

**AMPHITHEATER PUBLIC SCHOOLS  
Tucson, Arizona**

**MINUTES OF REGULAR PUBLIC MEETING OF THE GOVERNING BOARD**

Place, Date and Time of Meeting

Wetmore Center, 701 West Wetmore Road, April 9, 2013; 5:30 p.m.

**Board Members Present**

Mrs. Susan Zibrat, President

Dr. Kent Paul Barrabee, Vice President

Mrs. Julie Cozad, Member

Ms. Deanna Day, Member

Mrs. Jo Grant, Member

**Central Administrators Present**

Patrick Nelson, Superintendent

Todd A. Jaeger, J.D., Associate to the Superintendent and General Counsel

Monica Nelson, Associate Superintendent

Scott Little, Chief Financial Officer

**OPENING OF MEETING**

**Call to Order and Signing of Visitors' Register**

Mrs. Zibrat called the meeting to order at 5:32 p.m.

**1. EXECUTIVE SESSION**

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

1. Discussion or Consultation with Legal Counsel to Obtain Legal Advice Regarding Student Discipline, Pursuant to A.R.S. §38-431.03(A)(3).

A motion was made by Ms. Day that the Board recess into Executive Session pursuant to A.R.S. §38-431.03(A)(3), as presented. Mrs. Grant seconded the motion and it passed unanimously, 5-0. Mrs. Zibrat called a recess at 5:33 p.m. for the purpose of holding Executive Session.

**B. Motion to Close Executive Session and Reconvene Open Meeting**

Upon return to the Board Room, Ms. Day moved to reconvene the meeting into open session. Dr. Barrabee seconded the motion and it passed, unanimously, 5-0. The time was 6:03 p.m. Mrs. Zibrat declared the meeting in open session.

**CONTINUATION OF OPEN MEETING**

**Call to Order and Signing of Visitors' Register**

Mrs. Zibrat called the meeting to order at 6:03 p.m. and invited members of the audience to sign the visitors' register. Procedures for addressing the Board were described.

**Pledge of Allegiance**

Mr. Bob Stoner, Principal at Keeling Elementary School, was invited to introduce the following students, who were in attendance to lead the Pledge of Allegiance: Oscar Salazar Flores, Briceida Meraz Lopez, Edward Miller, and Ronal Castellanos.

The students led the Pledge of Allegiance and each was presented with a Certificate of Commendation.

Additionally, Dr. Barrabee acknowledged the Art Display in the Board Room. He commended the Keeling Elementary students and art teacher, Melissa Samsel, for their contributions.

## **2. INFORMATION<sup>2</sup> AND RECOGNITION(S)**

### **A. Status of Bond Projects**

Mr. Louth, Bonds Project Manager, was introduced to present this month's (PowerPoint) status update on the current Bond-funded Projects (as provided with Board book materials). 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].*

### **I. INSTRUCTIONAL SPACE / PORTABLE REPLACEMENT**

A. Amphitheater Middle School Addition / Remodel & IT Re-cabling: Construction is 52% complete. Administration Building: Drywall is taped and finished in the remodeled portion of the admin. CMU (concrete masonry unit) walls for the addition are complete and roof framing is in process. New Classroom Building: Roof framing and sheathing are complete and roofing installation is in process. Gym Renovation: Interior finishes are being completed. The new floor is being prepped for installation. The gym lobby underground MP&E (mechanical, electrical, plumbing) and slab on grade are complete, exterior masonry walls are being completed, and roof framing will be starting. Locker Room Renovation: MP&E is complete and the concrete floor is poured back. Interior framing has started. Campus wide re-cabling is being performed as night-work to not disrupt classrooms. Raceway is complete in 300, 400, 500 wings, and is being installed in 600 wing currently. Kitchen and Library renovations are scheduled to start in late April. AMS is on schedule and on budget.

B. Canyon Del Oro High School Addition / Remodel: Construction is complete. Punch list corrections being completed and project closeout is in process. The CDO project was finished ahead of schedule and under budget.

C. Amphitheater High School Renovations: Construction is 10% complete. Stadium Renovations: The building site is being prepped for excavation and building pad construction. Restroom Renovations: underground plumbing work has started for the new Panther Hall Restrooms. Water supply tie-in for student new group restrooms by the café was completed over spring break to not disrupt campus activities. Construction of this restroom has started. All other student restrooms will be constructed or renovated during summer break. MP&E demo and cleanup of the 500 wing has started. The Amphi High Project is on schedule and on budget.

D. Holaway Elementary Classroom Addition & Campus Re-cabling: Construction is 8% complete. Construction of the new classroom building has started. Over-excavation of the site is complete for preparation of footer and foundation installation. Underground utility feeds for the new classroom building are being installed. Campus re-cabling has started with installation of backbone pathways and prep of abandoned restrooms for conversion to IDF's (intermediate distribution frames). The Holaway Elementary project is on-schedule and on budget.

E. Rio Vista Elementary Classroom Addition: Construction documents are complete. A GMP (guaranteed maximum price) is on tonight's consent agenda for Governing Board review and approval. If approved, construction will start in April.

F. Nash Elementary Library Renovation: Construction is 5% complete. The library is demolished and new interior framing has started. Temporary relocation of the computer lab that was housed in the library has occurred. The new computer lab classroom wiring work is in process for permanent relocation. The Nash Library project is on-schedule and on budget.

G. Cross / Harelson Addition / Remodel / Campus Re-cabling: Programming with site staff, the architect of record, general contractor, Amphi Tech staff, and Bond Department personnel is in-process. Schematic design has been completed and is being reviewed and revised for continued project development.

H. Wetmore Professional Development Building: Design programming is in-process.

## **II. HEALTH, SAFETY & SECURITY**

A. Copper Creek Site Drainage and Playfield Resurfacing: Construction Documents are complete. A recommendation for acceptance of a General Contractor Vendor Bid is on tonight's consent agenda for Governing Board review and approval. If approved, construction will start in April.

### **B. Recognition of CDO Academic Decathlon Team**

Board book information: *Canyon del Oro's Academic Decathlon team competed in the 29<sup>th</sup> Arizona State Academic Decathlon finals at ASU West Campus. Let by strong performances by Jake Rockland, Rebecca Gosla, and Maria Elena Pakulis, CDO finished a strong second, behind Mesa Red Mountain, and well ahead of third-place Mesa Mountain View. Forty schools participated.*

*The highlight of the competition (for CDO) was an exciting victory in the Super Quiz Relay, which is the public portion of the competition. In the relay, they finished well ahead of second-place Boulder Creek High School and third-place Red Mountain.*

*In the overall competition, however, Red Mountain dominated, finishing with 48,408 points to CDO's 45,174 points. The competition between Red Mountain and CDO has been intense for many years as they each view the other as the main contender to be faced.*

*CDO students won a total of 25 medals. Jake Rockland won a special trophy for having the top interview score out of all students competing. Maria Elena Pakulis finished 3<sup>rd</sup> in the state in her category (out of all ten events).*

*CDO's second place finish qualifies them to be a wild-card team at the national finals in Minneapolis on April 23 – 27. CDO is currently seeded 8<sup>th</sup> nationally.*

*The team members are Jake Rockland, Annaliese Grant, Rebecca Gosla, Jakub Safar, Alexander Molina, Maria Elena Pakulis, Rose Booth, Powell Brumm, and Jason Trainor, and Chelsea Hoel. They are coached by Mr. Chris Yetman.*

Mr. Nelson invited Mrs. Marcia Volpe, Principal at Canyon del Oro High School, to introduce the team's Coach, Mr. Chris Yetman.

Mr. Yetman thanked Mrs. Volpe, students and staff, Administration, and the Governing Board for their contributions in the success of this year's Academic Decathlon Team. The team will be traveling to Minneapolis late in April for national competitions. Mr. Yetman introduced the 7 team members in attendance, explaining that the other team members regrettably had commitments preventing them from attending this meeting. He described the competition categories and noted that this year's theme was Russia. Chelsea Hoel was introduced and delivered her winning speech with finesse and pride.

Dr. Barrabee invited the students to comment about their subject area, Russia, and asked their opinions on the relevance of its important historic events on today's "modern world."

The Governing Board congratulated each student and Coach Yetman; each was presented with certificates of commendation.

### **C. Recognition of National Merit Finalists**

*Board book information: Each year, students across the country compete to become National Merit Scholarship Finalists. Of the 1.5 million entrants, some 50,000 with the highest PSAT/NMSQT® (Pre-Scholastic Aptitude Test/National Merit Scholarship Qualifying Test) Selection Index scores (critical reading + mathematics + writing skills scores) qualify for recognition in the National Merit® Scholarship Program.*

*Fifteen thousand of those students are notified by mail that they are Semifinalists. They then advance to Finalist standing.*

*All winners of Merit Scholarship® awards are chosen from the Finalist group, based on their abilities, skills, and accomplishments – without regard to gender, race, ethnic origin, or religious preference. A variety of information is available for National Merit Scholarship selectors to evaluate: the Finalist's academic record, information about the school's curricula and grading system, test scores, the high school official's written recommendation, information about the student's activities and leadership, and the Finalist's own essay*

*National Merit Scholarship Corporation (NMSC) notifies approximately 8,300 Finalists that they have been selected to receive a Merit Scholarship® award. Merit Scholarship awards are of three types:*

- **National Merit® \$2500 Scholarships**  
*Every Finalist competes for these single payment scholarships, which are awarded on a state representational basis. Winners are selected without consideration of family financial circumstances, college choice, or major and career plans.*
- **Corporate-sponsored Merit Scholarship awards**  
*Corporate sponsors designate their awards for children of their employees or members, for residents of a community where a company has operations, or for Finalists with career plans the sponsor wishes to encourage. These scholarships may either be renewable for four years of undergraduate study or one-time awards.*
- **College-sponsored Merit Scholarship awards**  
*Officials of each sponsor college select winners of their awards from Finalists who have been accepted for admission and have informed NMSC that the sponsor college or university is their first choice. These awards are renewable for up to four years of undergraduate study. Merit Scholarship awards are supported by some 440 independent sponsors and by NMSC's own funds. Sponsor organizations include corporations and businesses, company foundations, professional associations, and colleges and universities*

*Amphitheater Public Schools is proud to announce three Finalists in the National Merit Scholarship program. They are Calvin Harrison from Ironwood Ridge High School, and Annaliese Grant and Jacob Rockland from Canyon del Oro High School.*

Mr. Nelson invited Mrs. Marcia Volpe, Principal at Canyon del Oro High School and Mr. Mike Szolowicz, Principal at Ironwood Ridge High School, to introduce their students in attendance. Mr. Szolowicz provided an overview of the National Merit Program and described the significance of this achievement for each of these elite students, who from a nationwide pool of finalists represents less than one percent of U.S. high school seniors.

The Governing Board congratulated each student; each was presented with certificates of commendation.

**D. Introduction of Ironwood Ridge High School Student Advisory Council Members**

Mr. Nelson invited Mr. Mike Szolowicz, Principal at Ironwood Ridge High School, to introduce the students in attendance from Ironwood Ridge High School who serve on the Superintendent's Student Advisory Council. Mr. Szolowicz introduced the students in attendance and then highlighted their academic and personal achievements.

Mrs. Zibrat expressed appreciation to the students for the dedicated commitment to their school and its community.

**E. Presentation of Distinguished Service Awards**

Board book information: *The Distinguished Service Award was established to recognize employees' initiative, collaboration, loyalty, and contribution to the Amphitheater Public School District. Employees will be 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 April: Anne Wheaton, Physical Education Teacher, Mesa Verde Elementary School and Sean Graham, Custodian I, Painted Sky Elementary School*

Mr. Nelson invited Mr. Michael Bejarano, Executive Director of Secondary Education, to provide an overview about the Distinguished Service Award.

Mr. Bejarano introduced each of the recipients being recognized for April: Ms. Anne Wheaton, who is a Physical Education Teacher at Mesa Verde Elementary School and Mr. Sean Graham who is a Custodian I at Painted Sky Elementary School. He provided a review of the accomplishments and comments made about each of the honorees as submitted by the person nominating them for recognition.

On behalf of the Board, Mrs. Zibrat expressed gratitude to Ms. Wheaton and Mr. Graham for exemplifying the Distinguished Service Award principles of: initiative, collaboration, loyalty, and contributions to the District. Each was presented with a Certificate of Commendation.

**F. Resolution of the Governing Board Recognizing the Contributions of Educational Support Personnel in the District and Setting April 24, 2013 as a Date for Special Recognition**

Board book information: *It takes many employees of every job description to make a school district run and provide a quality education to students. Each year, nationally organized activities direct attention to the invaluable efforts of teachers and school administrative assistants. But, there many other important contributions made by other school personnel that do not receive their own special day of recognition.*

*The District's Educational Support Personnel, also known as "Classified Staff" serve in many crucial roles throughout the district, including but certainly not limited to: bus drivers and monitors, carpenters, groundskeepers, clerical personnel, food service personnel, and custodians. These people play instrumental roles in creating safe, clean, and welcoming school environments that meet student, parent and community needs.*

*While one day a year of recognition does not approach the level of appreciation due to these dedicated staff members, the Governing Board has for several years set aside a day to highlight the contributions of our support staff.*

*A resolution (attached) has been prepared for the purpose of setting April 24, 2013 as the date this year when the contributions of Educational Support Personnel are specially recognized.*

Mr. Nelson introduced the item. Mrs. Zibrat read the Resolution document into record. Ms. Mindy Blake, Director of Community Relations was invited to show a video she created in honor of the District's Educational Support Staff Appreciation Day on Wednesday, April 24, 2013.

Dr. Barrabee thanked administration for their efforts in implementing this recognition and appreciates having the Video publicized on the District's website thereby informing the public of how many different roles and people are necessary to support the educational system within a local school district.

Mrs. Cozad inquired about this employment group's participation; Mr. John Fife, President of AmphiEA confirmed so. She suggested that it might be appropriate that the Resolution might be included in the AmphiEA's newsletter. (Exhibit 10, pp. 1-2.)

[The Resolution is available for review at: <https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=33631173> ]

Note: Mrs. Zibrat called a five (5) minute recess at 7:17 p.m. and then reconvened the open meeting at 7:26 p.m.

### **G. Periodic Legislative Update**

Board book information: *This Item is presented to permit the Governing Board to review and discuss the status of education-related legislation which has been proposed in the first regular session of the 51<sup>st</sup> Arizona legislature this year.*

*A summary of bills introduced in the Arizona House of Representative and the Senate follows and includes current status of those bills where available. In subsequent legislative updates, status updates on each bill will be provided. At this point, all bills to be presented have been. Absent "striker bills" (a.k.a. strike-everything amendments), there should be no further legislation affecting schools. Striker bills, however, have been recurring events in Arizona's legislative process.*

Mr. Nelson invited Mr. Jaeger to provide an overview of this item (A 20-page document accompanied this item as part of the Board Book materials, which summarized the proposed education-related bills.

[The complete document can be viewed at: <https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=33631206> ]

Mr. Jaeger displayed a PowerPoint document, which he reviewed, summarizing school-related legislation that have been signed into law. [HB 2317 – expired fingerprint cards: addressing the current long wait-times now being experienced; SB 1293 – simulated outcome based funding for school districts; HB 2327 – dangerous drugs – definition (includes synthetic cannabinoids and bath salts); and HB 2476 – isolation rooms; restrictions].

Very few of the proposed bills have passed; Mr. Jaeger noted that the Governor announced that until a budget has been passed, she prefers not to receive any newly-introduced bills.

Dr. Barrabee noted that discussions ensued at a recent Pima County School Board/ Superintendent Collaborative meeting regarding the conflicting opinions by school districts about equitable funding that reflect their demographics (homogeneous versus heterogeneous).

### **3. CONSENT AGENDA<sup>3</sup>**

Mrs. Zibrat asked if there were Board member requests to have items addressed separately; there were none. Mrs. Zibrat asked that Item P be addressed separately in order to accommodate a speaker for that item. [The motion to approve Item P also included Item Q; see detail below and vote for Items P and Q.] A motion was made by Ms. Day to approve the Consent Agenda, items A-O. The motion was seconded by Dr. Barrabee and, it passed unanimously, 5-0. Appointment of personnel is effective, provided all district, state, and federal requirements are met.

**A. Approval of Minutes**

The minutes of the March 26, 2013 Special Governing Board and Executive Session (confidential) meetings were approved, as submitted.

**B. Approval of Appointment of Personnel**

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

**C. Approval of Personnel Changes**

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

**D. Approval of Leave(s) of Absence**

Leave 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 Approval of Vouchers Totaling and Not Exceeding \$2,548,999.31**

The following vouchers were approved as presented and payment authorized:

|         |               |         |               |         |               |
|---------|---------------|---------|---------------|---------|---------------|
| Vo. 603 | \$ 858,008.70 | Vo. 604 | \$ 602,075.89 | Vo. 605 | \$ 75,703.25  |
| Vo. 606 | \$ 101,881.38 | Vo. 607 | \$ 194,044.07 | Vo. 608 | \$ 717,286.02 |

**G. Receipt of Monthly Status Report for the Fiscal Year 2012-2013**

A summary of comparative totals as of March, 2012 is as follows:

|                       |                 |                                   |                  |
|-----------------------|-----------------|-----------------------------------|------------------|
| Budget Capacity ..... | \$82,500,000.00 | Expenditures & Encumbrances ..... | \$ 82,500,000.00 |
|-----------------------|-----------------|-----------------------------------|------------------|

Totals' Comparisons:

|                                |                  |   |                 |
|--------------------------------|------------------|---|-----------------|
| Expenditures as of 3/31/12.... | \$ 56,153,582.51 | M & O Budget Capacity for 2011-2012.... | \$81,843,474.00 |
| Expenditures as of 3/31/13.... | \$ 58,683,253.79 | M & O Budget Capacity for 2012-2013.... | \$82,500,000.00 |

Bond Balance Outstanding: \$83,035,000.00

Tax Rates: Primary – 4.3424; Secondary – 1.6517

**H. Acceptance of Gifts**

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

**I. Receipt of February 2013 Report on School Auxiliary and Club Balances**

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

The Governing Board approved the Monthly Report on School Auxiliary and Club Balances for month-end February, 2013, as submitted. (Exhibit 6, pp. 1-8)

## **J. Approval of Post-Retirement Employment Opportunities During the 2013-2014 Fiscal Year for Staff Retiring in the Current Fiscal Year**

Board book information: Significance of Staff Retention *As the Board has previously studied and discussed, there are increasing pressures on Arizona school districts to retain highly qualified personnel:*

- *NCLB and IDEA demand that instruction be provided by teachers and paraprofessionals meeting high levels of qualification.*
- *Student achievement goals under state and federal law depend upon placement and retention of skilled staff.*
- *Fifty percent of all teachers in the profession today are expected to retire by the end of this decade.*
- *Arizona state retirement contribution rates for employees have increased and will continue to do so, pressuring some people to retire.*
- *The private sector and other schools continue to compete for personnel in hard to fill disciplines.*

*The loss of staff to retirement can therefore be counterproductive to the efforts of school districts to overcome these pressures. School districts are consequently searching for new ways to attract and retain personnel.*

*Many personnel who retire from school districts do pursue “second careers” in another field. Often, they would prefer to remain in the field of education or other public service, but state retirement rules preclude them from doing so, at least in a direct employment relationship.*

*The “Lease-Back” Solution - New businesses have arisen which offer school districts the ability to hire teachers, administrators and classified employees who have retired. (The Arizona State Retirement System would normally preclude those retirees from returning to employment with any Arizona school district for one year after retirement. In this way, those employees whose valued skills might have otherwise been lost can continue their contributions. Additionally, these personnel may earn substantial post-retirement incomes without violating state retirement rules.*

*At present, more than seventy Arizona school districts have this kind of program. 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.*

*The District currently offers such a program through Educational Services, Inc., a service provider under a Mohave Educational Services Contract. Our ESI contract sets a fee for the service to be provided by the retiree based on a percentage of the retiree’s former salary as a district employee (currently, approximately 74% of the retired employee’s former pay). ESI hires the retiree and “leases” the employee back to the District. ESI assumes all responsibilities for paying the retiree, who is then an employee of ESI. Like any employer is required, ESI makes appropriate withholdings and payments of all applicable taxes and the issues W-2 forms. ESI also offers a benefit plan that its employees may purchase. ESI bills the District for the cost of the retirees, salary costs and ESI’s service fee.*

*The District saves the difference between the cost of the employee’s pre-retirement salary (and employee related costs) and the fees paid to ESI. The employee earns income both as a state retiree and as an ESI employee placed with the district.*



*The District has offered such a program 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.*

*In recent years, these "leased employee" arrangements have received scrutiny from both the Arizona State Retirement System and the legislature. We have seen, for example, the introduction of legislation which modified the terms of these arrangements in various ways. One recent law, for example, now requires a "contribution" to the ASRS by the employer of approximately 8.4% for "leased employee" wages.*

*This obviously reduces the amount of savings enjoyed by the District in these arrangements.*

*The Administration's Proposal - The Administration recommends again offering current Amphitheater employees the opportunity to continue their public service even after retirement through this program. Specifically, the recommendation is that retiring Amphitheater employees may again be retained through ESI to fill their pre-retirement positions following their retirement, on the following terms and conditions:*

- 1. The option will be offered for the remainder of the current fiscal year, allowing the retiree's retention through ESI beginning in 2013-2014.*
- 2. The terms of the retiree's employment with the service provider are determined by the provider, and the retiree must acknowledge those terms prior to placement with the District.*
- 3. ESI will compensate former employees of the District at the rate of 71.8% of the wage paid to the employee by the District prior to retirement. This difference in pay has increased following the state mandate to make ASRS contributions on contract fees paid to third party contractors.*
- 4. The provider 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.*
- 5. Personnel placed with the District through this program must meet all district, state and federal qualification standards, including but not limited to, fingerprint/background clearance, certification, endorsement, education level, and licensure.*
- 6. Pursuant to the terms and conditions of the District's Early Retirement Program (ERP) and Early Retirement Phase-Out Program (ERPOP), participants in those former programs are ineligible to participate in this program.*
- 7. 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 the Amphitheater District.*

The Governing Board approved the post-retirement employment opportunities for the 2013-2014 school year for staff retiring in the current fiscal year through ESI (Educational Services, Inc., a Mohave Educational Services per the terms and conditions listed (above).

#### **K. Approval of Out of State Travel**

Out of state travel was approved for students and staff (source of funding indicated): Canyon del Oro High School to take 2 students from the SkillsUSA – Construction/Arch Competition to Kansas City, MO, June 24-29, 2013 (JTED funds, tax credits, auxiliary funds and student activity funds). Travel was previously approved at: the October 2, 2012 Board meeting for Wilson K-8 to take 150 students from the Wilson Chamber Ensemble Jazz Band and Choir to Anaheim, CA, April 4-7, 2013, chaperones have changed and funding sources now include gifts and donations; the December 4, 2012 Board meeting for La Cima Middle School to take 33 students from the Science Department to Catalina Island, CA, may 5-9, 2013, dates have changed and are now April 9-13, 2013; the January 22, 2013 Board meeting for Coronado K-8 School to take 49 students from National Honor Society to Anaheim, CA, April 5-7, 2013 chaperones have changed; the February 5, 2013 Board meeting for Ironwood Ridge High School to take 2 students from the Veterans

Heritage Project to Valley Forge, PA, April 25-28, 2013, the trip is sponsored by the Freedoms Foundation organization and the approximate cost of substitutes will be paid for by gifts and donations funds and additional chaperone will also be going.

Out of state travel was approved for staff (source of funding indicated): from District Offices to attend the National Association of Elementary School Principals (NAESP) Conference in Baltimore, MD, July 9-13, 2013 (federal funds designated for staff development).

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

Board book information: *On July 5, 2005, the Board approved an intergovernmental agreement (IGA) with Mesa Unified School District (MUSD) for participation in its proprietary, on-line curriculum and distance learning system. On May 11, 2010, the agreement was extended for a period that expires on June 30, 2013.*

*The District has utilized the system to enhance its own course offerings, to provide distance learning opportunities for our students (first grade to graduation), and to supplement our special and alternative education programs.*

*The District offers MUSD's on-line classes to students taking four or more classes within our District. The cost is \$150.00 per on-line course. Program coordination would continue to be provided through the Executive Director of Student Services.*

*A copy of the original IGA is attached for the Board's reference along with the letter extending the term of the agreement through June 30, 2016.*

The Governing Board approved the IGA extension, as submitted. (Exhibit 7, pp. 1-11.)

**M. Approval of Grant(s)**

The Governing Board approved the National FFA Organization Grant in the amount of \$2,500. on behalf of Amphitheater High School and will be used towards the cost of supplies for the 2013 FFA Food for All program.

**N. Approval of Student Fee Rates Charged Pursuant to Governing Board Policy JQ, A.R.S. §15-342 (24), and A.R.S. § 15-1142**

Board book information: *Arizona Revised Statutes 15-342 sets forth the permissive powers of the Governing Board. Among other things, the provision allows the Governing Board to assess reasonable fees for optional extracurricular activities and programs conducted when schools are not in session. For the purposes of this provision, "extracurricular activity" means any optional, noncredit, educational or recreational activity which supplements the education program of the school, whether offered before, during or after regular school hours.*

*For high schools, the law also allows governing boards to assess fees for fine arts and vocational education courses and for optional services, equipment and materials offered to students beyond those required to successfully complete the basic requirements of any other course. No fees may ever be charged for access to or use of computers or related materials.*

*Fees must be adopted at a public meeting after notice has been given to all parents of students and cannot exceed the actual costs of the activities, programs, services, equipment or materials. The governing board must also authorize principals to waive the assessment of all or part of a fee assessed pursuant to this provision of law if it creates an economic hardship for a pupil.*

*Attached is a list of proposed District fees for the 2013-14 school year. This list has been displayed on the Amphitheater District website for thirty days.*

The Governing Board approved the student fee rates for extracurricular activities and programs as submitted, and listed in Exhibit 8, pp. 1-2.

[The complete list is available for review at: <https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=33631617>]

**O. Authorization of Legal Counsel to Take Appropriate Actions to Represent the Board and Its Agents, Assert the Board's and Its Agents' Positions, and Protect the Board's and Its Agents' Interests in U.S. District Court Case No. 4:13-cv-00179-RCC and Pima County Case No. C2013-1410, and to Ratify and Approve Such Actions Already Taken in these Matters**

Board book information: *Two separate litigation matters, referenced in the title above, have been filed against the District in two separate courts. The Arizona School Risk Retention Trust has retained counsel (the law firm of Gallagher & Kennedy, P.A.) to defend the Governing Board and its agents in both matters. Counsel has requested that the Governing Board take action to authorize their representation of the Board and its agents in this matter.*

*Pursuant to A.R.S. §§ 38 431.03(A)(3) and (4), the Board may vote to go into Executive Session for the purpose of discussion or consultation for legal advice with its attorney, and/or for the purpose of discussion or consultation with its attorney in order to consider its position and instruct its attorney regarding the Board's position in pending or contemplated litigation and/or in settlement discussions conducted in order to avoid or resolve litigation, specifically to discuss and consult with and instruct its attorney concerning the status of U.S. District Court Case No. 4:13 cv 00179 RCC.*

The Governing Board approved authorization to *Gallagher & Kennedy, P.A.*, and its attorneys to represent the Board and its agents, and to take all actions that they deem necessary or appropriate in order to represent the Board and its agents in Pima County Case No. C2013-1410, as described.

**P. Award of Contracts for K-12 Textbook Adoptions for Math & Reading Based on Responses to Request for Proposal (RFP) 12-0024**

Board book information: *Request for Proposal (RFP) 12-0024 was mailed to twenty-one (21) vendors providing Common Core Textbooks in the areas of Math and Reading. The District requested that each vendor provide samples and a detailed response to address these points:*

- *Demonstrated alignment with Common Core Standards*
- *Authentic formative and summative assessments based on rubrics*
- *21st Century teaching and learning skills*
- *Differentiation strategies/materials*
- *Special Education strategies/materials*
- *Tier II and III Intervention materials*
- *ESL materials*
- *Comprehensive Teacher's Edition*
- *Web support/materials*
- *Professional Development*
- *Interactive whiteboard lessons or support tools*
- *Specific intentional vocabulary instruction*
- *eBook options*
- *Research based evidence of success in schools*

*Math*

- *References to the Mathematical Practices*

- *Written components – where students are asked to communicate their mathematical thinking in writing as part of the problem solving requirements*
- *Math Journal activities*

Reading

- *In accordance with the Common Core alignment, a heavier emphasis on non-fiction text and on rigorous text levels is included - Lexile levels noted*

*Eleven responses were submitted by the vendors. Committees met and reviewed all materials presented by vendors against a rubric which detailed the requirements of the RFP and the Common Core Standards. Upon review of all vendor materials, the committee selected the top vendors for further consideration.*

*Material samples appropriate to the grade levels from each top vendor were sent to every school in the district. Teachers of reading and mathematics at every school were given the opportunity to review the materials and score them against the requirements of the RFP and the Common Core Standards for the content area. All top vendors presented their program/materials to the committee. Committee members rated the presentation of materials against the requirements set forth in the RFP.*

*Each committee met for a consensus meeting where all of the data from the original reviews by the committee, data from reviews by teachers in every school, and data from the vendor presentations were considered. Comments were collected and the consensus decisions were documented. Best and Final requirements were sent to the selected top vendors.*

*Based on the Best and Final bids, the requirements of the RFP and the teacher ratings, the following recommendations are made to the Governing Board for their approval:*

| <u>Vendor</u>     | <u>Product</u>                                    | <u>Grades</u> |
|-------------------|---|---------------|
| Pearson           | Scott Foresman Reading Street                     | K-5           |
| McGraw-Hill       | My Math   | K-5           |
| Pearson           | Prentice-Hall Literature with Writing Coach       | 6-12          |
| Carnegie Learning | Math 1, 2, and 3<br>Algebra, Geometry, Algebra II | 6-12          |

Mrs. Zibrat asked to have this item heard separately in order to accommodate a Speaker Request Card from someone wishing to address the Governing Board on this item.

Ms. Beth Lake, Mesa Verde parent, wanted to address the Board in order to express her appreciation to the Board for the investment it has chosen to make in the selection of these textbooks, which are in support of the common core standards initiative. Ms. Lake has spent two (2) days reviewing the books. She understands the enormity of the undertaking necessary in moving to this new Initiative. She is thankful to the Board “for investing in our students!”

A(single) motion was made by Ms. Day to approve both items P and Q.1. and Q.2; Mrs. Zibrat seconded the motion; and, it was approved unanimously, 5-0. The awards approved included Item P, the awards of contract for K-12 Textbook adoptions for Math and Reading based upon RFP 12-0024, as listed in Exhibit 9, pp. 1-13.

[The complete list can be viewed at: <https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=33643495>]

## **Q. Approval of Bond-Related Projects**

### **1. Award of Contract for Copper Creek Elementary School Field Improvements Based on Responses to Request for Bid (RFB) 12-0069**

Board book information: *Request for Bid (RFB) 12-0069 was emailed to 100 general contractors registered with the Purchasing Department. The scope of work was identified in the Blue Ribbon Budget*

*Analysis and Facilities Needs Committee booklet and included the following: improvements to existing playground, site drainage, and resurface existing basketball courts. Six general contractors responded to this request for bid.*

| <b>Contractor</b>                   | <b>Net Base Bid</b> |
|-------------------------------------|---------------------|
| <i>Building Excellence LLC</i>      | <i>\$185,863</i>    |
| <i>4-L Construction Inc.</i>        | <i>\$191,256</i>    |
| <i>Silver Sage Builders LLC</i>     | <i>\$208,540</i>    |
| <i>GN Construction Co. Inc.</i>     | <i>\$208,694</i>    |
| <i>West Point Contractors Inc.</i>  | <i>\$264,710</i>    |
| <i>M. Anderson Construction Co.</i> | <i>\$296,625</i>    |

**2. Approval of a Guaranteed Maximum Price (GMP) for Rio Vista Elementary School**

- **Build 6 new classrooms to replace aging portables**
- **Remodel and expand the Administration Building**
- **Modernize and add restrooms to ensure ADA compliance**
- **Expand parent and staff parking**
- **Campus Security Fencing**

Board book information: *District Administration presents to the Governing Board a Guaranteed Maximum Price (GMP) from Lloyd Construction Company, Inc. for the Rio Vista Bond-related project referenced above in the amount of \$3,159,193.87.*

A(single) motion was made by Ms. Day to approve both items P and Q.1. and Q.2; Mrs. Zibrat seconded the motion; and, it was approved unanimously, 5-0. The awards approved included Item Q.1., the award of contract for the Copper Creek Elementary School Field Improvements project based upon responses to RFB 12-0069; and, Q.2., the award of contract for GMP for the Rio Vista Elementary School project to *Lloyd Construction Company, Inc.* in the amount of \$3,159,193.87.

**4. STUDY**

**A. Study of Proposed Revisions to Governing Board Policy IKF (Graduation Requirements); Policy JFABC (Admission of Transfer Students); Policy JJIB (Interscholastic Sports) and Policy JLCCA (Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus Infections)**

Board book information: *Arizona School Boards Association Policy Services periodically provides suggested revisions to Governing Board policies. This item is presented to permit the Board to review proposed policy revisions to the following Policies:*

***Policy IKF, IKF-RB, IKF-EB (Graduation Requirements).*** *The units of credit required for graduation is unchanged in the table of required courses but is now referenced in the text of the document to the minimum number of units of credit required by the State Board of Education for graduation. Language in the table of required courses has been adjusted as the earlier outdated requirements have been eliminated. For additional information review the legal references listed in the document. Additionally, the IKF-RB regulation and IKF-EB exhibit have been updated.*

***Policy JFABC — Admission of Transfer Students.*** *Policy IKF has included the progression of increased minimum graduation requirements for several years and has been updated as indicated above by removing older language; therefore it is necessary to make an adjustment in policy JFABC. Language related to core credit is adjusted to “units of credit specifically named as required for graduation by the State Board of Education.”*

***Policy JJIB and JJIB-EB — Interscholastic Sports.*** *This is an optional addition to policy and a new optional exhibit which are intended to provide added focus and attention to an important aspect of student safety.*

*District practices pertaining to student health and safety management plans are improved by periodic review, updating, and on-going training. Thus, districts should be aware of the fact that the Arizona Interscholastic Association Executive Board on May 22, 2012 approved the Heat Acclimatization and Exertional Heat Illness Management Policy which has been referenced in Policy JJIB and included in the new exhibit JJIB-EB, Interscholastic Sports. The document may be accessed at the AIA website as Bylaw 14.17 which became effective on July 1, 2012.*

**Policy JLCCA — Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus Infections.** *An ADE Memorandum, HIV in School Settings Policy Guidance, released in February 2012, provides some updated language and references regarding HIV policies and has generated a few questions pertaining to application. ASBA Policy JLCCA, Acquired Immune Deficiency Syndrome and Human Immunodeficiency Virus Infections, includes the word "Ill" as the second word in the first sentence. This word has been removed from the model document and will be updated in Policy Manuals at the next scheduled Policy Review or at such time as the Governing Board adopts a revised policy.*

*Additionally, several Manual cross references pertaining to privacy (FERPA), special instructional programs, school attendance, students' rights, student records, staff health and safety, exposure control, bloodborne pathogen training, and parental involvement and have been added to Policy JLCCA. The cross referenced policies are not new but are included as cross references in order to provide quick access should questions or concerns arise as to the content and applicability of the policies.*

Mr. Nelson introduced the item indicating that these proposed policy revisions are presented for initial review. He invited Mr. Jaeger to highlight some of the suggested changes.

Mr. Jaeger referenced the Board Book materials accompanying the agenda item and highlighted the proposed changes. There were no questions or comments made by Board members. This item will return at a future meeting for the Board's action and approval.

#### **BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS**

There were no Board Member requests.

#### **PUBLIC COMMENT<sup>1</sup>**

#### **ADJOURNMENT**

A motion was made by Ms. Day that the Board Meeting be adjourned. Mrs. Cozad seconded the motion; and it passed unanimously, 5-0. Mrs. Zibrat declared the meeting was adjourned; the time was 7:46 p.m.

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Respectfully submitted,  
Margaret Harris

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Mrs. Zibrat, President

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Date

Approved: 4.23.13