

**AMPHITHEATER PUBLIC SCHOOLS
Tucson, Arizona**

MINUTES OF SPECIAL PUBLIC MEETING OF THE GOVERNING BOARD

Place, Date and Time of Meeting

Wetmore Center, 701 West Wetmore Road, June 3, 2014, 5:00 PM

Board Members Present

Susan Zibrat, President
Deanna Day, Vice President
Julie Cozad, Member
Jo Grant, Member

Board Members Absent

Dr. Kent Paul Barrabee, Member

Central Administrators Present

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

OPENING OF MEETING – Call to Order

Call to Order

Ms. Zibrat called the meeting to order at 5:00 PM

1. EXECUTIVE SESSION

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

1. Determination of Whether to Hold an Expulsion Hearing and Designate a Hearing Officer to Hear Evidence, Prepare a Record and Bring a Recommendation to the Board, Pursuant to A.R.S. §15-843(F)(2), Regarding: a. Student # 30049758; b. Student # 30045442; c. Student # 30014740; d. Student # 30016825; e. Student # 30040345; f. Student # 30041214; g. Student # 30017534; and h. Student # 0048845.

2. Consideration and Decision Upon Expulsion Hearing Officer's Recommendation, Pursuant to A.R.S. §15-843(F)(2), Regarding: a. Student # 30008551; b. Student # 30033675; c. Student # 30004060; and d. Student # 30044662.

A motion was made by Ms. Day that the Board recess into Executive Session pursuant to A.R.S. §15-843 (F)(2), as presented. Mrs. Cozad seconded the motion and it passed unanimously, 4-0. Ms. Zibrat called a recess at 5:01 PM for the purpose of holding Executive Session for student disciplinary action.

B. Motion to Close Executive Session and Reconvene Open Meeting

Upon return to the Board Room, Ms. Day moved to reconvene the meeting into open session. Mrs. Cozad seconded the motion and it passed, unanimously, 4-0. The time was 6:03 PM. Ms. Zibrat declared the meeting in open session.

OPENING OF MEETING

Call to Order and Signing of Visitors' Register

Ms. Zibrat called the meeting to order at 6:03PM and invited members of the audience to sign the visitors' register.

Pledge of Allegiance

Mr. Nelson led the Pledge of Allegiance.

Announcement of Date and Place of Next Regular Governing Board Meeting:

Ms. Zibrat announced the next Special meeting of the Governing Board: Tuesday, June 24, 2014, 5:00 PM, at the Wetmore Center, 701 W. Wetmore Road.

PUBLIC COMMENT

Note: Ms. Zibrat asked if there were no objections from Board members, she would suggest moving up the Recognition Items 1.B – 1.D from within the Information Section, then followed by Call to the Audience. Board members were in agreement.

I. INFORMATION² AND RECOGNITION(S)

B. Recognition of Recognition of Ironwood Ridge High School - State Division II Girls Doubles Tennis Champions

Board Book information: *Ironwood Ridge High School students Kelsey Brown and Allie Knox won the Division II State Doubles Championship on May 3, 2014 at the Paseo Racquet Center in Glendale, Arizona.*

The Governing Board congratulated the following: Students: Kelsey Brown and Allie Knox; and, Coaches: Susan Williams and Art Browning. All in attendance were presented with certificates of commendation.

C. Recognition of Ironwood Ridge High School - State Division I Second Place Award in 4 x 400 Girls Relay

Board Book information: *The Ironwood Ridge High School girls 4x400 relay team came in 2nd place in Division I in the State finals. The girls had the second fastest time in IRHS history with a time of 3:55.*

The Governing Board congratulated the following: Students: Kennedy Kurtz, Piper Mali, Vicki Cooper, and Hailey Sawchuk; and, Coach: Rob Clouse. All in attendance were presented with certificates of commendation.

D. Recognition of Ironwood Ridge High School - 2014 State Division II Girls Softball Champions Board

Board Book information: *The Ironwood Ridge High School Girls Varsity Softball Team won the State Division II Championship for the first time in school history.*

The Governing Board congratulated the following: Students: Lexi Adelberg, Annika Baez, Reyna Bondi, Skyler Bracety, Kelsey Buechler, Kelly Decker, Morgan Haft, Emily Hartzler, Mandy Lorensen, Mercedes Martinez, Raquel Martinez, Merrilee Miller, Cierra Moorman, Lu Olson, Lexi Orth, Robyn Porter, Alexis Ranieri, Alexandra Rapp, Emily Robinson, Erin Rocker, and Rachel Tobler ; and, Coach: Rich Alday; Assistants: David Martinez, Vinh Rocker, Kim Sotomayor; and all in attendance were presented with certificates of commendation.

PUBLIC COMMENT

Ms. Zibrat described the procedures for addressing the Board. The following people addressed the Governing Board: Mick Stewart expressed concerns about the treatment of parents – poor responsiveness by Administration related to issues he has addressed previously, such as: 1) the lack of oversight for travel and training expenses; and, 2) non-compliance with ADA (Americans with Disabilities Act) at the Canyon del Oro High School (CDO) sports stadium. He questioned why Bond funds had not been used to make these upgrades at the same time that other bond-funded renovations took place. He provided Board members with a packet of information.

Bill Nettling commented on the District's first International Baccalaureate (IB) program. It took many years of planning to reach this point – May 2014 just last month when the first candidates graduated from this world-acclaimed program. The District accepted students into the program at CDO in the fall of 2012. Participants should be proud of their roles as pioneers in this program; the 37 students, IB Coordinator, 15 teachers, counselor, and the CDO

leadership team. He noted anxieties experienced by students and parents alike due to delays in receiving assessment results that determine the award of the coveted IB diploma; these will not be released until July. He also expressed concerns about level of District support, which is necessary for the continued success of this program. He is concerned and is available at any time for further discussion.

A. Status of Bond Projects

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

Mr. Louth expressed appreciation to the District's voters and tax payers for their continued support of the Bond Projects' initiative; through their efforts the District continues to provide these fantastic capital improvements for students and staff across the District.

I. INSTRUCTIONAL SPACE / PORTABLE REPLACEMENT

A. Cross Middle School Addition / Remodel: Construction is 56% complete. Classroom renovations are complete and re-occupation of these spaces will begin next week. Site work, which includes a new bus loop and site storm water evacuation, has begun. Administration Building Health Office and Restroom renovations are in process. The new IT system is running and demolition of the old system is ongoing. New security fence is being installed. The Cross project is on schedule and on budget.

B. Harelson Elementary School Addition / Remodel: Construction is 56% complete. The New Classroom Building is complete and will be occupied next week. The New Music Room (attached to the Fun House) roofing is being installed. Storm Water Evacuation Improvements are in process. Renovations of the "G" Buildings are under way. New IT pathways are installed and fiber is being pulled throughout the entire campus. The Harelson Project is on schedule and on budget.

C. Wetmore Professional Development Building: Programming of this project continues with the architect of record and the cm@r (construction manager at risk) contractor. Construction documents are being completed.

D. Donaldson Elementary School Addition / Remodel: Schematic Design is under way with the architect of record, site staff, bond department, technology department, and cm@r contractor all participating.

E. Mesa Verde Elementary School Addition / Remodel: Schematic Design is under way with the architect of record, site staff, bond department, technology department, and cm@r contractor all participating.

II. HEALTH, SAFETY, & SECURITY

A. Wilson K-8 Health Office Renovation & Security Fencing Installation: Construction documents are complete. Tonight's consent agenda contains a recommendation of a general contractor for this project. If accepted, construction will start as soon as contractual documentation is in place with the goal of completing the scope of work for the start of the fall semester.

B. San Joaquin Site Improvements: Portables have been removed and site cleanup is in process. This project will be complete by June 30, 2014.

Mrs. Cozad added that she had overheard teachers expressing concerns at the Teaching and Learning in the 21st Century Conference about the construction timeline at Cross Middle School and she felt compelled to quote Mr. Louth by reassuring them that the project is "on-time and on-budget."

Mr. Nelson noted that three members of the original Blue Ribbon Committee were in attendance: Ms. Zibrat, Mrs. Boros, and Mr. Nettleing. He thanked them again for their efforts.

E. Periodic Legislative Update

Board Book information: *This item is submitted to provide the Governing Board with final information regarding the disposition of legislation during the 2014 legislative session. Attached for ease of reference and simplicity's sake is the final legislative "wrap-up" published each year by the Arizona School Boards Association.*

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50115880>; Item 2.E]

Mr. Nelson invited Mr. Jaeger to provide a brief overview on the action of recent legislative bills, including information related to Empowerment Scholarship Accounts (ESA's) which had been of recent interest by Dr. Barrabee. He noted that a great many proposed bills, related to Public Education in Arizona, were not successfully passed. He clarified legislation regarding ESA's – every session appears to propose additional action by the legislature to expand this program. Students must have tried public schools and then found it unsatisfactory based on eligibility criteria. Most recent proposals would extend eligibility to children of military and first-responder personnel; and, for students who have not yet attended public school may now be eligible to receive services under Part C, preschool students receiving special education services; these are typically provided by public schools. This is a voucher-type bill; which, like the other voucher programs leeches money out of the state general fund for public schools and places it in private school coffers. He noted that there are no provisions in existing law or proposed legislation that includes accountability requirements.

2. CONSENT AGENDA

Ms. Zibrat asked if there were Board member requests to have any items addressed separately; there were none. A motion was made by Ms. Zibrat moved to approve consent agenda items A-S. The motion was seconded by Ms. Grant and it passed unanimously, 4-0. Appointment of personnel is effective, provided all district, state, and federal requirements are met.

A. Approval of Minutes of Previous Meeting(s)

The minutes of the Special Governing Board Meeting on May 21, 2014 and the Regular Governing Board Meeting of May 6, 2014 were approved as submitted.

B. Addendum to Approval of Appointment of Personnel

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

C. Addendum to Approval of Personnel Changes

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

D. Approval of Leave(s) of Absence

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

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

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

F. Approval of Vouchers Totaling and Not Exceeding Approximately \$2,229,494.28 (Final Total

A copy of vouchers for goods and services received by the Amphitheater Schools and recommended for payment has been provided to the Governing Board.

The following vouchers were approved as presented and payment authorized:

Voucher # 834 - \$ 803,989.50	Voucher # 835 - \$ 37,488.14	Voucher # 836 - \$ 935,882.26
Voucher # 837 - \$ 417,377.34	Voucher # 838 - \$ 34,757.04	

G. Acceptance of Gifts

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

H. Annual Approval of All Authorized Signatories on District Checking Accounts for the 2014-2015 Fiscal Year

The Governing Board approved the FY 2014-2015 Authorized Listing of Signatories, as submitted in Exhibit 6.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50115880>, Item 3.H.]

I. Out of State Travel

Out of state travel was approved for students and staff (source of funding indicated): from Canyon del Oro High School to take 10 students from Girls Basketball to San Diego, California, July 16-20, 2014 (tax credits and student activity funds); from Ironwood Ridge High School to take 40 students from Cross Country to San Diego, California, September 19-21, 2014 (tax credits, gifts and donations, and student activity funds).

Travel was previously approved at the January 14, 2014 Board meeting from Wilson K-8 School to take 200 students from the 8th grade to Los Angeles, California, May 15-17, 2014; a change in chaperones was approved.

Out of state travel was approved for staff (source of funding indicated): from Amphitheater High School to attend the Framework for Understanding Poverty Trainer Certification in Santa Fe, New Mexico, June 17-19, 2014 (federal funds designated for staff development); from Canyon del Oro High School to attend the AP Psychology Summer Institute in San Diego, California, June 22-27, 2014 (auxiliary funds); from Canyon del Oro High School to attend the IB Math Studies SL Training in Albuquerque, New Mexico, July 15-19, 2014 (federal funds designated for staff development); from Canyon del Oro High School to attend the IB Music SL Training in Albuquerque, New Mexico, July 16-19, 2014 (federal funds designated for staff development); from Ironwood Ridge High School to attend the Farm to the Table Cooking Class in Boulder, Colorado, July 22-26, 2014 (CTE funds designated for staff development); from the District Offices to attend the EdLeader21 4th Annual Event in Atlanta, Georgia, September 30-October 3, 2014 (federal funds designated for staff development).

J. Approval of Grant(s)

The Governing Board approved the Century Link/AzTEA grant awarded to Mesa Verde Elementary School in the amount of \$4,597.85, which will be used towards the implementation of the *Shapes all Around Us Using Technology to Digitally Publish Books* project.

K. Approval of Textbook(s) for Adoption

The Governing Board approved the textbook(s) (as shown below) for adoption; it has been on display to the public for 60 days (3.11.14) in accordance with Section 15-721 of the Arizona Revised Statutes:

TEXTBOOK: *The Practice of Statistics, 5th Edition*; Publisher: W. H. Freeman and Company;
Author: Daren S. Starnes, Josh Tabor, Daniel S. Yates, David S. Moore; Price: N/C.

L. Approval of Textbook(s) for Display

The Governing Board approved to have the following textbook series placed on display effective June 4, 2014 for a period of sixty days prior to official adoption, this, in accordance with Section 15-721 of the Arizona Revised Statutes:

TEXTBOOK: *Portfolio Deutsch German Textbook Levels 1*; Publisher: Langenscheidt;
Author: Level 1 – Ute Koithan, Theo Scherling, Cordula Schurig, Anna Hila, Michael Koenig, Sarah Fleer, Alicia Padros; Price: \$64.95.

TEXTBOOK: *Portfolio Deutsch German Textbook Levels 2*; Publisher: Langenscheidt;
Author: Level 2 – Stephanie Dengler, Sarah Fleer, Paul Rusch, Cordula Schurig; Price: \$64.95.

M. Approval of Cooperatives for Fiscal Year 2014-2015

Board Book information: *Pursuant to the Arizona Administrative Code, Article 10, Section R-2-1191, the District may utilize cooperative purchasing agreements already established by other agencies to procure materials and services.*

The Governing Board approved the following list of cooperative purchasing agreements: *IGPA* (1 Government Procurement Alliance); *Arizona State Contracts*; *GSA* (General Services Administration); *Mohave/ASPIN*

(Arizona Schools Program in Nutrition); *S.A.V.E.* (Strategic Alliance for Volume Expenditures); *TCPN* (The Cooperative Purchasing Network); *U.S. Communities*; and, *WSCA/NASPO* (Western States Contracting Alliance/National Association of State Procurement Officials), as submitted.

N. Approval of Multi-Term Contracts for Fiscal Year 2014-2015

The Governing Board approved the award of multiple-term contracts for 2014-2015, as submitted.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50115880>, Item 3.N.]

O. Approval of Sole Source Agreements for Fiscal Year 2014-2015

The Governing Board approved the award of sole source agreements for 2014-2015, as submitted.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50115880>, Item 3.O.]

P. Award of Contract for Pest Control Management Services Based Upon Responses to Request for Bid (RFB) 13-0028

Board Book information: *Request for Bid (RFB) 13-0028 was e-mailed to 14 vendors and published on the District's website. This solicitation requested pricing for pest control management services for the District's 21 schools and four non-instructional sites. Eleven vendors responded (one was deemed non-responsive) with priced bids for the required services.*

The Governing Board approved the award of contract for pest control management to *Essential Pest Management* based on responses to RFB 13-0028.

[<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50115880>, Item 3.P.]

Q. Award of Contract for Electrical Maintenance Supplies and Equipment Based Upon Responses to Request for Bid (RFB) 13-0042

Board Book information: *Request for Bid (RFB) 13-0042 was e-mailed to twelve vendors and published on the District's website. This bid requested pricing for electrical maintenance supplies and equipment. Four vendors responded with priced bids for the required products based on nine categories. The recommendation for award for each category is listed below.*

The Governing Board approved the awards of contract for electrical maintenance supplies and equipment to: *Border States Electric, Crescent Electric Supply Company, Graybar, and Sexauer* based on responses to RFB 13-0042. [<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50115880>, Item 3.Q.]

R. Award of Contract for Lubrication Services Based Upon Responses to Request for Bid (RFB) 13-0050

Board Book information: *Request for Bid (RFB) 13-0050 was e-mailed to ten vendors and published on the District's website. This request for bid requested pricing for lubricant products and services.*

The Governing Board approved the awards of contract for: to *Arizona Waste Oil Service* for engine oil and the filter disposal/recycling program; and to *Arizona Petroleum* for the lubricant products based on responses to RFB 13-0050. [<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50115880>, Item 3.R.]

S. Approval of Bond-Related Projects

1. Award of Contract for Wilson K-8 Health Office Expansion and Campus Security Fencing Based on Responses to Request for Bid (RFB) 13-0055

Board Book information: *Request for Bid (RFB) 13-0055 was emailed to 138 general contractors registered with the Purchasing Department and published on Amphi's website. The scope of work was identified in the Blue Ribbon Budget Analysis and Facilities Needs Committee booklet and included the following: all infrastructures required to expand the health office and provide for campus security fencing at Wilson K-8 school. Six general contractors responded with responsive bids for this solicitation.*

The Governing Board approved the award of contract for Wilson K-8 Health Office Expansion and Campus Security Fencing to *Kapp-Con Inc. dba TBR Construction* based on responses to RFB 13-0055.
<https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50115880>, Item 3.S.]

4. **ACTION**

A. Approval of Proposed 2014-2015 Student Code of Conduct

Board Book information: The Governing Board's Student Code of Conduct is the mechanism through which the Board communicates its expectations for student behavior and the consequences for violating those expectations, consistent with state and federal law. State law mandates that each school district Governing Board establish rules for student behavior and that such rules include consequences deemed appropriate. In some respects, state and federal law also compel specific outcomes to some degree, such as where a student threatens the safety or security of a school campus or a student possesses a firearm.

An effective Code must explain expectations for behavior so that all members of the school community can fully understand them; it must also provide fair and consistent guidelines for consequences to be applied when behavioral incidents do occur to help ensure schools are safe places for students, staff, and the public.

The FY 2015 draft of the two code versions (one for elementary and one for middle and high school) were reviewed by the Governing Board at its regular May meeting. Dr. Barrabee provided some specific requests for modification at that time. Those changes are being incorporated into final drafts for presentation to the Board, through this item, for adoption. Due to a staff injury, however, the final drafts were not ready for attachment at the time this item was prepared. They will be provided by amendment to this item.

Mr. Nelson introduced the item stating that revisions to the Code of Conduct are necessary each year, although typically minor in nature. Verbiage changes also include those proposed by Board members. Copies of the updated booklet are provided to students and parents at the beginning of school. The document with proposed changes was visually projected; Mr. Nelson invited Mr. Jaeger to highlight this information.

Mr. Jaeger stated that most of the changes are not substantive in nature. He described that this first change was in response to school-level requests seeking a mechanism in place to address issues difficult to manage – i.e. public display of affection; this resulted in changes to Rule 9.E. (within Sexual Behaviors) – Inappropriate Public Display of Affection (PDA). The following verbiage was added, “Affectionate behavior between two consenting students that would reasonably offend another person.” Other minor changes are contained in Rule 7.A. (within Disruptions to the Academic Process) now includes, “...verbal outbursts” and “Any behavior that requires involvement of law enforcement personnel.” and removing the following, “making noise with materials.” Regarding 7.D., (Inappropriate Language or Gestures) the following verbiage was added, “Making gestures toward others intended to offend or annoy the other person; making gestures that communicate a hostile or sexual message.” Finally, regarding 7.H. (Probation Violation), the re-insertion/return of the verbiage, “Violation of any term or condition of academic and/or disciplinary probation contract assigned by a school administrator or district hearing.” Other changes included recommendations made regarding the description of the forms of discipline that can be imposed. He stated that approval is sought in order to accommodate the time necessary for the copying of materials and ready for the start-of-school.

Bill Nettling addressed the Governing Board; he acknowledged that the Code of Conduct is a complicated instrument, but his concerns are related to the interpretation of the large number of rules. He believes that improvements need to be made related to how violation consequences are adjudicated; student violations and their consequences are not equitably decided. His primary concern lies with the mandatory long-term suspension and expulsion terms; specifically, comparing the inequity of violations and resulting punitive actions between drug/alcohol violations as compared to fighting, assault, and aggravated assault violations; and, he cautions the nebulous interpretations of the term “bullying.”

A motion was made by Ms. Day to approve the 2014-2015 Student Code of Conduct, as presented. The motion was seconded by Mrs. Cozad, and passed unanimously, 4-0.

Note: Ms. Zibrat called a brief recess at 6:58 PM; and, reconvened the meeting at approximately 7:03 PM.

5. STUDY

A. Proposal for Renewal of Existing Maintenance and Operations Budget Override

Board Book information: *This item is submitted to provide the Governing Board with a review of district budgetary information pertinent to the existing maintenance and operations (M&O) override. While this information presented will be familiar to Board members as content from prior business of the Board, it is offered here again for further study and discussion, and for the benefit of members of the public interested in this item.*

School District Funding, Generally - *In general, funding for an Arizona school district is derived from the school district's property tax base, state and federal allocations (derived from various state and federal taxes), grants, gifts and donations.*

The primary funding mechanism for public school districts in the State of Arizona is Maintenance and Operations (M&O), consisting of finances specifically allocated to school districts under strict state formulas to pay for the day-to-day operations and functions, such as: employee payroll, utilities, fuel, supplies, services, and certain equipment. This funding mechanism is the focus of this item¹.

Arizona school districts are limited in the amount of funds that can be expended in M&O. Regardless of how valuable an individual school district's tax base or its level of need might be, each school district is limited by state formula to a certain amount which can be spent.

There is an exception to this ordinary spending limit: a maintenance and operations budget override.

Budget Overrides, Generally - *The local voters of school districts within Arizona are able to authorize their school district to override the strict state budget limits normally imposed on school district services. In this way, local communities can choose whether or not they wish their school district to have greater resources than those that are provided by the Arizona Legislature.*

Where overrides are approved by the voter, they are funded by local property tax assessments. In some cases, this results in a tax levy increase. In Amphitheater's case, however, District tax levies did not increase as a result of the existing override.

It should be noted that budget overrides do not provide carte blanche spending authority to a school district. They are also limited by law, for example, in their duration. They can last for one, two or five to seven years at a time. If an override is for five to seven years (like Amphi's current M&O override), the budget increase for the next to the last year is equal to two-thirds of the initial budget increase approved by the voters. Then, the budget increase for the last year of a five to seven year override is equal to one-third the amount of the initial override.

Budget overrides are also limited in their amount. Presently, for example, one portion of a school district's M&O budget (the "revenue control limit") can only be overridden by the voters by 15%. K-3 program specific and special project overrides can provide additional capacity.

Development of Interest in Amphitheater's Existing Maintenance and Operations Budget Override -

¹ The second basic budget mechanism previously known "Capital", consists of funding allocated to school districts (again, under strict and limited state formulas) to fund such things as building construction, durable assets and equipment, textbooks, and vehicles. The capital funding mechanism was recently renamed "additional district assistance" by the legislature.

Amphitheater currently has the benefit of a 10% M&O override following voter approval of the same in 2005, and voter approval of a renewal of the override in 2009. The current override has its genesis in a substantial process of community input and Governing Board study. Given that more than nine years has passed since the first override approval, some review of the process involved might be helpful.

Where the process began can be hard to define. After all, the District sought budget overrides on several occasions over a period of approximately 20 years in the latter decades of twentieth century that did not receive voter approval. But, in terms of more recent and relevant process, the Governing Board first studied the override election process, as well as the previous unfavorable voter history, for the first time in this century on April 29, 2001. In the months and years that followed that first study, the Board continued to study relevant issues on several occasions, including legal requirements, procedural issues, and the purposes for overrides.

As the Board's consideration of override issues continued, District staff also responded to ongoing and increasing public interest in the issues by attending a number of PTO and other meetings at several schools to inform parents, staff and others on override procedures and laws. These meetings were informational in nature and included discussion of such matters as the statutory requirements and restrictions, Amphitheater override election history, tax rate information, and statewide tax factors. This same information has been presented to the Board in several Governing Board meetings.

The Blue Ribbon Committee Process and Resulting Election - The Board's study of general override issues ultimately led to its formation of a constituent advisory committee to review the District's financial and operational issues. The "Blue Ribbon Budget Analysis Committee" was composed of a broad cross-section of the District's constituents and began its work in June, 2004. Over several months, the Committee studied a variety of key matters: laws applicable to the Committee and the District, operations and functions of the District, financial conditions and operations of the District and K-12 education in Arizona generally, public feedback regarding satisfaction with District programs and service and support for a possible override, as well as federal and state accountability measures and their effects upon the District and its students.

On December 14, 2005, the Blue Ribbon Committee presented its final report to the Governing Board and unanimously recommended to the Governing Board that the Board call for an election in May, 2005 for the purpose of obtaining voter approval of a 10% maintenance and operations override. The Blue Ribbon committee recommended that the override be used for specific purposes:

- *Reducing/maintaining core content class sizes (Math, English, Science, Social Studies, etc.).*
- *Expanding art, music and P.E. programs in elementary schools.*
- *Expanding courses of middle and high schools.*
- *Year-round intervention programs for struggling learners*
- *Increased support of school facilities and equipment*
- *Staff recruitment and retention support*

On February 8, 2005, after nearly four years of study, the Governing Board approved a resolution calling for an election to authorize a 10% maintenance and operations budget override² for the same purposes recommended by the Blue Ribbon Committee.

In May 2005, the District's voters soundly approved the District's M&O override request. That override continued in force and effect until 2009, when as briefly mentioned above, voters again approved the same override, albeit by a much slimmer margin. But, in doing so, voters "renewed" the May 2005 override before it began to phase out.

² At the time of the Board's call for an override election in 2005, Arizona law allowed a maximum 10% maintenance and operations budget override. Current Arizona law now allows, as discussed above, a 15% increase.

Voter Confidence Put Into Action; What the Current M&O Override is Doing - The 2005 and 2009 M & O Overrides have provided many benefits to district students:

- *Prior to the override, class sizes at the elementary level were routinely at or over 30 students.*
 - *In middle school, English and writing classes ranged up to 35 students; averages in Language Arts in 7th grade were 29.3; in Science 32.3; and both math and science classes were as high as 38 students.*
 - *In high school, English, Math & Science classes ranged up to 35 or 36 students.*
 - *Legislative budget cuts to public schools (\$47.2 million in cuts to Amphitheater alone over the last six years) have taken their toll on many district programs and services, including consequential increases to class sizes of 2 students on average.*
 - *Without the override, however, state budget cuts would have impacted class sizes much more.*
- *Prior to 2005, some elementary grade levels only received as little as 20 minutes a week in Art, Music and Physical Education instruction. That has changed, thanks to the override:*
 - *This has been enhanced to benefit all students at our elementary schools.*
 - *The district now provides at least 50 minutes per week per grade level in Art, Music, and PE through specialist teachers.*
- *Math and Writing Labs have been added at each middle school, along with Technology, Science and Fine Arts electives, and new courses have been added at the high school level:*
 - *Middle school enhancements include Marine Biology, MESA (Mathematics, Engineering, and Science Achievement), Drama, and Dance.*
 - *At the high school level, course additions have included, among others, the following: International Baccalaureate®, Cambridge Academy®, Studio Art, Computer Science, Engineering, French, Music Theory, Teen Court, and a variety of Advanced Placement course such as, AP Psychology, AP Environmental Science, AP Physics/Mechanics, Biology, AP Statistics and AP Government.*
- *Tutoring and other intervention programs have been also implemented that serve students throughout the school year as well as into the summer. This level of student interventions and support was not possible prior to the override.*

The Current M&O Override Is Expiring - The current M&O Override, approved by the voters in 2009, completely expires in 2017 and will begin phasing out (as described above) in the 2015-2016 school year unless the override is renewed during next fiscal year (2014-2015).

A presentation of this and other information will be made at the Governing Board's meeting on June 3, 2014.

Mr. Nelson introduced the item stating that the overview is presented to the Board and community in attendance and is related to the next item on the Agenda (6.A.); the Governing Board will be asked to pass and adopt the Resolution calling for, and ordering an election, in November 2014 that seeks voter approval of a 10% M&O budget override renewal. The original measure was passed in 2005 followed by the passage of a renewal measure in 2009.

Mr. Nelson invited Mr. Jaeger to provide a review of the Board Book materials so that the Governing Board is given an opportunity to study and then accommodate discussion, if necessary, prior to the request for approval. He reiterated that the Legislative budget cuts to public schools (\$47.2 million in cuts to Amphitheater alone over the last six years) have dramatically impacted the District's operations. He noted that were it not for the (original) passage of the Override, the realities of the budgetary cuts to Amphi would have been significantly more devastating.

All school-district budget override elections must now be held during the General Election cycles. Upon approval by the Governing Board to approve the Adoption action (Item 6.A.), a timeline will be implemented in preparation for the November election. Election procedures now include the requirement whereby the District must publish on its website, to include both Pro and Con Statements. The (original) Blue Ribbon Committee studied the District's

programs and services, and the resulting programs approved in the original Override are now embedded in the District's financial and operational culture. The current proposal would maintain continuation of the existing override at 10% and direct that the funds be continued for the same (original) programs/purposes approved in 2005 and again 2009.

There were no questions by the Board.

Ms. Zibrat shared that she received several positive, emailed communiqués in response to emails from the Political Action Committee (PAC) that were sent out to constituents giving information about this initiative and its process. She read two (2) emails to illustrate their viewpoints.

Bill Nettling addressed the Governing Board noting that it is hard to believe that it has already been ten (10) years since his participation on the original Blue Ribbon Committee; and, his thankfulness for having been a part of that process that provided him an invaluable 'education' about the realities of public education. He supports the current initiative but cautions that he believe that it will be more challenging this time to be successful; it has been a long time since the original Blue Ribbon Committee – those supporters are now long-gone. This will require a renewed enthusiasm, and he hopes that the PAC will be able to find the people at grass-roots' levels that will "light the fire" for the voter support necessary for success in November.

6. STUDY/ACTION

A. Consideration, and if Deemed Advisable, Adoption of a Resolution Ordering and Calling a Special Maintenance and Operations Budget Override Election to be Held in and for the Amphitheater Unified School District No. 10 of Pima County, Arizona, on November 4, 2014; Providing for Notice of the Election, the Delegation of Necessary Authority, the Conduct of the Election in Accordance with Law, the Printing of Ballots, the Canvassing of the Election, and Related Matters

Board Book information: *Over the last several months, the Board has reviewed and discussed issues affecting the district's financial position, including current and projected student enrollment; staffing and non-staffing allocations for our schools; programmatic considerations; bond projects and related spending; state budget reductions and their impact upon the District; proposed legislation; available and anticipated financial resources; Students First (SFB) funding shortfalls; and the district's continuing need for capital improvements and programmatic enhancements. This item and the one which precedes it will provide a summary of some of this key information relevant to the determination of whether to ask the District's voters to approve an override of both the District's maintenance and operations and capital budgets.*

Presently, the District has a K-12 Maintenance & Operations (M&O) funding override, which the voters approved in 2005 and approved for renewal in 2009. The current override, authorizing a 10% increase in the District's M & O budget, will begin to expire in fiscal year 2016 unless it is renewed in November of 2014 (the purpose and central focus of this agenda item)(see below). The District, of course, also presently has a bond program, approved by the voters in 2007. The District does not presently have a capital override, nor does it have a 5% M & O override for K-3 programs.

Impending Phase-Out of Existing M & O Override - The current M&O Override was approved by the voters in 2009 for seven fiscal years. Under Arizona law, the voter authorization increased the District's M & O budget by 10% for the first five years. In the 2015-2016 fiscal year (the 6th year of the current override), the current override will reduce to 6.66% if the voters do not approve renewal of the override prior to that time. The current override increase will then reduce to a 3.33% level in 2016-2017, and will be completely eliminated thereafter, If – again – a new budget increase is not approved by the voters.

Election Timing - At the time the current override was approved by the District's voters in 2005, Arizona law allowed override elections to be held in March, May or November. Typically, school districts therefore sought override

authorization in May, a time when schools generally have a good idea about their enrollment projections and other budgetary factors for the next fiscal year which begins each July.

Now, however, Arizona law requires that school district override elections be held on the general election date in November. The new law therefore requires that the question of renewing the override (to avoid the start of its 2015-2016 phase out) be presented to the District voters in November of 2014 – eight months before the start of the first fiscal year of phase out. And, of course, the Board's order calling for an election must occur even earlier – more than a full year before the first fiscal year of phase out. This necessitates substantially more estimation of figures relating to an override – the amount of the first year figure, the amount of budgets with and without the override, etc.

There is consequently an unfortunate potential that the level of estimation necessitated by the timing of the election can appear as ambiguity. It should be made clear, therefore, that regardless of any other factors, a maintenance and operations override is limited to (cannot exceed) a certain percentage of whatever the District's revenue control limit would be without the override. The level of an override always stays relative to the revenue control limit.

In the form of resolution which is attached, it should be noted that some of the required information is still in the process of being determined. Certain election dates, for example, have not yet been published by relevant offices. In addition, budget and tax rate calculations are currently ongoing, made rather complicated by the fact that state law requires the projection of such information two years from now – when forms and guidance do not yet exist.

Following the Board's study and discussion of the matters referenced above and in the previous Agenda Item, the attached form of resolution should be considered by the Board.

Mr. Nelson introduced the item, stating that Mr. Jaeger just provided the overview (Item 5.A.) describing the intent and action necessary by the Board to advance the current Override initiative. He is recommending the adoption and approval of the Resolution to initiate this process.

Mr. Jaeger stated that the Resolution is the meat of the Board's action necessary to initiate the calling for the special M&O Override election measure; and, is orchestrated primarily through the Office of the Pima County School Superintendent's office. It also conveys authority to Administration, which is necessary to act on behalf of the Board to enact these proceedings. Passage of this initiative would forward the ideals and programs developed by the original Blue Ribbon Committee, and continue to be embedded in the District's financial and operational culture as reviewed (5.A.). The "Pro and Con Statements" must be prepared according to revised statutes and as directed. The Resolution is premised upon an assumption that if the Override passes, the proposed budget for 2014-2015 (Item 6.B.) will be adopted by the Board – and includes the 10% Override. If the Override fails, the proposed "alternate" budget for 2014-2015 will be adopted by the Board. If the voters approved the Override, they are simply approving the "continuation" of the existing Override of 10%; if the measure fails – the *current* Override will begin its phase-out FY 2015-2016, as prescribed by statute and will do so incrementally by thirds. Administration recommends Governing Board approval of this Resolution.

Two members of the audience addressed the Governing Board: Patty Clymer stated her support of the Board's action to vote in favor of the M&O Override initiative in November 2014. She served as an Amphi Board member the time of the original Blue Ribbon Committee and that first measure. The needs were well documented at that time and she feels that those needs have not diminished – in fact, she believes that the need is greater at this time because of the drastic cuts to funding by the state's legislature in the last six (6) years. She noted that most of the current students and parents have not experienced life without the Override and may therefore not be fully aware of the benefits provided as a result of the Override; programs that are essential. The override does not provide 'fluff' rather the basics that are expected in a good, public education system. Bill Nettling submitted a speaker card but declined this opportunity due to his comments made previously.

A motion was made by Mrs. Cozad to adopt and pass the Resolution calling for, and ordering an election, on November 4, 2014 seeking voter approval of a 10% maintenance and operations budget override renewal for FY 2016, and thereafter, and delegating necessary authorities, as specified in the Resolution, to fulfill said direction. The motion was seconded by Ms. Day. There were no comments or discussion by Board Members, and the motion passed unanimously, 4-0. (Exhibit 7, pp. 1-43)

B. Study and Approval of the Proposed Expenditure Budget for Fiscal Year 2014-2015

Board Book information: *The State of Arizona requires governing boards to formally approve and adopt a proposed operating budget for the school district. The final enrollment numbers from the Arizona Department of Education have not been issued. The District anticipates that the Average Daily Membership (ADM) will drop by 97 students to 13,524.*

Therefore, the proposed budget represents an estimate and the budget may require a revision in September. The significant changes in budget are listed below:

Cover Page - Tax Rates - The property tax rates have increased to reflect the decline in property values. The exact impact to individual property owners will be determined by how their property values changed relative to the state average. Property that held its value better than the state average could see a slight increase in their property taxes. Overall, any changes to property tax bills should be small

Page 1 of 8 - The Career Ladder budget has been reduced by fifty percent. The 2014-2015 fiscal year will be the final year for this program.

Page 3 of 8 - A slight decrease to Proposition 301 revenues is projected. This budget anticipates collection of \$4,570,500 which is significantly lower than the peak collection of \$7,754,546 in fiscal year 2007-2008. Hopefully, the sale tax increases will continue into future years.

Page 4 of 8 - The Unrestricted Capital budget assumes a \$3,930,919 budget reduction from the Legislature. The actual number will not be finalized until May of 2015. It is important to note that the Unrestricted Capital funding formula should be \$6,600,147 rather than the \$2,669,228 available after the Legislative reduction.

Page 5 of 8 - The Building Renewal budget assumes no funding from the Legislature.

Page 6 of 8 - The Federal Grants budget has been lowered to reflect decreased budget carry forwards. The Building Renewal Grant amount has been increased to reflect the potential funding from the School Facilities Board.

The Adjacent Ways Fund (Other Funds – Line 28) will continue the \$324,000 levy implanted in the 2010-2011 fiscal year. The net impact on the tax bill should be zero. However, this increase requires a Truth in Taxation Notice and Hearing. The Truth in Taxation Notice is scheduled to appear in the Arizona Daily Star on June 19 and the Truth in Taxation Hearing will be prior to the Budget Adoption on July 1st

Mr. Nelson first thanked the Board members for the vote in support of the M&O Override measure. He explained that this agenda item is submitted as a Study/Action item necessary as counterpart to the M&O Override agenda item per statute. He then invited Mr. Little to provide an overview.

Mr. Little highlighted the information contained within the Board Book materials that described the budget changes. He added that this proposed budget information comes approximately one (1) month after the final revision for the current fiscal year was submitted. The budget is approximately \$60,000 less than last year's budget.

There were no comments or discussion by Board members.

A motion was made by Mrs. Cozad to approve the proposed budget and direct that a summary of the budget be published; and, that a public hearing is scheduled on the proposed budget immediately prior to the adoption at the scheduled Board meeting on July 1, 2014. The motion was seconded by Ms. Day. There were no comments or discussion, and the motion passed unanimously, 4-0. (Exhibit 8, pp. 1-16)

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

There were no Board Members requests.

Mrs. Cozad requested information about the IB program related to teacher staff development and District support of the program. Ms. Day inquired about the feasibility at this juncture of enlisting feedback from the graduates in the original cohort/graduates regarding their experiences and reflections about the program.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

A motion was made by Ms. Day, seconded by Mrs. Grant, and passed unanimously, 4-0 that the meeting be adjourned. Ms. Zibrat declared the meeting adjourned at 7:30 PM.

Respectfully submitted,
Margaret Harris

Ms. Susan Zibrat, President

Date

Approved: 6.24.14