

**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, September 18, 2012, 5:00 p.m.

Board Members Present

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

Central Administrators Present

Patrick Nelson, Superintendent
Todd A. Jaeger, J.D., Associate to Superintendent and General Counsel
Monica Nelson, Associate Superintendent

OPENING OF MEETING

Call to Order and Signing of Visitors' Register

Mrs. Boros called the meeting to order at 5:00 p.m. 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:

Mrs. Boros announced the next regular meeting of the Governing Board: Tuesday, October 2, 2012, 5:00 p.m., at the Wetmore Center, 701 W. Wetmore Road.

PUBLIC COMMENT

There were no public comments.

1. CONSENT AGENDA

Mrs. Boros asked if there were Board member requests to have any items addressed separately. Dr. Barrabee requested items M, Q, and R be heard separately. Following some discussion, clarification was provided; a final motion was then made by Mrs. Boros to approve consent agenda items A-L and N-P. The motion was seconded by Dr. Barrabee and passed unanimously, 5-0. Appointment of personnel is effective, provided all district, state, and federal requirements are met. (See detail regarding items M, Q, and R below.)

A. Approval of Minutes of Previous Meeting

The minutes of the September 4, 2012 Regular Governing Board and Executive Session meetings were approved, as submitted.

B. Appointment of Personnel

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

C. Personnel Changes

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

D. Leave(s) of Absence

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

E. Separation(s) and Termination(s)

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

F. Approval of Vouchers Totaling and Not Exceeding Approximately \$1,060,551.17 (Final Total)

The following vouchers were approved as presented and payment authorized:

Vo. 520	\$ 223,391.14	Vo. 521	\$ 121,732.06	Vo. 522	\$ 300,846.71
Vo. 523	\$ 136,934.38	Vo. 524	\$ 277,646.88		

G. Approval of Parent Support Organizations for 2012-2013

The Governing Board approved the Annual Application for Governing Board Approval (Parent Support Organizations pursuant to District Policy KBE-R) submitted by the following groups: Donaldson Elementary PTO, CDO IB Booster Club, IRHS Boys Basketball Boosters, CDO Project Graduation, and Partners for the La Cima Community.

H. Receipt of July 2012 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 July, 2012, as submitted. (Exhibit 5, pp. 1-8).

I. Approval of 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 15 students from Academic Decathlon to participate in the Academic Decathlon Competition in Dallas, TX, Oct.18-21, 2012 (tax credit funds); from Canyon del Oro High School to take 10 students from DECA to the Western Region Leadership Conference in Seattle WA, Nov. 14-16, 2012 (tax credits and club funds); from Ironwood Ridge High School to take 31 students from the Encore Show Choir to participate in a festival program in Orlando, FL, March 21-24, 2012 (fundraising, community event honorariums, donations (tax credit)).

Out of state travel was approved for staff from District Offices to attend Security Seminar in Philadelphia, PA, Oct. 9-11, 2012 (maintenance and operations funds designated for staff development); from District Offices to attend Advanced Employment Issues Symposium in Las Vegas, NV, Oct. 3-Nov. 2, 2012 (maintenance and operations funds designated for staff development); from Ironwood Ridge High School to attend Council on Economic Education (CEE) Annual Literacy Conference in Kansas City, MO, Oct. 4-7, 2012 (cost of the conference is being paid by the teacher and reimbursed by the Thomas R. Brown Foundation (TRBF)); from Nash Elementary School to attend the No Excuses University National Convention in San Diego, CA, Oct. 14-17, 2012 (gifts and donations funds); and, from District offices to attend the Education Trust 2012 National Conference in Washington, D.C., November 7-10, 2012 (federal funds designated for staff development)

J. Approval of Grant(s)

The Governing Board approved the following grant on behalf of Rio Vista Elementary School in the amount of \$2,000 from Target to be used towards the purchase of supplies for the Early Childhood Reading – Family Reading Program.

K. Approval of New Course Title(s)

The Governing Board approved the following course title(s) for High Schools: Architectural Drafting IV and Construction Technology IV.

L. Approval of Intergovernmental Agreement (IGA) between the District and the Arizona Board of Regents on Behalf of the University of Arizona College of Science and the College of Outreach

Board book information: *The University of Arizona, through their College of Science, has developed Bioscience/Biotechnology courses to encourage high school students to graduate and seek out STEM (Science, Technology, Engineering and Math) higher education programs. The University has requested the opportunity to co-offer these classes to area high school CTE students through the College of Outreach. Besides Amphitheater, the Governing Boards of the following local school Districts are also considering this proposal: Tucson Unified, Marana, Flowing Wells, Sunnyside, and Vail.*

This Agreement would permit local students to earn three (3) University credits through two-semester courses providing instruction in advanced biology coursework and laboratory techniques.

The University has agreed to an 80% reduction in tuition and fees to these students, currently determined to be \$475.00 (\$158.33 per credit hour). Efforts continue to obtain grants and additional funding sources to help alleviate even these costs to the student.

A District CTE-certified teacher will be granted "Faculty Associate" status for the duration of the program for class instruction, and to facilitate course management and student evaluation.

The University's form of agreement provides for the IGA's commencement upon the filing with the Secretary of State's office and a termination date of June 30, 2013.

The Governing Board approved the IGA between the District and the Arizona Board of Regents on behalf of the University of Arizona, College of Science and the College of Outreach, as described above. (Exhibit 6. pp. 1-3)

M. Approval of Revisions to Governing Board Policies and District Regulations Developed through Meet and Confer Process and Pertaining to Section G Regarding Personnel

Board book information: *On September 4, 2012, the Board reviewed proposed revisions to certain G-series policies that resulted from the meet and confer process between the District administration and the Amphitheater Education Association. This item is presented for the Board's approval of those revisions as set forth in: GBEAA – Staff Conflict of Interest, GBEB – Staff Conduct, GBEBB-R–Staff Conduct with Students, GBED–Smoking by Staff Members, GBGCA–Wellness Programs, GBGCA-R – Wellness Programs, GBGCB – Staff Health and Safety, GCB – Professional Staff Contracts and Compensation, GCMF – Professional Staff Duties and Responsibilities, GCQC – Resignation of Professional Staff Members, GCQFA - Discipline, Suspension and Dismissal of Professional Staff Members, GCQFA-R - Discipline, Suspension and Dismissal of Professional Staff Members, GDQD-R – Discipline, Suspension and Dismissal of Support Staff Members .*

Dr. Barrabee asked to have this item addressed separately in order to secure clarification. Mr. Jaeger stated that this item was reviewed at the last Board Meeting. Mr. Jaeger noted that the majority of changes are related to staff conduct resulting in disciplinary consequences either by way of dismissal and/or letters of reprimand as mandated by recent legislative changes. The other personnel-related policies dealing with Governing Board determinations are not reflected in this policy grouping. The G Policies were reviewed by the Board in the past year or so. Mr. Jaeger added that during last year's policy reviews, the Board adopted a new procedure incorporating a Hearing Officer process (similar to that of what is used with student hearings).

Dr. Barrabee moved approval of the revisions to Governing Board Policies and District regulations pertaining to Section G regarding personnel, as described. Mrs. Boros seconded the motion and it passed unanimously, 5-0.

N. Approval of Qualified Amphitheater Teacher Performance Evaluation System (ATPES) Evaluators

Board Book information: *The following staff members have successfully completed evaluator training for the 2012-2013 school year: Joseph Paddock, Bill Walther, David Thatcher, Foster Hepler, Diana Walker, Jon Lansa, Don Enright, Christine Sullivan, Linda Haller, Carol Tracy, Rob Jewett, Bob Hehli, Chris Gutierrez, Tassi Call, Michael McConnell, Patsy Harris, Patrick Nelson, Gerad Ball, Armando Soto, Cathy Crockett, Andy Heinemann, Judi LeWinter, Brent Spencer, Adrian Hannah, Mike Bejarano, Patti Greenleaf, Tanya Wall, A.J. Malis, Mary Kolsrud, Debbie Garcia, John Hastings, Kristin Magdziasz, Michelle Goodman, Marco Dominguez, Stacey Gist, Michael Szolowicz, Cathy Eiting, Steve Duley, Monica Nelson, Shannon Chandler, Bob Stoner, Angela Wichers, Dianna Kuhn, Marcia Volpe, Terri Amonson, Phil Tilicki, Rebecca Hughes, Tony Jacobsen, Brenda King, Amanda Magelli, Jennifer O'Neil, Julie Valenzuela.*

The Governing Board approved the staff members listed above as qualified evaluators for the Amphitheater Teacher Performance Evaluation System (ATPES) program.

O. Award of Contract for Industrial Water Systems Maintenance and Repair Based on Responses to Request for Proposal (RFP) 12-0006

Board Book information: *The District's twenty-two HVAC cooling towers require monthly service to include water treatment, preventive maintenance, and repair. Six vendors providing HVAC cooling tower maintenance services were mailed a copy of Request for Proposal (RFP) 12-0006.*

Four vendors responded to the RFP: Chemtex, Sun Mechanical, Western Water Technology (WWT) and Advanced Chemical Technology (ACT). Each vendor was evaluated based on: company qualifications, the water treatment system utilized and maintenance services provided employee resources, and the cost of service. Please see page two, Vendor Evaluations. [Board Book holders were provided Vendor Evaluations.]

The Governing Board approved the Award of Contract for Industrial Water Systems Maintenance and Repair to *Advanced Chemical Technology* based on responses to RFP 12-0006.

P. Approval of Bond-Related Projects

1. Award of Contract for Construction and Demolition at Copper Creek Elementary School Based on Responses to Request for Bid (RFB) 12-0014

Board book information: *Five contractors providing building construction and demolition services were mailed a copy of Request for Bid (RFB) 12-0014. The bid requested pricing for the demolition of four, 2-classroom modular buildings - to include fill dirt and landscaping to cover the area where the buildings stood. The bid also requested replacement tile for 6 stairwells at Copper Creek Elementary School; 4 bid responses were received.*

<u>Building Excellence, LLC</u>	<u>Kapp-Con</u>	<u>GN Construction</u>	<u>Presidio Construction</u>
\$68,258.00	\$73,623.00	\$79,133.00	\$82,385.00

The Governing Board approved the Award of Contract for Construction and Demolition at Copper Creek Elementary School to *Building Excellence, LLC* based on responses to RFB 12-0014.

2. Authorization to Issue Requests for Qualifications (RFQ) for Construction Manager at Risk Services for Cross Middle School and Harelson Elementary School

Board book information: *School District Governing Boards in accordance with Arizona Administrative Code Rule R7-2-1116 are required to make a written determination that the use of the Construction Manager at Risk (CM at-Risk) alternative project delivery method is in the best interest of the District. This determination has been made based on the consideration of the seven factors identified in A.A.C. R7-2-1116(B)(2) as listed below:*

- *Cost Control – The involvement of a Construction Management Team in the development of the project design will be extremely valuable in assisting the District to know the status of the project budget as the design is fully developed. Making decisions based on the budget as the project progresses will prove to be a benefit.*
- *Schedule – It is important for the educational programs within the two schools to have additional and/ or renovated space and, it is critical for the Bond Program that these projects move forward. This process will allow construction to move forward without concern for re-design due to budget overruns and unexpected problems in the bidding process.*
- *Market Conditions – Due to the decline in the construction industry overall, with many subcontractors either leaving the industry or operating with skeleton crews, it is critical for our General Contractors to work with subcontractors who have been pre-qualified as to their ability to do the work and to have the financial resources available to maintain their equipment.*
- *Project Management – Amphitheater has assembled a team tasked with Bond Project Management. This team is composed of members with extensive background in commercial contracts as well as school construction. The addition of an Architect and a General Contractor to the Management Teams will complete the skills needed to manage these two projects.*
- *Specialized Expertise – It is important that the Cross Middle School and Harelson Elementary School Management Team contain members with unique talents, one of which is scheduling. If the project is to minimize the impact to each school during construction, optimum scheduling is required.*
- *Technical Complexity – The skills required to complete a construction project and provide the financial consultation necessary to meet budget & design requirements is unique to only a certain number of General Contractors and Construction Managers. This process clearly provides the District with General Contractors and Construction Managers who possess these higher level skills.*
- *Value Engineering – Allowing General Contractors to work with Architects and Management Team Members prior to breaking ground to determine: scheduling, system components, (fire safety, HVAC, security, etc. roofing, wall and framing requirements, etc.) will maximize the value of each dollar spent. A major goal of the Construction Manager at Risk process is to generate alternatives through the use of creative thinking to complete the work required at the lowest life-cycle cost without sacrificing safety, quality, and/or environmental attributes of the project.*

The Governing Board approved the determination that the use of the Construction Manager at Risk (CM@Risk) alternative project delivery method is in the best interest of the District and authorizes its use for the work required at Cross Middle School and Harelson Elementary School.

Q. Selection of Governing Board Priorities Regarding Development of Arizona School Board Association (ASBA) Top Ten Legislative Priorities for the 2013 Political Agenda

Board book information: *At its September 4, 2012 meeting, the Governing Board considered the Arizona School Board Association's (ASBA's) Legislative Priorities for the 2013 Legislative Session(s). ASBA requested that each local school board select its preference for the "top ten" priorities that ASBA should focus its legislative efforts on. The Board's discussion on September 4th identified eleven (11) potential priorities from among the list provided by ASBA to choose from (see attached).*

The eleven identified by the Board were as follows:

I. Advocacy for Children and Student Needs

- 4. Fund Programs to Prepare and support children and families for success in public schools.*

II. Local Control/Governance

- 4. Ensure all public schools are funded and governed in a manner consistent with the Arizona Constitution's requirement of a general and uniform public school system, so that substantial disparities in the treatment of schools are not created by the law.*
- 10. Provide Governing Boards with flexibility in committing and prioritizing the use of education funds.*

IV. Taxation/Revenues

3. *Oppose any action that prohibits local school district governing boards from supplementing state funding and budget provisions through M&O and flexible capital overrides as well as bond authorizations.*
10. *Oppose the various Taxpayer Bill of Rights (TABOR) legislation.*
15. *Advocate for a review of all proposed legislative mandates to ensure any new requirements will have an identified funding stream.*

V. Funding

1. *Advocate for a complete revision of the school finance formula to:*
 - a. *Reflect the actual costs of the individual educational needs of all students*
 - b. *Provide for re-evaluation of the school finance formula on a regular basis to adjust the weighting factors as necessary and to compensate for other costs that escalate faster than the GDPIPO such as: health insurance, property/casualty insurance and utilities*
 - c. *Provide funding to improve instruction through the use of technology*
 - d. *Provide for a transportation support level that reflects actual students transported and actual costs*
 - e. *Provide funding for an extended school year as a local option*
 - f. *Provide for a funding formula that allows small and/or rural school districts the ability to fund basic school functions and programs such as maintenance, utilities, health music, arts and be competitive with the urban schools for teacher services*
 - g. *Ensure schools are held harmless for increases in state retirement contribution rates*
 - h. *Equalization of performance incentive 'funding for districts across the state*
4. *Adequately fund English Language Learners*
7. *Oppose any effort to divert Medicaid in Public Schools (MIPS) reimbursement dollars from school districts to the state general fund*
10. *Enable Joint Technological Education Districts (JTEDs) to:*
 - a. *Promote and expand Career and Technical Education programs, including summer programs for high school students through JTED central campus programs and allow communities wishing to form a JTED to do so following all regulations as required by law and to receive similar funding as existing JTEDs.*
 - b. *Receive equal recognition and funding benefits under state statutes of K-12 public school districts and Joint Technical Education Districts.*
 - c. *Revise the definition of a JTED Centralized Campus Model to include virtual campuses.*
 - d. *Continue to work with the legislature to ensure 100% funding for JTED and full funding for inflation, especially in years in which the rate of inflation is greater than two percent.*
 - e. *Reinstate 9th grade funding for JTED career and technical education.*
 - f. *Restore funding from 91.8% to the full 100% formulaic allocation*
18. *Reenact and fund voluntary, full-day kindergarten.*

It appears to the administration that items I.4 and II.4 are very similar. It would also appear that II.4 is not only more specific, but it also more directly aligns with the Governing Board's own legislative agenda and discussions. For that reason, it is proposed that Item 1.4 be dropped, and the remaining ten (10) items be forwarded to ASBA as identified by the Board for priority.

Dr. Barrabee asked to have this item addressed separately in order to provide comments about the proposed Governing Board Priorities submitted for final approval. He expressed a concern related to Item II.4, noting that 'equitable' and 'equity' do not necessarily hold the same meaning or intent. Discussion ensued. Mr. Jaeger provided clarification regarding 2 similar items.

Dr. Barrabee moved approval of the proposed Governing Board Priorities (11) without modification for submittal to ASBA. Mrs. Boros seconded the motion and it passed unanimously, 5-0.

R. Approval of Alternative Timeline for Implementation of New Evaluation Systems for Teachers and Principals Pursuant to House Bill 2823

Board book information: *At its June 19, 2012 meeting, the Governing Board was presented with information regarding House Bill 2823 which was passed in the second regular session of the 2012 Arizona Legislature and signed into law by Governor Brewer on April 12, 2012. That presentation described the myriad of provisions found in HB 2823, as well as some of the existing provisions found in A.R.S. 15-203 established by prior legislation (SB 1040, May 2010).*

At the Board's September 4 meeting, The Board further studied one key component of HB 2823: approval of Amphitheater's timeline for "full" implementation of the teacher and principal evaluation system.

The timeline under the legislation generally mandates full implementation of new evaluation systems which complies with the stated requirements by the current school year. However, HB 2823 specifically allows districts and charters to delay "full" implementation of the new evaluation system until 2013-2014.

Amphitheater School District has already developed a new evaluation system which does comply with all the essential requirements set forth in the Framework and the relevant legislation. Unfortunately, however, the law does not define what "full" implementation of the evaluation systems required by the framework and the laws would be.

The District's approach establishes 2012-2013 as "Year One Implementation" for the new evaluation systems, contemplating those modifications of the systems might be required for 2013-2014.

One aspect of the ATPES¹ which we already recognize will require modification for 2013-2014 is the definition of observations for teacher evaluations. As discussed in the table above, HB 2823 mandates that evaluation system observations of teachers include at least two complete and uninterrupted lessons – a term that is not included in ATPES for Year One Implementation. Thus, at least in this respect, it is apparent ATPES would not be in "full" compliance with SB 2823 requirements for the current year.

In addition, as the summary above reflects, there are several provisions of the law which have not yet even taken effect and which, consequently, may affect the determination of whether a District has "fully" implemented the evaluation system requirements.

For example, the Arizona Department of Education is allowed until September 15, 2012 to post "best practices" for evaluation systems. These best practices are to be used by districts to aid in the implementation and assessment of a new evaluation system which complies with the law. The limited materials posted by ADE to date include an ADE caveat that they "may or may not cover all the required components," and that they "also have not yet been thoroughly vetted by the ADE", offering no sanctuary in relying upon them. Thus, given that ADE still has a few weeks to post the required "best practices", their implications and relevance for guiding school district implementation for 2012-2013 are completely unknown.²

¹ Amphitheater Teacher Performance Evaluation System

² The requirement under HB 2823 that ADE provide best practices by September 15 to aid districts in implementation and assessments of evaluation systems does not coordinate with timing of the separate legal requirement that districts inform and train their teachers about the implementation of their evaluation systems *at the start of the school year.*

Obviously, the requirements of HB 2823 that certain teacher and principal evaluation policy terms be adopted by 2013-2014 (as described above) have not yet been met by Amphitheater. Similarly, the requirement that the evaluation system incorporate the four performance classifications specified by the State Board (Highly Effective, etc.) by 2013-2014 is also not yet met by the ATPES and APPES. The work of addressing these requirements will be substantially addressed through the upcoming Meet and Confer process and thereafter through Board study and approval. If "full" implementation contemplates the adoption of such policies, then this would also be additional rationale for extending the time for complete implementation until the 2013-2014 school year.

For the foregoing reasons, the Administration is recommending that the Governing Board approve formal postponement of the "full" implementation of the mandated evaluation systems until the District's Year Two Implementation, in 2013-2014, as allowed by HB 2823.

A proposed timeline for "full" implementation is attached. [Board Book holders were provided this timeline and can be viewed at: <https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=32931075>]

Dr. Barrabee asked to have this item addressed separately in order to seek clarification on the term "Overall weighted average" (OWA) as referenced within the Proposed Implementation Timeline being submitted for approval.

Mr. Nelson invited Dr. Roseanne Lopez, Executive Director of Elementary Education, to provide insight to this term. Dr. Lopez provided examples, and noted that it is simply a growth model devised to provide a greater level of detail in measuring how much progress a student makes that is attributable to the teacher.

Mr. Nelson proposed providing additional information about OWA via a Friday report.

Dr. Barrabee moved approval of the proposed full implementation timeline as submitted. Mrs. Boros seconded the motion and it passed unanimously, 5-0.

2 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 # 30044841; b. Student # 30016903; c. Student #21384011; d. Student # 30039566; and e. Student # 30039572.

2. Consideration and Decision Upon Expulsion Hearing Officer's Recommendation, Pursuant to A.R.S. §15-843(F)(2), Regarding: a. Student # 30026740; b. Student # 30007467; c. Student # 30028387; d. Student # 3000786; e. Student # 30035354; f. Student # 30041778; g. Student # 30041922; and h. Student # 30035369. [2a. was pulled from the agenda and will be re-scheduled]

3. Discussion of Employment and Evaluation of the Superintendent, Pursuant to A.R.S. §38-431.03(a)(1).

A motion was made by Dr. Loomis that the Board recess into Executive Session pursuant to A.R.S. §15-843(F)(2), and Mrs. Boros added A.R.S. §38-431.03(a)(1), as presented. Mrs. Boros seconded the motion and it passed unanimously, 5-0.

Mrs. Boros called a recess at 5:17 p.m. 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, Mr. Grant moved to reconvene the meeting into open session. Mrs. Boros seconded the motion and it passed, unanimously, 5-0. Mrs. Boros declared the meeting in open session; the time was 6:32 p.m.

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

There were no Board Member requests.

Mrs. Boros noted the earlier request for a supplemental written (Friday) report providing additional information about OWA (Overall Weighted Average).

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

A motion was made by Mr. Grant, seconded by Mrs. Boros, and passed unanimously, 5-0 that the meeting be adjourned. Mrs. Boros declared the meeting adjourned at 6:33 p.m.

Respectfully submitted,
Margaret Harris

Mrs. Diana Boros, President _____
Date

Approved: 10.2.12