing, and he knows that it is coming from the best place possible, which is in the best interest of our District.

President Zibrat said that she also has a few remarks but would first like to hear from Mr. Bejarano and Dr. Lopez.

Mr. Bejarano spoke about changes that were made in the hybrid model, a new pilot program, and plans for a summer program. Mr. Bejarano said the cohorts will remain the same, the change that was implemented was for students to log into a Zoom every day in every class for a brief instruction and connection with the teacher. The students will then have time to complete their assigned school projects. On Wednesdays, both cohorts will meet together via Zoom. Therefore, everyday students will connect with their teacher. Some teachers have left their cameras on during the day for students to hear the instruction even on their home days.

Mr. Bejarano talked about teachers calling out next week when we will open in hybrid mode. He said currently there are enough substitutes to cover these teacher absences, however it is a concern that they will continue to monitor.

Mr. Bejarano and the high school principals met to discuss options for high school seniors who failed a course in the fall semester and are not on track to graduate. The new program called RISE - Recovery, Intervention, Support, and Empowerment - will be held Wednesdays after school and Saturdays beginning March 3 through May 1, 2021. Courses will be offered first to seniors, then to the other grade levels as openings are available. Optimal class sizes will be 15 students per section with a minimum of 10 students per section. The format being considered will be live, in-person learning, using Chromebooks or computer labs at schools. Teachers will monitor students to ensure sufficient weekly progress in order for them to be successful. Core subjects being offered are English: 9th - 12th grade, Math: Algebra I & II, Financial Algebra, Geometry, Science: Biology, Chemistry, Physics, Social Studies: Economics, Government, and History (U.S. & World). Students will be offered transportation and grab and go meals.

Mr. Bejarano talked about summer learning opportunities for students. He explained that committees will begin meeting this week to prepare options for summer learning for our high school students. These committees will consist of teachers, administrators, parents and community members. He said they would like the program to look and feel different from previous years by exciting and engaging students by offering enrichment courses, and transition courses to support middle school students going into high school, as well as core subjects.

Dr. Lopez informed the Board that teachers are managing time periods to get their vaccines by using site spreadsheets and securing a “roaming” substitute at each site.

She briefed the Board on preparations for the return to hybrid learning model. She said elementary teachers added a concurrent “check and connect” Zoom session in the morning each day for students to receive instruction, assignments, and check in with other students. She explained that concurrent instruction refers to students in-person, at the same time students are also engaged through Zoom online. Principals are reviewing mitigation protocols with all staff to ensure protocols are current and consistent.

Dr. Lopez noted the positive observations at the sites including that teachers will have in person contact with students, students will get a chance to work and play with their peers, and teachers will be able to make immediate instructional adjustments and give immediate feedback to students.

Amphi Academy Online’s current enrollment numbers for elementary is 666 with 44 students on a wait list. Middle school current enrollment is 293 with no wait list. High school current enrollment is 561 with no wait list. Both middle and high school are at capacity.

Dr. Lopez talked about the elementary summer learning program called Amp Up! A design team is developing ideas and focus groups will review the design. Teams composing of Dr. Lopez, teachers, and curriculum instructors will develop and locate curriculum and materials for this program. For eligibility, the team will look at test scores from the winter NWEA MAP testing, data from software

they are currently using, teacher observations, engagement and attendance data. Children enrolled in an Amphitheater school in the fourth quarter will have priority, all participants must be enrolled in one of our schools for the 2021-2022 school year in order to attend. The program will be funded through the CARES Act funding.

In the Amp Up! program, students will work toward mastery of standards by reading, writing, working with math, and collaborating with each other to solve real problems. They will also “move” and “make”, developing the whole child, and moving them forward. Students will “visit” various locations in the United States and the world. Tasks will be completed during each “visit” (e.g., reading about the location, reading literature about the location, completing a design challenge, making calculations and solving math problems, etc.). Their passport will be “stamped” by their teacher and parents will be invited to view projects and/or performances at the end of the session. Having a summer program such as this will engage our student learners. Students will also reconnect with their peers and with their school. The goal is acceleration rather than remediation to bring students to the next level by moving them, giving them a jump start into school, and igniting excitement about the upcoming school year.

In the statement below, President Zibrat took a moment to acknowledge the difficult time we have all been through for such a long time now.

She said that next month (March) will mark a year since we closed our schools by order of the Governor. At that time, it seemed like the closure would be brief. Two weeks, another two weeks. We had hope, only to have to adjust to new realities so many times.

She said what followed was a year filled with the unexpected and the unknown. We have lived through fear and continue to live *with* fear. We have lived through hope and continue to live *with* hope.

She said that we have always understood that schools are a cornerstone of every community, and that has become ever clearer. Children need us; families need us; and as so many of us have felt during times of absence, we need Amphi's children and families too.

She said that while she knows that the decision to return to hybrid is not universally popular, it is necessary -- and from everything we know -- it is also safe. When the District was open in the hybrid model in October, November, and December, we had very little almost no spread of the virus. This is true of schools all over the world, and it is because we have listened to health officials and scientists about what it takes to operate safely in a COVID-19 world.

Our dedicated employees, she continued, have made heroic efforts to implement the mitigation strategies required to make this work. Our leadership and nurses and health aides have worked hand-in-hand with the Pima County Health Department to learn, adjust and move forward in the safest possible ways.

She thanked employees of the District for doing their best to serve our families and our communities, and she thanked parents for trusting this District with the education and safety of their children. She noted that it has not been an easy road, and that we cannot promise it will get easier in the near future. But, she said she does promise that the Board, the Amphi leadership, the Amphitheater teachers, and support staff will do their best, always.

Difficult times, especially times that continue for such lengths of time, can pull people apart, President Zibrat said. Moving forward, she expressed hope that we can all come together in support of our teachers, our staff and most importantly, our students.

President Zibrat suggested that the Status of the Bond Projects Report and Periodic Legislative Review be saved for another meeting. All Board members agreed.

B. Status of Bond Projects

This presentation was saved for another meeting.

C. Periodic Legislative Review

This presentation was saved for another meeting.

10. CONSENT AGENDA³

Details of agenda items, supporting documents, and presentations are available in the electronic BoardBook by clicking on the hyperlink below.

<https://meetings.boardbook.org/Public/Organization/2065>

President Zibrat asked if there were any Items that should be pulled for further discussion. There were none. Ms. Cox Golder moved for Consent Agenda Items A. – P. be approved as presented. Mr. Kopec seconded the motion. Roll call vote in favor - 5: President Zibrat, Vice President Day, Dr. Baker, Ms. Cox Golder, and Mr. Kopec. Roll call vote opposed - 0. Consent Agenda Items A. – P. passed.

A. Approval of Appointment of Non-Administrative Personnel

Non-administrative personnel appointments were approved as listed in Exhibit 4.

B. Approval of Personnel Changes

Certified and classified personnel changes were approved as listed in Exhibit 5.

C. Approval of Leave(s) of Absence

Leave(s) of absence were approved as listed in Exhibit 6.

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

Separation(s) and termination(s) were approved as listed in Exhibit 7.

E. Approval of Stipend for Coaching Volunteers

Approval of stipend for coaching volunteers were approved as listed in Exhibit 8.

F. Approval of Minutes of Previous Meeting(s)

Minutes of the January 26, 2021 Governing Board meeting was approved as submitted in Exhibit 9.

G. Approval of Vouchers Totaling and Not Exceeding Approximately \$1,376,026.47

A copy of vouchers for goods and services received by the Amphitheater Public Schools and recommended for payment has been provided to the Governing Board. The following vouchers were approved as presented and payment authorized as listed in Exhibit 10.

Voucher #	Amount	Voucher #	Amount	Voucher #	Amount
1181	\$97,561.57	1182	\$104,377.85	1183	\$151,128.29
1184	\$144,333.17	1186	\$113,582.51	1187	\$967.80
1188	\$103,139.26	1189	\$36,460.82	1190	\$108,700.12
1191	\$51,332.57	1192	\$128,890.47	1193	\$56,569.86
1194	\$278,982.18				

H. Acceptance of Gifts

Gifts were accepted by the Governing Board as listed in Exhibit 11.

I. Receipt of Monthly Status Report for the Fiscal Year 2020-2021

The Governing Board approved the receipt of the monthly status report for the fiscal year 2020-2021 as presented in Exhibit 12.

J. Approval of Parent Support Organization(s) - 2020-2021

The Governing Board approved IRHS Softball Booster Club and Ironwood Ridge Music Association for the 2020-2021 school year as submitted in Exhibit 13.

K. Receipt of December 2020 Report on School Auxiliary and Club Balances

The Governing Board approved the December 2020 report on school auxiliary and club balances as listed in Exhibit 14.

L. Award of Contract for Mesa Verde School Roof Replacement Project - Based Upon Responses to Invitation for Bids (IFB) 01-27-2021

The Governing Board approved the award of contract for Mesa Verde School Roof Replacement Project to Global Roofing formerly known as Roofing Southwest.

M. Approval of Revisions to Governing Board Policy DJE (Bidding/Purchasing Procedures)

The Governing Board approved the revisions to Governing Board Policy DJE (Bidding/Purchasing Procedures) as presented in Exhibit 15.

N. Approval of School Facilities Board (SFB) Grant for Amphitheater High School Central Plant 1 HVAC Controls Repair

The Governing Board approved the SFB Grant for Amphitheater High School central plant 1 HVAC controls repair as presented in Exhibit 16.

O. Approval of School Facilities Board (SFB) Grant for Copper Creek Elementary School HVAC Controls Repair

The Governing Board approved the SFB Grant for Copper Creek Elementary School HVAC controls repair as presented in Exhibit 17.

P. Statement of Assurance Teacher Evaluation System Status

The Governing Board approved the Statement of Assurance Teacher Evaluation System Status as presented in Exhibit 18.

11. STUDY

A. Study of Proposed Recommendations Developed through the Meet and Confer Process for:

- 1. Employee Working Conditions Related to Policy GBB (Staff Involvement in Decision Making) and**
- 2. Revisions to Governing Board Policy GCQA (Reduction in Force)**

Superintendent Jaeger mentioned that the Board received information on this topic in Executive Session and invited Ms. Tong to present this item.

Ms. Tong explained that there are two parts of the Meet and Confer process as defined in Policy HD. In the first part of the process, District and Amphitheater Education Association (AEA) employee representatives meet to study working conditions and policies relative to the G series of the policy manual. The policy requires those discussions to conclude by the end of January.

The second part of the process occurs late January through March to discuss compensation, which will be presented at a later date. She informed the Board that employees will receive a survey next week to get their input on compensation.

Ms. Tong said the all the representatives need to be recognized and have worked very hard during this process to satisfy and make the right decision for everyone. She presented a slide and said the following staff are part of the Meet and Confer committee. On the District professional staff team: Michael Bejarano, Associate Superintendent for Secondary Education; Michelle Tong, Associate to the Superintendent and General Counsel; and Carol Tracy, Mesa Verde Elementary School Principal. The AEA professional staff team: Ann Bonar, Canyon del Oro High School English teacher; Fabienna "Nina" Godlewski, Canyon del Oro High School Math teacher; and Emily Irwin-Stazenski, Copper Creek Elementary fifth grade teacher. The District professional staff team

facilitator is Tassi Call, Director of 21st Century Education, and the AEA facilitator is Brianne Ronnie, Painted Sky Elementary fifth grade teacher.

On the District support staff team: James Burns, Executive Manager of Operational Support; Chris Trimble, Walker Elementary School Principal; and Angela Wichers, Amphitheater Middle School Principal. The AEA support staff team: Jimmy Harper, Amphitheater High School Campus Monitor; Michael Meridieth, Amphitheater High School Security Officer; and Robert Wacker, Journeyman Electrician and AEA ESP Vice-President. The District facilitator for support staff is Chris Gutierrez, Cross Middle School Principal. The facilitator for AEA is Lisa Millerd, Amphitheater High School English teacher and AEA President.

She gave a detailed timeline of the process. Per policy, in October an employee survey was sent out. The results of the survey produced a wide variety of topics of concern. The top two areas for discussion were reduction in workforce for certificated employees and employee ability to provide input. In November, the groups met separately to discuss the topics relating to their specific committee. In January, both committees met to discuss policy GBB-Staff Involvement in Decision Making, since it applies to all employees. She said there were multiple meetings by both groups.

As a result of the meetings, Ms. Tong explained that there were two recommendations to the Board. The first recommendation came from both committees, concerning policy GBB-Staff Involvement in Decision Making. She said no change is needed to the language of the policy, but at the beginning of the year the committees felt that more information needs to be available to employees regarding opportunities to become involved. Ms. Tong said no action is required by the Board, but she wanted them to be aware that administration will work to make that information available now and for employees next year.

Ms. Tong stated Policy GCQB-Reduction in Force Plan will be studied tonight, and will be submitted to the Board in the future for approval. She said in October when the Meet and Confer process began, there was not a concern that the pandemic would continue and therefore, a reduction in staff would be needed. The reason for studying this topic was simply because some survey comments showed that the staff profile form contained outdated language and evaluation models, and needed revision. The committee was in agreement that these changes needed to be made.

The committee submitted the following Staff Profile form for review. Recommended changes include, eliminating attendance as an evaluative measure for reduction in force, and using the current Danielson ATPES evaluation model. The new Staff Profile form was created using weighted categories the committee felt are the best determiners, should a reduction in force be needed. She outlined the categories and possible points for each one. They include Evaluation – 60 points, Certification – 30 points, Teacher Experience (career years, not just Amphi) – 40 points, Professional Growth Activities – 40 points, Leadership Roles and Service – 40 points, Disciplinary Action – 25 points.

Ms. Tong said there were no changes needed to Support Staff Policy GDQA, for the following reasons. It was not a priority listed on the employee survey, and it does not contain outdated language. Also, support staff evaluations did not require similar adjustments, and there have been no recent changes to federal or state law that would require changes to the policy.

She reminded the Board that the changes made last year to Policy HD, was to survey employees before and after the committees meet. The survey opened February 1, 2021 and closed February 8, 2021. Ms. Tong shared the survey results.

For Policy GBB - Staff Involvement in Decision Making, 695 employees answered questions about the recommendation, and approximately 90% agreed with the recommendation. Comments were made by 81 employees. A common theme was the concern that employee input is not always valued, and there was no way to measure whether administrators really do take their input.

For Policy GCQA - Reduction in Force, 392 certificated employees answered questions about the policy, approximately 93% agreed with the recommendation. 33 certificated employees submitted comments. Common themes were positive feedback for the proposed changes, and concerns about the effectiveness of teacher evaluations during the pandemic. Ms. Tong commented that the legislature is working on a bill to eliminate evaluations for this school year. At this point, it has not been passed.

There were no Board member questions or comments. President Zibrat thanked Ms. Tong for presenting this item.

B. Review of Draft District Calendar for School Year 2022-2023

Superintendent Jaeger invited Ms. Tong to review the draft calendar for the 2022-2023 school year.

Ms. Tong said the calendar is typical to past calendars, but reported that the dates for Rodeo Break are not official. She explained according to the rodeo committee, the rodeo is not the same days each year because it aligns with the rodeo circuit calendar. Ms. Tong said since the District approves the calendar so far in advance, as updated information becomes available, the dates for Rodeo Break have may need to be adjusted.

12. STUDY/ACTION

A. Adoption of Resolution Authorizing the Issuance & Sale of School Improvement Bonds of the Amphitheater Unified School District No. 10 of Pima County, Arizona

Vice President Day moved to adopt the Resolution Authorizing the Issuance & Sale of School Improvement Bonds of the Amphitheater Unified School District. Ms. Cox Golder seconded the motion. There was no discussion. Roll call vote in favor - 5: President Zibrat, Vice President Day, Dr. Baker, Ms. Cox Golder, and Mr. Kopec. Roll call vote opposed - 0.

13. PUBLIC COMMENT

There were none.

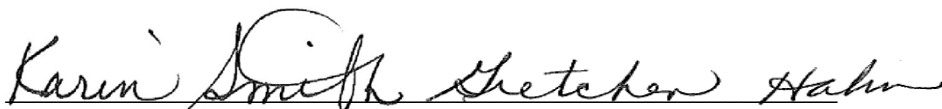
14. BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

Vice President Day and Mr. Kopec requested for more information regarding allowing students with special needs to enroll for one more year of services past 18 years old.

Dr. Baker asked District administration to talk to site administrators to see how we can better support them in mitigation efforts with the three w's (wash surfaces and hands frequently, wear masks, and waiting – social distancing).

15. ADJOURNMENT

President Zibrat asked for a motion to adjourn the meeting. Vice President Day so moved. Ms. Cox Golder seconded the motion. There was no discussion. Roll call vote in favor - 5: President Zibrat, Vice President Day, Dr. Baker, Ms. Cox Golder, and Mr. Kopec. Roll call vote opposed - 0. The meeting adjourned at 9:25 p.m.



Minutes respectfully submitted for Governing Board Approval
Karin Smith, Executive Assistant to the Superintendent & Governing Board
Gretchen Hahn, Secretary III, Governing Board Office

March 5, 2021
Date

Susan Zibrat, Governing Board President

March 9, 2021
Date



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 09, 2021**

TITLE: **Approval of Vouchers Totaling and Not Exceeding Approximately \$2,647,378.30
(Final Total)**

BACKGROUND:

A copy of the vouchers for goods and services received by Amphitheater Public Schools and recommended for payment has been provided to the Governing Board.

RECOMMENDATION:

It is the recommendation of the Administration that the Governing Board approve payment of the vouchers as presented.

INITIATED BY:

A handwritten signature in cursive script that reads "Scott Little".

Scott Little, Chief Financial Officer

Date: March 08, 2021

A handwritten signature in cursive script that reads "Todd A. Jaeger".

Todd A. Jaeger, J.B., Superintendent



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: March 09, 2021

TITLE: Acceptance of Gifts

BACKGROUND:

Donations detailed on the attached listing have been received by the District.

RECOMMENDATION:

It is the recommendation of the Administration that the above gifts be accepted by the Governing Board.

INITIATED BY:

Scott Little, Chief Financial Officer

Date: February 24, 2021

Todd A. Jaeger, J.D., Superintendent

Gift and Donation List		
Gifts and Donations	Exhibit	03-09-21
Ck in the amount \$23.20	Box Tops for Education	Coronado K-8
Ck in the amount \$38.83	Gifts n Things	Coronado K-8
2 Trumpets, Coronet, Clarinet	Phillip Rodemacher	Cross, AMS, Wilson, La Cima
Ck in the amount \$70.00	The Blackbaud Giving Fund	Ironwood Ridge High School
Ck in the amount \$130.00	Educational Testing Services	Other
Professional Development Books	Katherine Engel	Other
Ck in the amount \$106,246.38	Amphitheater Foundation	Several School Sites



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

TITLE: **Approval of Disposal of Surplus Property via PublicSurplus.com**

BACKGROUND:

With Governing Board approval, the Administration will sell via an Internet-Based Online-Sale the following surplus property:

<u>Description</u>	<u>Quantity</u>
Forklift Electric Rol-Lift	1
Piano	1
Electric Key boards	2
Parts Washer	1
Camera Table	1
UBE Ergometer Hands & Shoulders	1
Lunch Tables	9
Food Service Mixer Table top	1
Grill Table top	1
Large roll Printer	1
Overhead Projectors	30
Printers	115
VCR players	23
DVD players	13
Projector LCD	12
Head Phones	124
Cassette Players	14
Bus Radios	28
Camera Tri Pods	8
Video Cameras	8
Cameras	15
Camera Bags	30
Orthotron Isolated - Joint Exercise Machine	1
Amergraph Photo copy	1
Power Disconnect & Checkout Meter	2
Porta - Vox	1
Speakers & out put Controller	2
Bag of Cables	1
Book Binder table	1
Cutting board Table top	1
Binder for books	1
Badge -A- Matic Machine	1

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Poster Printer	1
Folding - Seal Machine	1
Graphics Envelope Shaker Machine	1
Floor Scrubber Machines	2

RECOMMENDATION:

It is the recommendation of the Administration that the Governing Board approve the disposal of surplus property at a competitive Internet-Based Online-Sale via PublicSurplus.com.

INITIATED BY:

Scott Little

Scott Little, Chief Financial Officer

Date: March 1, 2021

Todd A. Jaeger

Todd A. Jaeger, J.D., Superintendent



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: March 9, 2021

TITLE: Approval of Fireworks for Ironwood Ridge High School Graduation Ceremonies

BACKGROUND:

The Ironwood Ridge High School Student Government is requesting approval for their proposed fireworks displays on May 19, 2021.

Attached is a letter from Matt Munger.

RECOMMENDATION:

It is the recommendation of the administration that the above request be approved.

INITIATED BY:

Michael Bejarano
Associate Superintendent for Secondary Education

Date: March 1, 2021

Todd A. Jaeger, J.D., Superintendent



IRONWOOD RIDGE HIGH SCHOOL

Matthew Munger, Principal
Terri Amonson, Assistant Principal
Brent Spencer, Assistant Principal
Kristie Stevens, Assistant Principal
2475 W. Naranja Dr., Oro Valley, AZ 85742
(520) 696-3902 • FAX (520) 696-3999

701 W. Wetmore Road • Tucson, AZ 85705 • (520) 696-5000 • www.amphi.com

GOVERNING BOARD MEMBERS

Susan Zibrat
President

Deanna M. Day, M.Ed.
Vice President

Scott K. Baker, Ph.D.

Vicki Cox Golder

Matthew A. Kopec

SUPERINTENDENT

Todd A. Jaeger, J.D.

To: Mr. Mike Bejarano
Associate Superintendent of Secondary Education

From: Matt Munger
Principal, Ironwood Ridge High School

Date: February 24, 2021

Re: Class of 2021 Fireworks Display (May 19, 2021)

On behalf of the Ironwood Ridge Faculty and Student Government, the administration of Ironwood Ridge recommends and requests approval by the Amphitheater School District to conduct a fireworks display on the evening of our graduation ceremony. (Wednesday, May 19, 2021). In light of the achievements of our graduating seniors, we would like to recognize our seniors' accomplishments with a ceremonial fireworks demonstration to honor this momentous occasion.

Funding for the display is being supported by Ironwood Ridge's Student Government organization and an inspector, employed by Golder Ranch Fire Department, will conduct a pre-game inspection to ensure all safety precautions and measures have been taken.

The contract has been reviewed by Amphitheater School District's Legal Counsel to ensure that all relevant and required contractual elements have been met prior to seeking authorization.

Ironwood Ridge's School Resource Officers will assist in coordinating logistics and requirements with Golder Ranch Fire Department, the vendor and site administration.

Thank you for considering the request. I would be happy to meet to discuss any concerns, stipulations or requirements that must be met in order to conduct the show.

Respectfully,

Matt Munger
Principal

Terri Amonson
Assistant Principal
Curriculum & Instruction

Brent Spencer
Assistant Principal
Facilities & Operations

Kristie Stevens
Assistant Principal
Athletics & Activities

Amphitheater High • Canyon del Oro High • Ironwood Ridge High
Amphitheater Middle School • Coronado K-8 School • Cross Middle School • La Cima Middle School • Wilson K-8 School
Copper Creek Elementary • Donaldson Elementary • Harelson Elementary • Holaway Elementary • Innovation Academy • Keeling Elementary
Mesa Verde Elementary • Nash Elementary • Painted Sky Elementary • Prince Elementary • Rio Vista Elementary • Walker Elementary • Rillito Center • Amphi Academy Online

Amphitheater Unified School District does not discriminate on the basis of race, color, religion/religious beliefs, gender, sex, age, national origin, sexual orientation, creed, citizenship status, marital status, political beliefs/affiliation, disability, home language, family, social or cultural background, or other programs or activities and provides equal access to the Boy Scouts and other designated youth groups. Inquiries regarding the District's non-discrimination policies are handled at 701 W. Wetmore Road, Tucson, Arizona 85705 by David Rucker, Equity & Safety Compliance Officer and Title IX Coordinator, (520) 696-5164, drucker@amphi.com, or Kristin McGraw, Executive Director of Student Services, (520) 696-5230, kmcgraw@amphi.com.



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

TITLE: **Review and Approve Resolution Authorizing the District to Sign Documents to Settle the Lawsuit Filed by Vistoso Partners, LLC in Pima County Superior Court Case No. C20210162 and to Execute a Quit Claim Deed to Vistoso Partners for the Real Property Obtained at No Cost from Vistoso Partners, LLC Pursuant to a Special Warranty Deed with Right of Reversion and for which the Reversionary Condition Has Occurred.**

BACKGROUND:

Explanation of Property History

The zoning plan that Vistoso Partners, LLC (“Vistoso”) submitted to the Town of Oro Valley to develop the Rancho Vistoso community included plans for multiple schools to be developed by Amphitheater Public Schools in Rancho Vistoso. As part of the zoning plan, Vistoso offered to transfer certain parcels of real property to Amphitheater Public Schools to construct the schools. The District agreed to accept these properties under the proposed terms and conditions and has, over the years, constructed schools on these sites to address student and community needs in the area.

As part of this process, Vistoso transferred approximately 40.72 acres (“Property”) in Pima County, Arizona to the District on or about December 23, 2009, through a Special Warranty Deed with Right of Reversion. A copy of that deed is attached as Exhibit 1 to the proposed Resolution provided with this agenda item. The Property was provided to the District for purposes of building a school site in the event that the District would need a middle school in the area to address student enrollment increases from new housing developments being planned.

The Special Warranty Deed with Right of Reversion contained a condition that the District substantially complete the construction of at least 3,000 useable square feet of classroom space on the Property within ten (10) years of the recording of the Special Warranty Deed with Right of Reversion, and expressly states:

“If Grantee [District] does not substantially complete the construction of at least 3,000 square feet of classroom space on or before said date, all right, title and interest in and to the Property shall automatically revert back to Grantor [Vistoso Partners] and Grantor’s heirs, devisees, assigns and successors in interest”;

The Special Warranty Deed with Right of Reversion was recorded on December 28, 2009 in the Pima County Recorder’s Office at Docket 13713, Pages 03724-03729.

Explanation for No School Being Built on Property

Vistoso provided the Property to the District under the Special Warranty Deed with Right of Reversion at no cost to the District. The District regularly examines student enrollment to plan and address District and

community needs. In fact, administration presents student enrollment projections to the Governing Board bi-annually each year. First, each spring as part of the staffing allocation process. Second, in the fall, the Board examines actual enrollment numbers after the 40th day of school as part of the District budget process. There has not been a need to construct a school on the Property since Vistoso recorded the deed to transfer the Property to the District more than ten (10) years ago.

Instead, the District has been able to absorb any new student enrollment from the housing developments in the area through existing District schools. Therefore, the District has never developed a need to spend District funds to construct a school on the Property to meet the Deed's prerequisite in order to avoid reversion of the Property to Vistoso. Notwithstanding this, the District likewise does not currently anticipate a future need for a school on the Property so as to warrant current use of District funds to attempt to retain the Property.

Lawsuit filed by Vistoso

On December 2, 2020, Vistoso sent the Quit Claim Deed attached as Exhibit 2 to the proposed Resolution to counsel for the District to demand return of the Property. Vistoso claims that the Property has reverted to Vistoso because the District did not construct a school of at least 3,000 square feet of classroom space on or before December 29, 2019.

When the District did not execute the Quit Claim Deed in response to the demand, Vistoso filed a lawsuit against the District in the Pima County Superior Court, Case No. C20210162 ("Lawsuit") on or about January 13, 2021. The Lawsuit seeks relief from the Pima County Superior Court in the form of an Order from the Court that provides the following:

1. Quieting title to the Property in favor of Vistoso,
2. Declaring that the Property has reverted to Vistoso and that the District does not have any interest in the Property, and
3. An Order that requires the District to reimburse Vistoso for its attorney's fees incurred with respect to the Lawsuit.

Proposed Terms of Settlement

After the Lawsuit was served, counsel for the District obtained an extension to answer the Lawsuit in an effort to determine first whether a resolution could be reached between the parties that would protect the District's interests and avoid expending District funds unnecessarily associated with the Lawsuit. Since then, counsel for the District has worked with Vistoso to develop a proposed resolution that would resolve the Lawsuit in a manner that is in the best interest of the District.

The proposed terms of settlement require Vistoso to dismiss the Lawsuit with prejudice, with each party to be responsible for their own attorney's fees and costs associated with the Lawsuit, in return for the District's agreement to execute the Quit Claim Deed attached as Exhibit 2 to the proposed Resolution on or before March 30, 2021. The District can still request and accept voluntary financial contributions from developers of the Property pursuant to the District's standard developer donation agreement. This is an important benefit since the District uses these financial contributions to mitigate the impact of the increased student population of a development on the District and to mitigate the limitation of the District's ability to build and furnish facilities.

Proposed Resolution

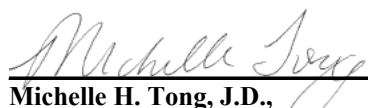
In Arizona, decisions about property transfers rests with the Governing Board of the school district. Administration cannot proceed with the proposed terms of settlement absent a Resolution from the Governing Board that approves the terms of settlement and authorizes the execution of the Quit Claim deed for the Property. Therefore, administration has prepared the proposed Resolution provided with this agenda item for this purpose. If approved and adopted by the Board, the proposed Resolution will demonstrate the Board’s approval of and authorization for the following:

1. Settlement of the Lawsuit under the proposed terms and conditions as described in this agenda item;
2. Execution of the Quit Claim Deed attached as Exhibit 2 to the proposed Resolution; and
3. Authorization for the Associate to the Superintendent and General Counsel to execute, acknowledge and deliver a settlement agreement with Vistoso with any changes, insertions and omissions therein as may be approved by her, together with the Quit Claim Deed attached as Exhibit 2 to the proposed Resolution, as well as to do, or cause to be done, any and all other acts and things necessary or proper for carrying out the proposed Resolution.

RECOMMENDATION:

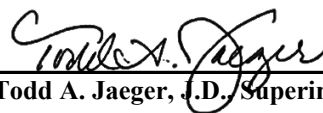
Administration recommends that the Board approve a Resolution authorizing: (1) the terms of the settlement of the Lawsuit with Vistoso; (2) execution of the Quit Claim Deed attached as Exhibit 2 to the proposed Resolution, and (3) permitting the Associate to the Superintendent to execute all necessary documents to effect the transition of the Property to Vistoso Partners under the conditions set forth above.

INITIATED BY:



Michelle H. Tong, J.D.,
Associate to the Superintendent and General Counsel

Date: March 8, 2021



Todd A. Jaeger, J.D., Superintendent

RESOLUTION OF THE GOVERNING BOARD OF AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10 OF PIMA COUNTY, ARIZONA, APPROVING A SETTLEMENT AGREEMENT TO RESOLVE THE LAWSUIT FILED BY VISTOSO PARTNERS, LLC AND AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED AND RELATED INSTRUMENTS, AND DETERMINATION OF OTHER MATTERS IN CONNECTION THEREWITH.

At a duly called meeting of the governing body of Amphitheater Unified School District No. 10 of Pima County Arizona held on the 9th day of March, 2021, in accordance with all applicable legal requirements, including the Arizona Open Meeting Law, the following resolution was introduced and adopted:

WHEREAS, the Governing Board of Amphitheater Unified School District No. 10 of Pima County, Arizona (“District”) acquired approximately 40.72 acres (“Property”) in Pima County, Arizona from Vistoso Partners, LLC (“Vistoso”) on or about December 23, 2009, through a Special Warranty Deed with Right of Reversion, a copy of which is attached as Exhibit 1, for purposes of building a school site in the event that the District needed another school to address student enrollment increases from new housing developments planned in that area;

WHEREAS, the Special Warranty Deed with Right of Reversion contained a condition that the District substantially complete the construction of at least 3,000 useable square feet of classroom space on the Property within ten (10) years of the recording of the Special Warranty Deed with Right of Reversion, and expressly states:

“If Grantee does not substantially complete the construction of at least 3,000 square feet of classroom space on or before said date, all right, title and interest in and to the Property shall automatically revert back to Grantor and Grantor’s heirs, devisees, assigns and successors in interest”;

WHEREAS, the Special Warranty Deed with Right of Reversion was recorded on December 28, 2009 in the Pima County Recorder’s Office at Docket 13713, Pages 03724-03729;

WHEREAS, the District has been able to absorb any new student enrollment from the housing developments through its existing schools; therefore, the District never developed the need for a school on the Property in the ten (10) years following the recordation of the Special Warranty Deed with Right of Reversion and it does not currently anticipate any future need for a school on the Property that would sufficiently warrant using current District funds to attempt to retain the Property;

WHEREAS, Vistoso claims that the Property has reverted to Vistoso because the District did not construct a school of at least 3,000 square feet of classroom space on or before December 29, 2019 and, as a result, it tendered the Quit Claim Deed attached as Exhibit 2 to the District on or about December 2, 2020, for return the Property to Vistoso;

WHEREAS, Vistoso filed a lawsuit against the District in the Pima County Superior Court, Case No. C20210162 (“Lawsuit”) on or about January 13, 2021, which seeks to: (i) quiet title to the Property, (ii) request that the Court declare that the Property has reverted to Vistoso, and (iii) order the District to reimburse Vistoso for its attorney’s fees incurred with respect to the Lawsuit;

WHEREAS, the District and Vistoso wish to resolve the Lawsuit in a manner that dismisses the Lawsuit with

prejudice with each party being responsible for their own attorney's fees associated with the Lawsuit, avoids the District incurring any additional costs related to the Property, and confirms in writing through a Quit Claim Deed that the Property has reverted to Vistoso; and

WHEREAS, the signing of a Quit Claim Deed confirming the reversion of the Property to Vistoso in accordance with the terms of the Special Warranty Deed with Right of Reversion recorded at Docket 13713, Pages 03724-03729 is permitted by Title 15, Arizona Revised Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10 OF PIMA COUNTY, ARIZONA AS FOLLOWS:

Section 1. The terms of the settlement of the Lawsuit with Vistoso in the form presented during the March 9, 2021 meeting, which are hereby fully incorporated by reference into this Resolution, including the execution of the Quit Claim Deed identified as Exhibit 2 to this Resolution, are in the best interests of District and are hereby approved;

Section 2. The Quit Claim Deed attached as Exhibit 2 for the right of reversion granted pursuant to the Special Warranty Deed with Right of Reversion recorded at Docket 13713, Pages 03724-03729 is hereby approved;

Section 3. The Associate to the Superintendent and General Counsel, Michelle H. Tong, is authorized to execute, acknowledge and deliver a settlement agreement with Vistoso with any changes, insertions and omissions therein as may be approved by her, such approval to be conclusively evidenced by such execution and delivery of said documents, together with the Quit Claim Deed attached as Exhibit 2, as well as to do, or cause to be done, any and all other acts and things necessary or proper for carrying out this Resolution and the plan approved for the Property by this Governing Board of March 9, 2021.

The undersigned further certifies that the above resolution was approved by the Governing Board of Amphitheater Unified School District No. 10 of Pima County, Arizona on March 9, 2021, and remains in full force and effect.

Executed on this 9th day of March, 2021 by:

Governing Board Members:

Susan Zibrat
President

Deanna M. Day, M.Ed.
Vice-President

Scott K. Baker, Ph.D.

Vicki Cox Golder

Matthew A. Kopec

EXHIBIT 1

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: LLW
DEPUTY RECORDER
1956 PE-2



DOCKET: 13713
PAGE: 3724
NO. OF PAGES: 6
SEQUENCE: 20092481135
12/28/2009
WTDEED 18:00
PICKUP
AMOUNT PAID \$ 10.00

TEATI
FIRST AMERICAN TITLE
PICK UP
TUCSON AZ 85718

5259251

SPECIAL WARRANTY DEED WITH RIGHT OF REVERSION

A3.

FOR AND IN CONSIDERATION of Ten Dollars (\$10.00) and other valuable consideration, Vistoso Partners, L.L.C., an Arizona limited liability company ("Grantor"), hereby conveys to Amphitheater Unified School District No. 10 of Pima County, Arizona ("Grantee"), the real property situated in the County of Pima, State of Arizona, which is legally described on Exhibit "A" annexed hereto and incorporated herein by reference (the "Property"), so long as Grantee substantially completes the construction of at least 3,000 useable square feet of classroom space on the Property on or before the date which is the tenth (10th) anniversary of the date of the recording of this instrument in the Office of the Recorder of Pima County, Arizona. If Grantee does not substantially complete the construction of at least 3,000 square feet of classroom space on or before said date, all right, title, and interest in and to the Property shall automatically revert back to Grantor and Grantor's heirs, devisees, assigns and successors in interest. The reversionary interests created by this instrument shall run with the land and shall be binding on Grantee and its grantees, heirs, devisees, assigns and successors in interest.

The foregoing conveyance is made SUBJECT TO current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations, liabilities and all other matters as may appear herein and of record and all matters which an accurate survey of the Property or a physical inspection of the Property would disclose. Grantor binds itself to warrant and

13713
03724

6

defend title to the Property solely against all acts of Grantor and no other, subject to the matters described above.

DATED this 23 day of December, 2009.

VISTOSO PARTNERS, L.L.C., an
Arizona limited liability
company

By: [Signature]

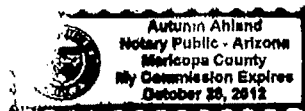
Its: Manager

State of Arizona)
) ss.
County of Maricopa)

Acknowledged before me this 23 day of December, 2009 by
Ashon Wolfswinkel, as Manager of VISTOSO
PARTNERS, L.L.C., an Arizona limited liability company.

[Signature]
Notary Public

My Commission Expires:



1071303725

EXHIBIT A
LEGAL DESCRIPTION

100-1000000000



**LEGAL DESCRIPTION
RANCHO VISTOSO NEIGHBORHOOD 5
PARCEL 5R NEW
SCHOOL SITE**

Those portions of Section 36, Township 11 South, Range 13 East, and Section 31, Township 11 South, Range 14 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

COMMENCING at the Northwest corner of said Section 31;

THENCE S00°01'02" E, along the West line of the Northwest Quarter (NW 1/4) of said Section 31, a distance of 2,192.01 feet to the **POINT OF BEGINNING**;

THENCE S 52°30'00" E, 97.08 feet;

THENCE S 80°00'00" E, 440.00 feet;

THENCE N 49°29'10" E, 135.56 feet;

THENCE N 83°50'20" E, 304.08 feet to a point on the Westerly line of the Conservation Easement recorded in Docket 11873, Page 363;

THENCE S 04°28'29" E, along said line a distance of 1153.45 feet;

THENCE S 25°11'21" E, along said line a distance of 355.78 feet;

THENCE S 69°09'23" W, 357.95 feet;

THENCE N 32°01'49" W, 661.37 feet

THENCE N 71°59'20" W, 232.18 feet to the Easterly corner of Common Area "A"/Natural open Space as shown in sheet 3 of Rancho Vistoso Parcel T, Neighborhood 5, recorded in Book 47, Maps and Plats, Page 68;

THENCE continue N 71°59'20" W, along the Easterly line of said plat, a distance of 470.00 feet;

THENCE N 34°21'25" W, along said line a distance of 1128.52 feet to the Southerly corner of a parcel conveyed to the Town of Oro Valley in Docket 10285, Page 387;

THENCE S 90°00'00" E, along said parcel a distance of 72.27 feet;

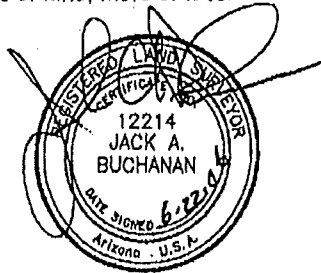


THENCE N 00°00'00" E, along said parcel a distance of 100.00 feet;
THENCE N 90°00'00" W, along said parcel a distance of 100.00 feet;
THENCE S 00°00'00" W, along said parcel a distance of 59.44 feet to a point on the Easterly line of said Rancho Vistoso Parcel T, Neighborhood 5;
THENCE N 34°21'25" W, along said line a distance of 308.96 feet;
THENCE S 78°42'10" E, 159.08 feet to a point of curvature of a tangent curve concave to the North;
THENCE Easterly along the arc of said tangent curve to the left, having a radius of 440.00 feet, a central angle of 44°31'27", for an arc distance of 341.92 feet to a point of a non-tangent line;
THENCE S 52°30'00" E, 695.28 feet to the POINT OF BEGINNING.

CONTAINING 40.72 acres of land, more or less.

Prepared By:
THE WLB GROUP, INC.

Jack A. Buchanan
JAB: mo



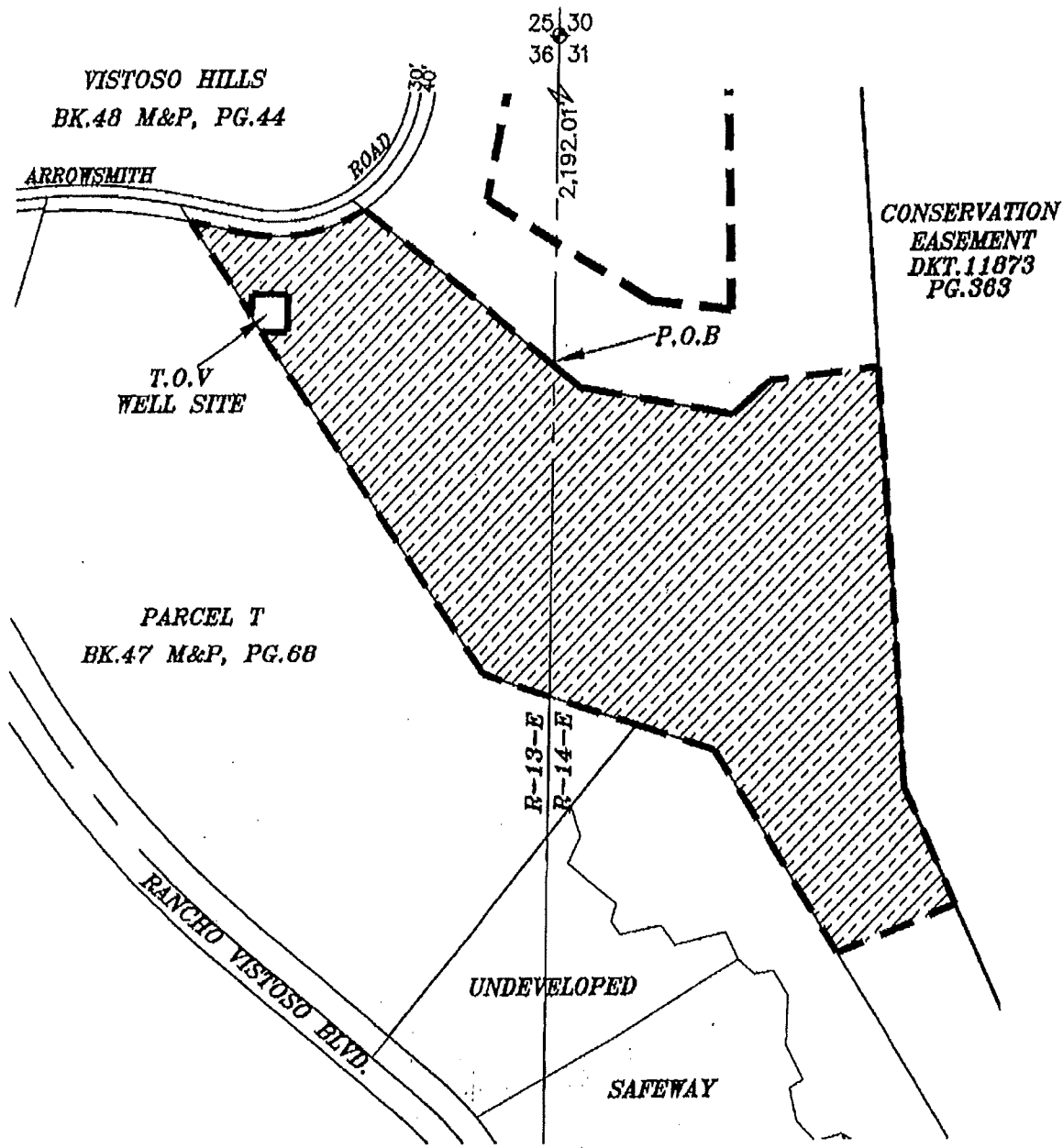


EXHIBIT TO ACCOMPANY DESCRIPTION OF
 AMPHI SCHOOL DISTRICT PARCEL
 WITHIN
 RANCHO VISTOSO NEIGHBORHOOD 5
 SECTION 36, T. 11 S., R. 13 E., G.S.R.M.,
 SECTION 31, T. 11 S., R. 14 E., G.S.R.M.,
 PIMA COUNTY, ARIZONA

13713 08729

1" = 400'



WLB# project No. 185050-A005-1003X
 06-06 N:\185050\NEIGH5\EXHIBITS\AMPHI SCHOOL.DWG

EXHIBIT 2

When recorded mail to:

Florence M. Bruemmer
Law Office of Florence M. Bruemmer, P.C.
42104 N. Venture Dr., A122
Anthem, AZ 85086

QUIT-CLAIM DEED TO QUIET TITLE

For the consideration of Five Dollars (\$5.00) and pursuant to A.R.S. §12-1103, AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10 OF PIMA COUNTY, ARIZONA ("Grantor"), hereby quit-claims to VISTOSO PARTNERS, L.L.C., an Arizona limited liability company ("Grantee"), all right, title or interest in the following real property situated in Pima County, Arizona which is legally described on Exhibit "A".

The foregoing conveyance is make SUBJECT TO current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations, liabilities and all other matters as may appear herein and of record and all matters which an accurate survey of the Property or a physical inspection of the Property would disclose.

Pursuant to A.R.S. §11-1134(A)(4), no affidavit and filing fee are required to be filed herewith.

DATED this ____ day of _____ 2020.

of AMPHITHEATHER
UNIFIED SCHOOL DISTRICT NO. 10
OF PIMA COUNTY, ARIZONA

STATE OF ARIZONA)
) ss.
County of)

The foregoing instrument was acknowledged before me this ____ day of _____ 2020, by

Notary Public

My Commission Expires:

EXHIBIT A
LEGAL DESCRIPTION

100-100 000-010



LEGAL DESCRIPTION
RANCHO VISTOSO NEIGHBORHOOD 5
PARCEL 5R NEW
SCHOOL SITE

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100-1-3 000-1-4



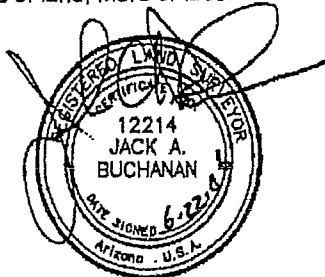
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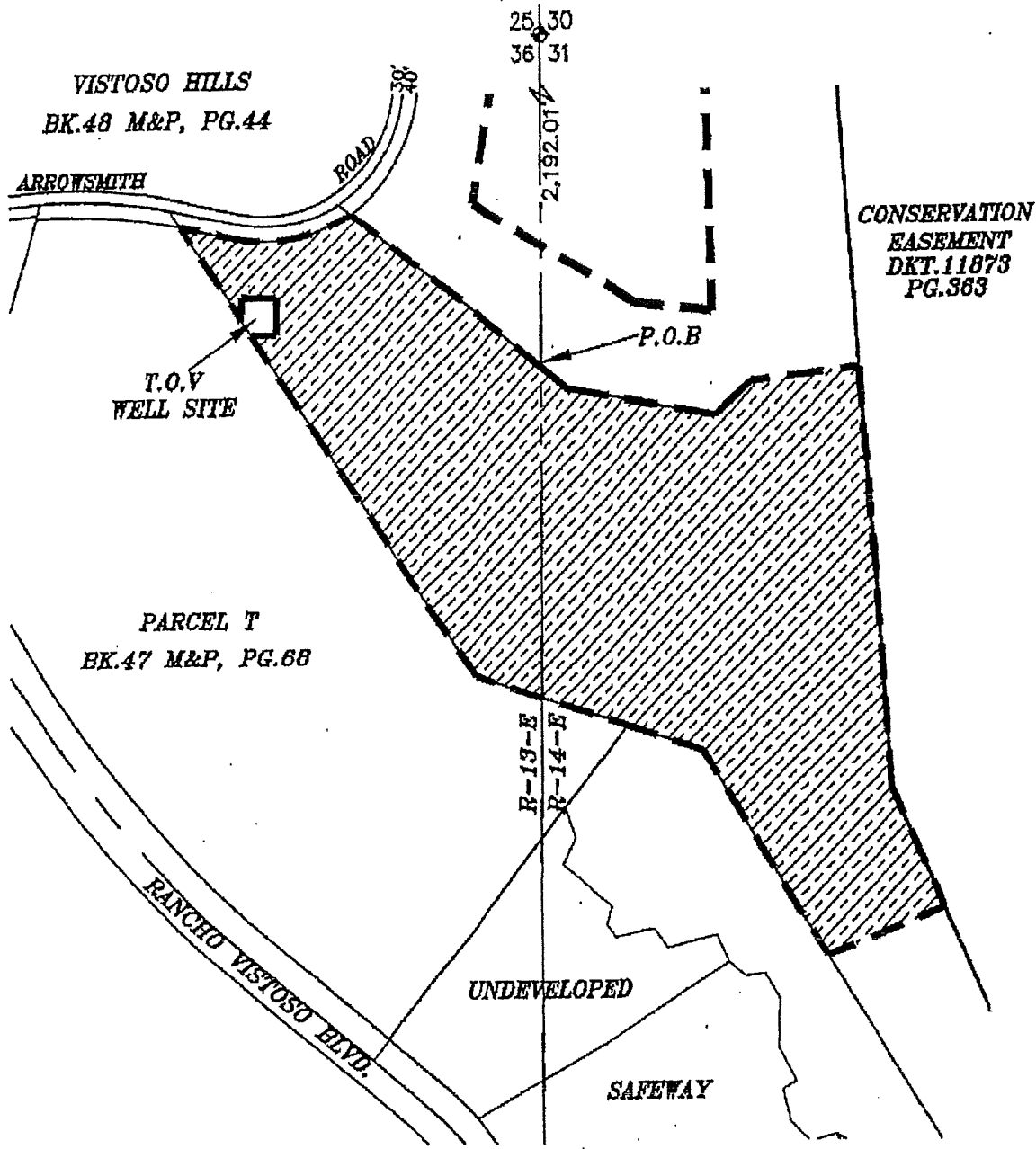
Prepared By:

THE WLB GROUP, INC.

Jack A. Buchanan
JAB: mo



185050-005-1003X



**EXHIBIT TO ACCOMPANY DESCRIPTION OF
 AMPHI SCHOOL DISTRICT PARCEL
 WITHIN
 RANCHO VISTOSO NEIGHBORHOOD 5
 SECTION 36, T. 11 S., R. 13 E., G.S.R.M.,
 SECTION 31, T. 11 S., R. 14 E., G.S.R.M.,
 PIMA COUNTY, ARIZONA**

170113 001305

WLB# project No. 185050-A005-1003X
 06-06 N:\185050\NEIGH5\EXHIBITS\AMPHI SCHOOL.DWG

1"=400'

The WLB Group



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

**TITLE: Approval of School Facilities Board (SFB) Grant for Ironwood Ridge High School
 HVAC Controls Repair**

BACKGROUND:

On February 22, 2021 the District submitted a School Facilities Board (SFB) Grant request to repair the HVAC controls at Ironwood Ridge High School. The SFB Director has approved this grant request under the Executive Authority provisions of the SFB on February 23, 2021 in the amount of \$3,853.08.

The Governing Board is required to approve the grant's attached terms and conditions to accept this award.

Grant Number: SFB-ERR-00695

Grant Amount: \$3,853.08

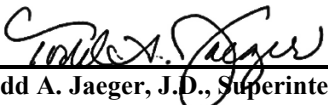
RECOMMENDATION:

It is the recommendation of the Administration that the Governing Board accepts the SFB grant number SFB-ERR-00695 in the amount of \$3,853.08 to repair the HVAC controls at Ironwood Ridge High School and authorize the Governing Board President to sign the attached Terms and Conditions.

INITIATED BY:


Jim Burns, Executive Manager, Operational Support

Date: March 2, 2021


Todd A. Jaeger, J.D., Superintendent

SCHOOL FACILITIES BOARD

Adopted: December 4, 2008

Modified: November 4, 2009, June 23, 2010, July 11, 2012, October 9, 2013, April 6, 2016, December 8, 2016, October 4, 2017, July 11, 2018, January 8, 2020, May 6, 2020

TERMS AND CONDITIONS FOR ACCEPTANCE OF MONIES FROM BUILDING RENEWAL GRANT FUND

1. PURPOSE OF TERMS AND CONDITIONS

These Terms and Conditions apply to the distribution of monies by the Arizona School Facilities Board ("Board") from the Building Renewal Grant Fund ("Fund") pursuant to Arizona Revised Statutes, ("A.R.S.") §15-2032, §15-2001, and §15-2002.

These monies are being awarded to the District for the purpose of maintaining the adequacy of existing school facilities owned by school districts that are required to meet the minimum adequacy standards for student capacity and that fall below the minimum school facility guidelines. Districts are prohibited from using monies from the Fund awarded pursuant to these Terms and Conditions on any project that is in a building, or part of a building, that is being leased to another entity. All monies used must be in compliance with the statutory requirements found in A.R.S. §15-2032 and the Building Renewal Grant Policy adopted on October 2, 2008 and as subsequently amended, as well as any applicable session law.

2. TERM OF TERMS AND CONDITIONS

The term of these Terms and Conditions shall begin on the date of the District's signature and shall continue until the Completion Report, pursuant to Paragraph 4.2, is received by the Board and the Project is closed.

2.1 ABANDONMENT OF THE PROJECT

A Project is considered to be abandoned if construction has not begun within four months of Board approval of construction funding. In such an instance, any unspent monies advanced by the Board to the District must be returned to the Board within thirty (30) days.

3. FINANCIAL CONDITIONS

The District will accept a grant from the Fund in accordance with all applicable state statutes and rules, and will expend the funds in compliance with all provisions of such statutes and rules, including but not limited to, the following:

- a. Use of fiscal control and fund accounting procedures as prescribed in the Uniform System of Financial Records, which will ensure proper disbursement of, and accounting for, monies paid to the District from the Fund;
- b. Compliance with the School District Procurement Rules adopted by the Arizona State Board of Education, the USFR purchasing guidelines, and the School Facilities Board's policies for procurement, as applicable;
- c. Compliance with all applicable state, federal, and local codes and laws related to buildings and building access, including permitting requirements of the Department of Environmental Quality for any construction project;
- d. Compliance with any applicable federal, state and local health or safety requirements;
- e. Any award based on an estimate is subject to School Facilities Board staff approval of the procurement process and award of the bid or quote as applicable prior to distribution of funds to the district;
- f. The School Facilities Board will require a pre-award meeting with the selected contractor before any funding is made available. School district non-compliance with these Terms and Conditions and/or non-performance through Closeout of the project may result in the delay of payments until the issue is corrected.

3.1 UNIFORM SYSTEM OF FINANCIAL RECORDS

The District will maintain records as required by the Uniform System of Financial Records and provide access to those records to the Board as necessary to perform its duties. The District will cooperate with the Board or the Auditor General or any of their authorized representatives when audits are conducted as authorized by law. This cooperation includes access without unreasonable restrictions to the District's records and personnel for the purpose of obtaining relevant information.

3.2 SURPLUS FUNDS

If the final cost of the Project is less than the amount awarded by the Board, the District shall return the unspent monies to the Board.

3.3 UNFORESEEN CONDITIONS

The District shall notify SFB staff if any unforeseen conditions arise during project implementation. SFB staff will direct the District on how to proceed. The District must submit an executable Change Order which includes the signature of the District Representative, Architect, and contractor prior to receiving written approval from SFB staff to proceed. The Change Order is not considered executed until signed by SFB staff. The Change Order will also indicate any changes to the

contract value, contract schedule, and contract scope. No work shall proceed without a fully executed Change Order. Any work the school district approves prior to the executed change order is the financial responsibility of the school district.

Pursuant to A.R.S. 15-2001.J.2., if a school district approves (If the District issues a purchase order or authorizes start the work) work referenced in a change order before the Board ('The Board' for the purposes of this Change Order is interchangeable with 'SFB Staff') approves the Change Order, the school district is responsible for the cost and construction of the project ('The Project' is defined for the purposes of the Change Order as the work defined in the Change Order).

3.4 LOCAL FUNDS

If the District intends to supplement the Project with additional funds, the District shall provide to the Board an itemized purchase order signed by a District representative authorized to make the expenditure. The District's purchase order shall clearly indicate the amount being committed in each project.

3.5 SCOPE OF WORK

Any change in the scope of work shall be implemented by a Change Order. The District must submit an executable Change Order which includes the signature of the District Representative, Architect, and contractor prior to receiving written approval from SFB staff to proceed. The Change Order is not considered executed until signed by SFB staff. No work shall proceed without a fully executed Change Order. If changes in the scope of work are made without SFB staff approval, the SFB will not release any funding for the changes in the scope of work, and further may consider the Project abandoned. Any work the school district approves prior to the executed change order is the financial responsibility of the school district. The District shall return any unspent monies to the Board, and reimburse the Fund for monies spent without proper authorization from the Board within thirty (30) days of being notified by the Board.

3.6 FUTURE REPAIRS – THIS SECTION SURVIVES THE TERMINATION OF THIS AGREEMENT

To the extent allowed by law, if the District has contributed local funds to pay for an upgrade of the Project beyond that required by the minimum school facilities guidelines; any increase in the cost of a future repair or replacement shall be paid for proportional to the original cost sharing.

4. REPORTING REQUIREMENTS

The District will make reports to the Board as requested, and will cooperate with any evaluation of the grant and/or project as required by the Board. All expenditures and projects are subject to audit. All construction and related contracts entered into by the District shall contain a clause that will permit the Board and/or the District to audit the contract.

4.1 PUBLIC RECORD

Any application, report or plan, including school designs or architectural drawings relating to the funded Project in the possession of the District or its agents or designees is deemed a public record as defined by Arizona law.

4.2 COMPLETION REPORT

The District shall provide a completion report in a format prescribed by the Board, and shall maintain records for five years following the completion of the project, which show:

- a. The amounts received from the Fund;
- b. How the District spent the monies received from the Fund;
- c. The total cost of the project;
- d. The share of the total cost provided from other sources;
- e. A list of all change orders that were approved and denied for a construction project.

5. INSURANCE REQUIREMENTS

For all construction projects, the District agrees to secure insurance coverage for purposes of general liability, property damage and workers' compensation and secure performance and payment bonds.

6. AUDIT OF RECORDS

Pursuant to A.R.S. §§ 35-214 and 35-215, the District shall retain and shall contractually require each subcontractor to retain all data, books and other records ("records") relating to these Terms and Conditions for a period of five years after completion of these Terms and Conditions. All records shall be subject to inspection and audit by the State for five years after the termination of these Terms and Conditions.

7. AVAILABILITY OF FUNDS

Every payment obligation of the State under these Terms and Conditions is conditioned upon the availability of funds allocated for the payment of such obligations. If funds are not allocated and available for the continuance of the Project, these Terms and Conditions may be terminated by the State at the end of the period for which funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

8. RESOLUTION OF DISPUTES

The Parties to these Terms and Conditions agree to resolve all disputes arising out of or relating to these Terms and Conditions through arbitration, after exhausting applicable administrative review (pursuant to Title 41, Chapter 6, Article 10), to the extent required by A.R.S. § 12-1518, except as may be required by other applicable statutes.

9. NON-DISCRIMINATION

The Parties shall comply with Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities and all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. The Parties shall take affirmative action to ensure that Districts for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability. However, Indian tribes are exempt from the definition of employer for both Federal and State Civil Rights Act.

10. TERMINATION

Each party shall have the right to terminate this Agreement by notifying the other party in writing of the termination at least thirty (30) days prior to the effective date of said termination. If the Agreement is terminated by the Board, the District shall be paid for all the allowable costs incurred prior to the date of termination, and only cost determined appropriate by SFB staff to de-mobilize the contractor from the work site, if applicable.

The payment of costs may be subject to audit verification by the Board or its duly authorized representative.

11. ASSIGNMENT AND DELEGATION

Neither party may assign any rights hereunder without the express, prior written consent of both parties.

12. CANCELLATION FOR CONFLICT OF INTEREST

The parties acknowledge that these Terms and Conditions are subject to the cancellation provisions set forth in A.R.S. §38-511.

13. ENTIRE AGREEMENT

These Terms and Conditions contain the entire understanding of the parties hereto. There are no representations or provisions other than those contained herein. Any amendment or modification of these Terms and Conditions shall be consistent with Section 1 of these Terms and Conditions.

14. APPLICABLE LAW

These Terms and Conditions shall be governed and interpreted by the laws of the State of Arizona.

15. THIRD PARTY ANTITRUST VIOLATIONS

The District assigns to the State any claim for overcharges resulting from antitrust violations to the extent that such violations concern materials or services supplied by third parties to the District toward fulfillment of these Terms and Conditions.

16. PROGRAM REVIEW AND SITE VISITS

The Board has the right to make site visits at reasonable intervals for purposes of review of Project accomplishments and management control systems and to provide technical assistance, if required. The District will provide reasonable access to facilities, office space, resources, and assistance for the safety and convenience to the Board's representatives in the performance of their duties. All site visits and evaluations must be performed in a manner that does not unduly interfere with or delay the work.

17. RIGHT TO USE, DUPLICATE AND DISCLOSE

The Board may duplicate, use, and disclose in any manner and for any purpose whatsoever, within the limits established by Federal and State laws and regulations, all information relating to these Terms and Conditions.

The District agrees that any negotiations, agreements, and/or contracts between the District and Architect(s) for the design of the Project shall provide that the Board retains the right to use design documents limited to Site Plan, Exterior Elevations, Floor Plans, models, photographs, and renderings for the following, restricted purposes:

- a) To acknowledge Architects and their school designs successfully funded by the Board;
- b) To create a resource collection of promotional architectural designs for elementary, middle and high schools that will be available to other school districts to use as a school design resource.

It is understood that other school districts cannot use the District's design plans as their own as mandated by Code and Rules under the Arizona State Board of Technical Registration. Artistic representations shall not contain confidential nor proprietary information, but shall include professional credit for the architect and engineers of the successful project.

18. FEDERAL IMMIGRATION AND NATIONALITY ACT

By entering into the Contract, the District warrants compliance with the Federal Immigration and Nationality Act (FINA) and all other Federal immigration laws and regulations related to the immigration status of its employees. The District shall obtain statements from its contractors and its subcontractors certifying compliance and shall furnish the statements to the Board upon request. These warranties shall remain in effect through the term of the Terms and Conditions. The District and its contractor and its subcontractors shall also maintain Employment Eligibility Verification forms (I-9) as required by the U.S. Department of Labor's Immigration and Control Act, for all employees performing work under the Contract. I-9 forms are available for download at USCIS.GOV.

The State may request verification of compliance for any of the District's contractors or subcontractors performing work under these Terms and Conditions. Should the State suspect or find that the District or its contractor or any of its subcontractors are not in compliance, the State may pursue any and all remedies allowed by law, including, but not limited to: suspension of work, termination of the Terms and Conditions for default, and suspension and/or debarment of the contractor. All costs necessary to verify compliance are the responsibility of the contractor.

19. E-VERIFY REQUIREMENTS PURSUANT TO A.R.S. § 41-4401

19.1 WARRANT COMPLIANCE

The District's contractors must warrant compliance with all Federal immigration laws and regulations relating to employees and warrant its compliance with A.R.S. § 23-214(A). (That subsection reads: After December 31, 2007, each employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-verify program.)

19.2 BREACH OF WARRANTY

A breach of warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of contract and the contractor may be subject to penalties up to and including termination of the contract.

19.3 FAILURE TO COMPLY

Failure to comply with a Board audit process to randomly verify the employment of contractors and subcontractors shall be deemed a material breach of contract and the contractor may be subject to penalties up to and including termination of the contract.

19.4 INSPECTION

The Board retains the legal right to inspect the papers of any employee who works on the Project to ensure that the contractor or subcontractor is complying with the warranty under Paragraph 19.1.

20. REIMBURSEMENTS FOR INVESTIGATIONS, ASSESSMENTS, REPAIRS AND REPLACEMENTS.

The Board may enter into additional agreements with the District that authorize the District to utilize Board funded investigations, assessments, repairs or replacements for construction defect litigation. This agreement may require the District to reimburse the Board an agreed upon amount for the expenses incurred in obtaining those investigations, repairs or replacements if, upon the completion of the legal action, the District receives damages.

21. PROHIBITED BEHAVIOR-BOYCOTT OF ISRAEL

The District warrants that its contractors are not engaged in a boycott of Israel as defined by

A.R.S. §35-393.01.

22. FLOW-DOWN REQUIREMENTS

The District shall comply with requirements of applicable Federal, State and local laws, regulations, policy and guidance, and shall flow down the requirements of applicable Federal, State, and local laws, regulations, policy and guidance to contractors and subcontractors at any tier to the extent necessary to ensure compliance with the requirements.

The District shall comply with all laws, statutes, ordinances, rules, codes, and regulations applicable to any school district.

23. CERTIFICATION / AUTHORIZATION

These Terms and Conditions must be signed by the President of the Governing Board, Superintendent, CFO/Business Manager, and Facilities Director of the District and certifies that he or she has read these Terms and Conditions and represents and warrants that he or she is duly authorized to agree and accept and therefore sign these Terms and Conditions on behalf of the District.

Governing Board President (signature)
Susan Zibrat
Name (printed/typed)

Date
Amphitheater Unified School
District No. 10
School District

Superintendent (signature)
Todd A. Jaeger, J.D.
Name (printed/typed)

Date

CFO/Business Manager (signature)
Scott Little
Name (printed/typed)

Date



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: March 9, 2021

TITLE: Approval of School Facilities Board (SFB) Grant for Wilson K-8 School Chiller Compressor Replacement

BACKGROUND:

On February 17, 2021 the District submitted a School Facilities Board (SFB) Grant request to replace a compressor in the chiller at Wilson K-8 School. The SFB Director has approved this grant request under the Executive Authority provisions of the SFB on February 18, 2021 in the amount of \$36,041.79.

The Governing Board is required to approve the grant's attached terms and conditions to accept this award.

Grant Number: BRG-CONST-00356

Grant Amount: \$36,041.79

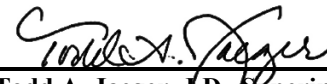
RECOMMENDATION:

It is the recommendation of the Administration that the Governing Board accepts the SFB grant number BRG-CONST-00356 in the amount of \$36,041.79 to replace a compressor in the chiller Wilson K-8 School and authorize the Governing Board President to sign the attached Terms and Conditions.

INITIATED BY:


Jim Burns, Executive Manager, Operational Support

Date: March 2, 2021


Todd A. Jaeger, J.D., Superintendent

SCHOOL FACILITIES BOARD

Adopted: December 4, 2008

Modified: November 4, 2009, June 23, 2010, July 11, 2012, October 9, 2013, April 6, 2016, December 8, 2016, October 4, 2017, July 11, 2018, January 8, 2020, May 6, 2020

TERMS AND CONDITIONS FOR ACCEPTANCE OF MONIES FROM BUILDING RENEWAL GRANT FUND

1. PURPOSE OF TERMS AND CONDITIONS

These Terms and Conditions apply to the distribution of monies by the Arizona School Facilities Board ("Board") from the Building Renewal Grant Fund ("Fund") pursuant to Arizona Revised Statutes, ("A.R.S.") §15-2032, §15-2001, and §15-2002.

These monies are being awarded to the District for the purpose of maintaining the adequacy of existing school facilities owned by school districts that are required to meet the minimum adequacy standards for student capacity and that fall below the minimum school facility guidelines. Districts are prohibited from using monies from the Fund awarded pursuant to these Terms and Conditions on any project that is in a building, or part of a building, that is being leased to another entity. All monies used must be in compliance with the statutory requirements found in A.R.S. §15-2032 and the Building Renewal Grant Policy adopted on October 2, 2008 and as subsequently amended, as well as any applicable session law.

2. TERM OF TERMS AND CONDITIONS

The term of these Terms and Conditions shall begin on the date of the District's signature and shall continue until the Completion Report, pursuant to Paragraph 4.2, is received by the Board and the Project is closed.

2.1 ABANDONMENT OF THE PROJECT

A Project is considered to be abandoned if construction has not begun within four months of Board approval of construction funding. In such an instance, any unspent monies advanced by the Board to the District must be returned to the Board within thirty (30) days.

3. FINANCIAL CONDITIONS

The District will accept a grant from the Fund in accordance with all applicable state statutes and rules, and will expend the funds in compliance with all provisions of such statutes and rules, including but not limited to, the following:

- a. Use of fiscal control and fund accounting procedures as prescribed in the Uniform System of Financial Records, which will ensure proper disbursement of, and accounting for, monies paid to the District from the Fund;
- b. Compliance with the School District Procurement Rules adopted by the Arizona State Board of Education, the USFR purchasing guidelines, and the School Facilities Board's policies for procurement, as applicable;
- c. Compliance with all applicable state, federal, and local codes and laws related to buildings and building access, including permitting requirements of the Department of Environmental Quality for any construction project;
- d. Compliance with any applicable federal, state and local health or safety requirements;
- e. Any award based on an estimate is subject to School Facilities Board staff approval of the procurement process and award of the bid or quote as applicable prior to distribution of funds to the district;
- f. The School Facilities Board will require a pre-award meeting with the selected contractor before any funding is made available. School district non-compliance with these Terms and Conditions and/or non-performance through Closeout of the project may result in the delay of payments until the issue is corrected.

3.1 UNIFORM SYSTEM OF FINANCIAL RECORDS

The District will maintain records as required by the Uniform System of Financial Records and provide access to those records to the Board as necessary to perform its duties. The District will cooperate with the Board or the Auditor General or any of their authorized representatives when audits are conducted as authorized by law. This cooperation includes access without unreasonable restrictions to the District's records and personnel for the purpose of obtaining relevant information.

3.2 SURPLUS FUNDS

If the final cost of the Project is less than the amount awarded by the Board, the District shall return the unspent monies to the Board.

3.3 UNFORESEEN CONDITIONS

The District shall notify SFB staff if any unforeseen conditions arise during project implementation. SFB staff will direct the District on how to proceed. The District must submit an executable Change Order which includes the signature of the District Representative, Architect, and contractor prior to receiving written approval from SFB staff to proceed. The Change Order is not considered executed until signed by SFB staff. The Change Order will also indicate any changes to the

contract value, contract schedule, and contract scope. No work shall proceed without a fully executed Change Order. Any work the school district approves prior to the executed change order is the financial responsibility of the school district.

Pursuant to A.R.S. 15-2001.J.2., if a school district approves (If the District issues a purchase order or authorizes start the work) work referenced in a change order before the Board ('The Board' for the purposes of this Change Order is interchangeable with 'SFB Staff') approves the Change Order, the school district is responsible for the cost and construction of the project ('The Project' is defined for the purposes of the Change Order as the work defined in the Change Order).

3.4 LOCAL FUNDS

If the District intends to supplement the Project with additional funds, the District shall provide to the Board an itemized purchase order signed by a District representative authorized to make the expenditure. The District's purchase order shall clearly indicate the amount being committed in each project.

3.5 SCOPE OF WORK

Any change in the scope of work shall be implemented by a Change Order. The District must submit an executable Change Order which includes the signature of the District Representative, Architect, and contractor prior to receiving written approval from SFB staff to proceed. The Change Order is not considered executed until signed by SFB staff. No work shall proceed without a fully executed Change Order. If changes in the scope of work are made without SFB staff approval, the SFB will not release any funding for the changes in the scope of work, and further may consider the Project abandoned. Any work the school district approves prior to the executed change order is the financial responsibility of the school district. The District shall return any unspent monies to the Board, and reimburse the Fund for monies spent without proper authorization from the Board within thirty (30) days of being notified by the Board.

3.6 FUTURE REPAIRS – THIS SECTION SURVIVES THE TERMINATION OF THIS AGREEMENT

To the extent allowed by law, if the District has contributed local funds to pay for an upgrade of the Project beyond that required by the minimum school facilities guidelines; any increase in the cost of a future repair or replacement shall be paid for proportional to the original cost sharing.

4. REPORTING REQUIREMENTS

The District will make reports to the Board as requested, and will cooperate with any evaluation of the grant and/or project as required by the Board. All expenditures and projects are subject to audit. All construction and related contracts entered into by the District shall contain a clause that will permit the Board and/or the District to audit the contract.

4.1 PUBLIC RECORD

Any application, report or plan, including school designs or architectural drawings relating to the funded Project in the possession of the District or its agents or designees is deemed a public record as defined by Arizona law.

4.2 COMPLETION REPORT

The District shall provide a completion report in a format prescribed by the Board, and shall maintain records for five years following the completion of the project, which show:

- a. The amounts received from the Fund;
- b. How the District spent the monies received from the Fund;
- c. The total cost of the project;
- d. The share of the total cost provided from other sources;
- e. A list of all change orders that were approved and denied for a construction project.

5. INSURANCE REQUIREMENTS

For all construction projects, the District agrees to secure insurance coverage for purposes of general liability, property damage and workers' compensation and secure performance and payment bonds.

6. AUDIT OF RECORDS

Pursuant to A.R.S. §§ 35-214 and 35-215, the District shall retain and shall contractually require each subcontractor to retain all data, books and other records ("records") relating to these Terms and Conditions for a period of five years after completion of these Terms and Conditions. All records shall be subject to inspection and audit by the State for five years after the termination of these Terms and Conditions.

7. AVAILABILITY OF FUNDS

Every payment obligation of the State under these Terms and Conditions is conditioned upon the availability of funds allocated for the payment of such obligations. If funds are not allocated and available for the continuance of the Project, these Terms and Conditions may be terminated by the State at the end of the period for which funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

8. RESOLUTION OF DISPUTES

The Parties to these Terms and Conditions agree to resolve all disputes arising out of or relating to these Terms and Conditions through arbitration, after exhausting applicable administrative review (pursuant to Title 41, Chapter 6, Article 10), to the extent required by A.R.S. § 12-1518, except as may be required by other applicable statutes.

9. NON-DISCRIMINATION

The Parties shall comply with Executive Order 2009-09, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities and all other applicable State and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. The Parties shall take affirmative action to ensure that Districts for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability. However, Indian tribes are exempt from the definition of employer for both Federal and State Civil Rights Act.

10. TERMINATION

Each party shall have the right to terminate this Agreement by notifying the other party in writing of the termination at least thirty (30) days prior to the effective date of said termination. If the Agreement is terminated by the Board, the District shall be paid for all the allowable costs incurred prior to the date of termination, and only cost determined appropriate by SFB staff to de-mobilize the contractor from the work site, if applicable.

The payment of costs may be subject to audit verification by the Board or its duly authorized representative.

11. ASSIGNMENT AND DELEGATION

Neither party may assign any rights hereunder without the express, prior written consent of both parties.

12. CANCELLATION FOR CONFLICT OF INTEREST

The parties acknowledge that these Terms and Conditions are subject to the cancellation provisions set forth in A.R.S. §38-511.

13. ENTIRE AGREEMENT

These Terms and Conditions contain the entire understanding of the parties hereto. There are no representations or provisions other than those contained herein. Any amendment or modification of these Terms and Conditions shall be consistent with Section 1 of these Terms and Conditions.

14. APPLICABLE LAW

These Terms and Conditions shall be governed and interpreted by the laws of the State of Arizona.

15. THIRD PARTY ANTITRUST VIOLATIONS

The District assigns to the State any claim for overcharges resulting from antitrust violations to the extent that such violations concern materials or services supplied by third parties to the District toward fulfillment of these Terms and Conditions.

16. PROGRAM REVIEW AND SITE VISITS

The Board has the right to make site visits at reasonable intervals for purposes of review of Project accomplishments and management control systems and to provide technical assistance, if required. The District will provide reasonable access to facilities, office space, resources, and assistance for the safety and convenience to the Board's representatives in the performance of their duties. All site visits and evaluations must be performed in a manner that does not unduly interfere with or delay the work.

17. RIGHT TO USE, DUPLICATE AND DISCLOSE

The Board may duplicate, use, and disclose in any manner and for any purpose whatsoever, within the limits established by Federal and State laws and regulations, all information relating to these Terms and Conditions.

The District agrees that any negotiations, agreements, and/or contracts between the District and Architect(s) for the design of the Project shall provide that the Board retains the right to use design documents limited to Site Plan, Exterior Elevations, Floor Plans, models, photographs, and renderings for the following, restricted purposes:

- a) To acknowledge Architects and their school designs successfully funded by the Board;
- b) To create a resource collection of promotional architectural designs for elementary, middle and high schools that will be available to other school districts to use as a school design resource.

It is understood that other school districts cannot use the District's design plans as their own as mandated by Code and Rules under the Arizona State Board of Technical Registration. Artistic representations shall not contain confidential nor proprietary information, but shall include professional credit for the architect and engineers of the successful project.

18. FEDERAL IMMIGRATION AND NATIONALITY ACT

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The District warrants that its contractors are not engaged in a boycott of Israel as defined by

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The District shall comply with requirements of applicable Federal, State and local laws, regulations, policy and guidance, and shall flow down the requirements of applicable Federal, State, and local laws, regulations, policy and guidance to contractors and subcontractors at any tier to the extent necessary to ensure compliance with the requirements.

The District shall comply with all laws, statutes, ordinances, rules, codes, and regulations applicable to any school district.

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These Terms and Conditions must be signed by the President of the Governing Board, Superintendent, CFO/Business Manager, and Facilities Director of the District and certifies that he or she has read these Terms and Conditions and represents and warrants that he or she is duly authorized to agree and accept and therefore sign these Terms and Conditions on behalf of the District.

Governing Board President (signature)
Susan Zibrat
Name (printed/typed)

Date
Amphitheater Unified School
District No. 10
School District

Superintendent (signature)
Todd A. Jaeger, J.D.
Name (printed/typed)

Date

CFO/Business Manager (signature)
Scott Little
Name (printed/typed)

Date



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

TITLE: **Post-Retirement Employment Opportunities during the 2021-2022 Fiscal Year
for Staff Retiring in the Current Fiscal Year**

BACKGROUND:

Arizona’s school funding formulas create challenges for public school districts to remain competitive in hiring of essential school personnel. The state never changed its school funding formula to address the annual state-mandated minimum wage increases after the Fair Wages and Healthy Families Act went into effect in January 2017. Without the benefit increased state funding, public employers, and especially school districts, have struggled since then to address wage compression created with each annual minimum wage increase. Notwithstanding this, the national teacher shortage that has been in place for nearly a decade has worsened in recent years. Arizona universities report fewer graduates are choosing teaching as a profession these days. In addition, the private sector and other schools continue to compete for personnel in hard to fill disciplines (e.g., math, science, and various professional disciplines that serve students who qualify for special education services).

Moreover, the turmoil caused by the COVID-19 pandemic has exacerbated these struggles for Arizona school districts. In 2020, teachers in the Amphitheater District reported plans to retire due to concerns about the COVID-19 virus. The high turnover rates of educators has been an issue for several years. However, the high attrition rate of educators across the nation has certainly been a media topic this year. CNBC aptly named the culmination of the national teacher shortage and the COVID-19 pandemic the “perfect storm for the education system.”¹ The Arizona state retirement contribution rates for employees have also continued to increase leading many to retire after a cost/benefit analysis.

Notwithstanding this, public school districts continue to face pressures to retain highly qualified staff. Federal and Arizona state laws, such as the Every Student Succeeds Act and the Individuals with Disabilities Education Act, demand high levels of qualifications for teachers and paraprofessionals providing instruction to students. In addition, the student achievement goals and the school labels established under Arizona state law depend upon placement and retention of skilled educators.

Amphitheater Public Schools, like many school districts in the State, offers salary enhancements for personnel teaching in “hard-to-fill” positions. The District also currently hires retirees through a post-retirement, third-party “employee-leasing” arrangement with Educational Services, Inc. (“ESI”), which has enabled the District to lease personnel with valuable and much needed skills that might otherwise have been lost. Last year, the ESI contract was procured through the Mohave Cooperative, a procurement cooperative approved by the State of Arizona.

¹ Kate Rogers. “A Shortage of Teachers and Covid-19 Create a Perfect Storm for the Education System.” *CNBC*, CNBC, 9 Oct. 2020, www.cnbc.com/2020/10/09/teacher-shortage-and-covid-19-create-challenge-for-education-system.html.

Lease-Back Employee Option

Arizona state law permits school districts to lease-back retired personnel from a third-party vendor, like ESI, without violating state retirement rules. The legality of retaining retired teachers and other employees through a third party “lease-back” arrangement is expressly established in A.R.S. § 15-502. It reads in relevant part:

“The governing board may obtain the services of any employee, including teachers, substitute teachers and administrators, by contracting with a private entity that employs personnel required by the school district.”

Recognizing that the District has a goal of hiring employees directly when possible, the District has offered a program to lease-back ASRS retirees through a third-party vendor (“TPV”), like ESI, for several years, and participants have been very positive about the opportunity. The program’s approval by the Board expires at the end of this fiscal year. The District “saves” the difference between the cost of the employee’s pre-retirement salary (and employee related costs) and the fees paid to the TPV. The employee earns income both as a state retiree and as a TPV employee placed with the District.

Proposed Terms and Conditions for Retired Employees

It is proposed that the Board permit the hiring of retirees through a TPV to fill a District position under the following terms and conditions:

1. The post-retirement employment option will be offered for the 2021-2022 fiscal year and allow the retiree’s retention through a TPV, such as ESI, as may be selected by the District from the available options through the Mohave procurement cooperative, or its equivalent, beginning on July 1, 2021.
2. This option will be available for all employment classifications in the District who retired with an ASRS-provider less than twelve months (365 calendar days) before July 1, 2021. However, it is recommended that qualified retired individuals who have been separated from direct employment with an ASRS-provider for more than twelve months by July 1, 2021 be hired directly by the District and, if the retiree is in a position for which a District contract is issued, that the appropriate ASRS Retiree Return to Work contract version be issued for the retired staff member.
3. In the event of an emergency, the Superintendent or designee may appoint a retiree to fill a position on a temporary basis. This temporary appointment may be in effect for only one school year or until the position is otherwise filled, whichever comes first. The temporary appointee may apply for the position and go through the competitive process as stated above.
4. The terms of the retiree’s employment with the approved TPV will be determined by the provider in consultation with the District, and the retiree must acknowledge those terms prior to placement with the District.
5. The approved TPV will compensate former employees of the District at the approximate rate of eighty percent (80%) of the wage paid to the employee by the District prior to retirement plus any additional compensation that may be approved by the Governing Board for the retiree’s classification as part of the Fiscal Year 2021-2022 compensation package. Retired individuals who are new to the District shall be paid at eighty percent (80%) of the qualified wage authorized on the appropriate placement schedule. This difference remains the same as last year to account for

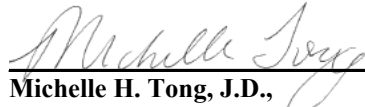
the state mandate to make the ASRS alternative contribution on contract fees paid to third party contractors.

6. The approved TPV will make and/or pay all appropriate payroll deductions and taxes. The District will pay a service fee to the provider as determined by the District's contract with the vendor. The District will also make the requisite contribution to the ASRS, which does not modify the retiree's retirement benefits.
7. Personnel placed with the District through this program must meet all District, Arizona state and federal qualification standards, including but not limited to, fingerprint/background clearance, certification, endorsement, education level, and licensure.
8. Regardless of their status as employees of a third party rather than the District, all personnel placed with the District must comply with district, state and federal laws, policies, regulations, directives as well as school improvement plans of Amphitheater Public Schools.

RECOMMENDATION:

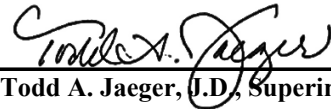
This item is presented for the Board's discussion, consideration and, if desired, direction to the Administration.

INITIATED BY:



Michelle H. Tong, J.D.,
Associate to the Superintendent and General Counsel

Date: March 1, 2021



Todd A. Jaeger, J.D., Superintendent



**GOVERNING BOARD AGENDA ITEM
AMPHITHEATER UNIFIED SCHOOL DISTRICT NO. 10**

DATE OF MEETING: **March 9, 2021**

TITLE: **Executive Session for Discussion of Employment and Evaluation of the Superintendent, Pursuant to A.R.S. § 38-431.03(A)(1)**

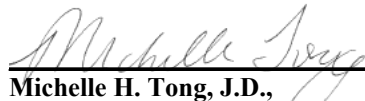
BACKGROUND:

This executive session discussion will pertain to the employment of the Superintendent, pursuant to his employment terms, and will include an evaluation of his performance. The Governing Board is permitted to discuss personnel matters such as this in an executive session pursuant to A.R.S. § 38-431.03(A)(1).

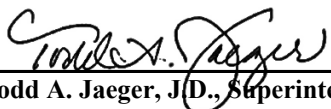
RECOMMENDATION:

The administration recommends the Board convene an executive session for purpose of discussing the matters identified above as permitted by A.R.S. §38-431.03(A)(1).

INITIATED BY:


Michelle H. Tong, J.D.,
Associate to the Superintendent and General Counsel

Date: March 3, 2021


Todd A. Jaeger, J.D., Superintendent
