

**AMPHITHEATER PUBLIC SCHOOLS**  
**Tucson, Arizona**

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

**Place, Date and Time of Meeting**

Wetmore Center, 701 West Wetmore Road, October 8, 2013, 5:00 PM.

**Board Members Present**

Susan Zibrat, President  
Dr. Kent Paul Barrabee, Vice President  
Deanna M. Day, Member  
Jo Grant, Member

**Board Members Present**

Julie Cozad, Member

**Central Administrators Present**

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

**OPENING OF MEETING – Call to Order**

Mrs. 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: Student # 30036366; Student # 30026347; Student # 30036742; and Student # 30020809.
2. Consideration and Decision Upon Expulsion Hearing Officer's Recommendation, Pursuant to A.R.S. §15-843(F)(2), Regarding: Student # 30032587; Student # 300325873; and, Student # 300325870004372,;

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. Dr. Barrabee seconded the motion and it passed unanimously, 4-0. Mrs. Zibrat called a recess at 6:03 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. Dr. Barrabee seconded the motion and it passed, unanimously, 4-0. The time was 6:03 PM. Mrs. Zibrat declared the meeting in open session.

## **CONTINUATION OF OPEN MEETING**

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

Mrs. Zibrat reconvened the meeting at 6:03 PM and asked members of the audience to sign the visitors' register. Procedures for addressing the Board were described.

### **Pledge of Allegiance**

Ms. Dawn Tinsley, Principal from Donaldson Elementary School was invited to introduce the following students: Rhiannon Lepird, Chase Laos, Bridget Farrell, Michael Andrus, McKendra Clark, and Charlotte Sasek. 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 Donaldson Elementary students and art teacher, Jo DiGennaro.

### **Announcement of Date and Place of Next Special Governing Board Meeting**

Mrs. Zibrat announced the next Special meeting of the Governing Board: Tuesday, October 22, 2013, 5:00 PM Wetmore Center, 701 W. Wetmore Road.

## **PUBLIC COMMENT**

Mrs. Zibrat described procedures for addressing the Board. Mr. Kristopher Carter representing The Salvation Army addressed the Governing Board regarding substance abuse and clothing drive programs and how the Salvation Army and the District can provide services to families on a district-wide basis.

Mr. Nelson recommended that Mr. Carter contact Mr. Jaeger to pursue these efforts.

Note: Mr. Nelson introduced the Meet and Confer teams representing both the Amphi Education Association and the District. We are approaching the time for Meet & Confer discussions to begin to address Policy-related and then Salary-related issues. The AmphiEA members in attendance were introduced as follows: John Fife, President, Mike Robinette, Kat Pivonka, Robert Whacker, and Kim Burrow [Lisa Miller and Brian Post were unable to attend this evening's meeting]. The District team members in attendance were introduced as follows: Todd Jaeger, Monica Nelson, Mike Bejarano, Andy Heinemann, and Jon Lansa [Marc Lappitt and Tom Gill were unable to attend this evening's meeting]. Dr. Roseanne Lopez serves as facilitator. Mr. Nelson expressed appreciation to the team members for their hard work. The working relationship between the teams has been very respectful and successful and focusing on finding solutions.

Mr. Fife addressed the Board. He stated the Association is very excited about the upcoming Meet & Confer session with plans for the continued building of the collaborative relationship with the District.

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

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

Mr. Christopher 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). Photos were displayed of these projects. He noted that the reporting format is listed within the five categories as identified as areas of need by the Blue Ribbon Committee. *[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 High School Renovations: - Construction is 95% complete. MP&E demo and cleanup of the 500 wing is in process. A new roof is being installed, roll up doors are being repaired for increased security, and new energy efficient windows are being installed. The Amphi High project is over budget due to

unknown conditions during excavation of the new Physical Education building, but the project should be completed on schedule (October 31, 2013).

B. Holaway Elementary Classroom Addition: - Construction is 95% complete. New Classroom Building finishes are in process. The new classroom building is nearing completion and will be occupied when students return from fall break. The Holaway project is on schedule and on budget.

C. Rio Vista Elementary Classroom and Administration Addition: - Construction is 75% complete. New Classroom Building is being dried in. Roofing is complete and doors and windows are being installed. Inside the new classroom building, insulation is being installed and drywall is being hung. The Rio Vista project is on schedule and on budget.

D. Cross Addition / Remodel: - Construction is scheduled to start at Cross on Monday October 14<sup>th</sup>.

E. Harelson Addition / Remodel: - Construction is scheduled to start at Harelson on Monday October 14<sup>th</sup>.

F. Wetmore Professional Development Building: - Plans are currently in the Schematic Design Phase. A recommendation for a General Contractor is on tonight's consent agenda for Governing Board review and approval. If approved, project design will resume immediately with the general contractor joining the design team.

## **B. Recognition of Marion McDaniel Masonic Lodge 56**

Board book information: *The Masonic Fraternity in Arizona started the **Bikes for Books** program many years ago. Each lodge adopts an elementary school or district. The idea is to promote reading, and to motivate students to develop and nurture an appreciation for books.*

*Individual lodges purchase bicycles from local merchants, and this is where the fun begins! This past September 5<sup>th</sup>, members of the Marion McDaniel Masonic Lodge 56 in Tucson made special deliveries to every single Amphitheater elementary school.*

*The children were wide-eyed when the bikes arrived at their schools. Each school decides how to award the bikes. Some use them as incentive in their reading improvement programs. Other schools have an open reading contest; for each book read the student receives a ticket to be placed in a drawing for a bike.*

*The Fraternity has a long tradition of supporting public education, and providing programs at no cost to schools. We are fortunate to have these community supporters and volunteers who see the value of education in building a healthy, prosperous generation of students.*

Mr. Nelson invited Mindy Blake, Director of Community Relations to introduce the item, and the representatives in attendance. She reviewed the program and introduced members from the *Marion McDaniel Masonic Lodge 56*: Henry Spomer, Public Schools Programs Committee Chairman, Don Milligan, Lodge Master, and Gil Schlierer, Senior Warden.

Mr. Spomer stated that he has been working with this project for some 15 years; starting in Scottsdale, AZ then moving to Mexico, Canada and some 20 states nationally. He is pleased with the partnerships that have developed in support of the results. For the past three years, Precision Toyota became involved and has matched funding. It is with pleasure that the Lodge membership provides this service to local schools and help support the students become better readers and a better education.

Dr. Barrabee stated that community support is critical and the support provided by the Lodge is very welcome and most appreciated.

Marian McDaniel was a past master of another lodge but practiced the philosophy of Masons and when this Lodge was established, it was agreed to name the lodge after Mr. McDaniel. Mr. John Wayne was also a member of this Lodge.

The Governing Board expressed gratitude to the Lodge membership, and Mr. Spomer, Mr. Milligan, and Mr. Schlierer for their support and good will efforts and presented them with a Certificate of Commendation.

### **C. Recognition 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 are recognized on a monthly basis during the school year. All Amphitheater employees are eligible to be nominated by their colleagues for this recognition.*

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

Mr. Bejarano introduced each of the recipients being recognized for October: Mr. Chris Yetman, Math Teacher at Canyon del Oro High School and Ms. Michelle Pruitt, Administrative Assistant at Mesa Verde Elementary School.

On behalf of the Board, Mrs. Zibrat expressed gratitude to Mr. Yetman and Ms. Pruitt for exemplifying the Distinguished Service Award principles. Each was presented with a Certificate of Commendation.

### **D. Review of 2013 Summer School Program**

Mrs. Monica Nelson was invited to provide an overview about the 2013 Summer Learning Program. Several different programs were provided to focus on specific student needs. In support of third grade reading requirements, 1<sup>st</sup> and 2<sup>nd</sup> graders are invited to attend classes offered at one of 4 District elementary schools. She reviewed the process used in identifying student candidates through the use of data collected and through collaborative efforts by principals and teachers. She reviewed the criteria used in the selection process; those students identified as being 1-2 years below grade level were chosen. Letters are sent to parents advising them that the AIMS test for third graders is upcoming in the Spring; and, that students not meeting required standards (according to law) could be retained. These parents are invited to accept the opportunities being provided through school interventions and summer learning programs. She cited that 63% of these students that were invited chose to attend. Collaboratively, the decision was made to modify the program this year; the day was structured into two 90-minute instructional periods, focus was on the Arizona College and Career Readiness Standards curriculum, classes were in operation for 19 days from June 3 through July 3<sup>rd</sup>, four days a week. Assessments showed that students gained one or more grade levels in reading and improved math writing and fluency. Mrs. Nelson provided charts describing the pre- and post-assessments used and student scores using benchmarks. Continued monitoring of interventions and of MAP and AIMS scores will take place with the goal that the District will not retain a 3<sup>rd</sup> grader because of an AIMS score in the spring of 2014. The law states that some special education and ELL students can be exempted from retention, as well as, specific provisions for those grade-level students that perhaps didn't perform well on the AIMS test. Another area of focus during the summer program was a 5<sup>th</sup> to 6<sup>th</sup> math bridge for those students moving from 5<sup>th</sup> grade to middle school. Students found to be 1-2 years below grade level were invited. Mrs. Nelson reviewed the charts with pre-and post-diagnostic data. Continued monitoring of these students will take place. Similarly, an 8<sup>th</sup> to 9<sup>th</sup> grade math bridge program was held at each of the high schools; 69 students enrolled and completed the program. Another option available to students was a distance learning program; 310 students were enrolled and 65% completed their coursework. A newly-incorporated offering was intermediate algebra at the 3 high schools with a focus on credit recovery. Title I monies were used to provide a program at Amphitheater High School in support of English Language Learners (ELD/ELL) students, students needing credit recovery; and, the 8<sup>th</sup> grade algebra academy funded/sponsored by the U of A. Program periods varied to accommodate needs; i.e. 1<sup>st</sup> and 2<sup>nd</sup> graders attended a 19 day program, ELL students attended daily, 8:00 to 4:00 PM, and high school students attended 2 separate sessions during June and July, etc. Charts reporting enrollment and assessment data were reviewed for all program opportunities.

Dr. Barrabee stated that he is pleased with the many options available to students but at the same time is disheartened that so many of the students chose not to participate. Mrs. Nelson described the 3-step efforts used to recruit and encourage students' participation: follow up letters, phone calls, and reminders.

Note: Mrs. Zibrat declared a brief recess between approximately 7:10 and 7:15 PM.

**E. Annual Review of Progress of Bond Program and Capital Improvement Projects pursuant to A.R.S. §15-491(K)**

Mr. Nelson stated that the District is required by statute to provide an annual update to the Governing Board and the public regarding the progress of Bond-funded and Capital Improvement projects; Mr. Doug Aho, Executive Manager of Operational Support, was invited to provide those updates.

Mr. Aho provided a summary of the past year's events. He thanked the District's voters for making these building renovations possible [*A Bond-election initiative to fund capital improvement projects was voter-passed on November 6, 2007.*] He reviewed the information contained in the PowerPoint presentation for the 2012-2013 school year, as displayed. The total Bond expenditures for this period was \$17,696,542.82 in the areas of: Health, Safety, and Security; Technology; Transportation; and, the replacement of portables. The total Bond-funded expenditures May 22, 2008 through June 30, 2013 was \$79,866,168.08 plus in the areas of Transportation (busses) \$11,214,081.30. This is approximately one-half of the total Bond program. To date, projects have been on-budget and on-time with the exception of two occasions due to unforeseen site conditions at Canyon del Oro High and Amphitheater High schools. Mr. Louth was commended for his remarkable management. In both instances, those increase requests were submitted to the Board for review and approval; both granted. In this past year, "hard buildings" replaced some 19 portables and eliminated them from inventory. Site safety, site security, and energy efficiency have been a priority with these instructional space upgrades. In the Adjacent Ways category – denoted as the Walker Elementary School road-widening project that was coordinated with the County totaling \$325,523. Through the School Facilities Board (SFB) a Building Renewal grant project, which was an emergency project denoted as the underground storage tank project totaling \$776.56. The District has been applying to the SFB for these types of grants for various projects; this one was funded.

**2. CONSENT AGENDA**

Mrs. Zibrat asked if there were Board member requests to have any items addressed separately; there were none. A motion was made by Ms. Day to approve consent agenda items A-L. The motion was seconded by Mrs. 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**

The Minutes of the September 24, 2013 Special Governing Board and Executive Session and the September 25, 2013 Special Governing Board meetings were approved, as submitted.

**B. Approval of Appointment(s) 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. Addendum to Approval of Separation(s) and Termination(s)**

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

**F. Approval of Proposition 301 Performance Pay Awards and Administrative Performance Pay Awards for 2012-2013 Fiscal Year**

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

*The plan provides for three elements of performance pay. The first element is a participation award aid to eligible professional employees for their initial agreement to participate in the program. That “first-time participation award” for 2013/2014 is a payment of \$600. This was increased from last year’s amount of \$350 due to increased funding. The total amount of 301 funds allocated annually to this element naturally varies with the number of new participants each year.*

*The second performance pay element is an annual award given to eligible employees assigned to a school which reaches its student engagement and a site selected achievement goal (Goal I). After first-time participation awards are allocated and funded, the Goal IA and B award accounts for 60% of the performance pay fund expenditures. This year the full pay out per person for Goal I A is \$720 and Goal IB is \$720.*

*The third performance pay element is an annual award for a school reaching a student achievement goal as measured by standardized testing (Goal II). The Goal II award accounts for 40% of the performance pay fund expenditures, after first-time participation awards are allocated and funded. This year the full pay out per person for Goal II is \$960.*

*This item will authorize payment of the performance pay awards to eligible staff for the 2012/2013 fiscal year. The attached information provides details by school on the level of accomplishment of the goals and the dollar amount earned per person at that site. The maximum pay out for full accomplishment of both goals for eligible certified staff is \$2400.*

*The Meet and Confer agreement approved by the Governing Board on August 1, 2007 allowed for a performance pay plan for Principals and Assistant Principals. The plan allowed for a potential of \$1000 per participant mirroring the 301 plans at the school sites. This year, the total award possible will be \$600. The administrator plan is similar to the 301 Plan for teachers. 60% of the pay out is based on Goal I, and 40% of the pay out is based on Goal II.*

*Principals and Assistant Principals will receive up to \$360 for accomplishment of Goal I and an additional award of up to \$240 is available for Goal II. It is proposed that the dollar amount be returned to the original allowance of \$1000 for the 2013-2014 school year per qualifying administrator for the pay out in November of 2014.*

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

The Governing Board approved the Proposition 301 Performance Pay Plan and Administrative Performance Pay for Goals I and II for the 2012-2013 school year (Exhibit 5a., pp. 1-21 – 301 Teachers; 5b., pp. 1-21 – New 301 Teachers; and 5c., p.1 – 301 Administrators).

**G. Approval of Vouchers Totaling and Not Exceeding Approximately \$ 1,751,819.01)**

The Governing Board approved the following vouchers for goods and services as presented and payments authorized:

Vo. 733	\$ 153,997.65	Vo. 734	\$ 173,589.27	Vo. 735	\$ 132,033.21
Vo. 736	\$ 442,803.36	Vo. 737	\$ 748,714.67	Vo. 738	\$ 100,680.85

**H. Acceptance of Gifts**

Donations were accepted by the Governing Board, as listed in Exhibit 6.

**I. Approval of Parent Support Organization(s) for 2013-2014**

The Governing Board approved the following Parent Support Organization(s) pursuant to District Policy KBE-R from: 1) IRHS Nighthawk Parent Organization; 2) Amphi Middle PTO; 3) Project Graduation – IRHS; 4) La Cima Music Boosters; 5) Mesa Verde PTO; and Richard B. Wilson, Jr. K-8 PTO.

**J. Approval of Out of State Travel**

Out of state travel was approved for staff and students (source of funding indicated) from: District Offices to take 10 students from the Native American Education Program to Denver, Colorado, October 30-November 2, 2013 (federal funds); from Coronado K-8 School to take 45 students from the 8<sup>th</sup> grade to Catalina Island, California, February 6-9, 2014 (tax credits and auxiliary funds); from Wilson K-8 School to take 120 students from the Band, Orchestra, and Choir to Anaheim, California, March 27-30, 2014 (tax credits, gifts and donations, and auxiliary funds); from La Cima Middle School to take 90 students from the Band, Orchestra, and Choir to Anaheim, California, April 24-26, 2014 (ax credits and auxiliary funds); from Coronado K-8 School to take 50 students from Advanced Chorus to Anaheim, California, May 2-4, 2014 (tax credits and auxiliary funds).

Out of state travel was approved for staff (source of funding indicated) from: District Offices to attend the 2013 Annual Conference of the National Indian Education Association in Rapid City, South Dakota, October 30-November 2, 2013 (staff development funds).

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

The Governing Board approved the Arizona Commission on the Arts (ACA) Honorarium grant in the amount of \$2,000.00 on behalf of Amphitheater Middle School. The funding will be used towards the cost of the Artist Honorarium program

**L. Approval of Bond-Related Projects**

**1. Award of Contract for Construction Manager at Risk (CM@R) for the Wetmore Renovation Bond Project Based on Responses to Request for Qualifications (RFQ) 13-0006**

Board Book information: *The Arizona Administrative Code R7-2-1116 covers the procurement of construction using alternative project delivery methods. Alternative project delivery methods for construction are defined as: construction-manager-at-risk, design-bid-build, and job-order-contracting construction services. Request for Qualifications (RFQ) 13-0006 was e-mailed to 130 General Contractors and published on the District's website. Nine Contractors submitted responsive proposals. The Evaluation Team scored each Contractor based on the evaluation criteria listed in the RFQ. The four highest-scoring Contractors were asked to participate in interviews with the Evaluation Team and were ranked based on the their interview. The results were: Lloyd Construction Company, Inc. – Highest Ranking Contractor; CORE Construction – Second Highest Ranking Contractor; Lang Wyatt Construction – Third Highest Ranking Contractor; and, Concord General Contracting – Fourth Highest Ranking Contractor.*

The Governing Board approved the award of contract for CM@R to *Lloyd Construction Company, Inc.* and authorized Administration to negotiate compensation, as described.

#### **4. ACTION**

##### **A. Review and Approval of the 2012-2013 Annual Financial Report (AFR)**

Board Book information: *The State of Arizona requires the Governing Board to annually publish and submit to the State a report of all revenue and expenditures for the previous year. A review of the 2012-2013 Annual Financial Report (AFR) will be presented.*

Mr. Nelson invited Mr. Little to provide an overview prior to asking the Board's adoption of the 2012-2013AFR.

Mr. Little stated that according to Arizona statutes, the Board must adopt the AFR and submittal to the Arizona Department of Education with a deadline of October 15<sup>th</sup> for the prior fiscal year's activities. The data contained within the report is used most notably for the Auditor General's office to produce the Dollars in Classroom report. Mr. Little provided a PowerPoint presentation and reviewed the information most noteworthy as contained in the report submitted herein for approval. The report is no longer required to be published in the newspaper but a link must be made available on the District's website to the State's website where the uploaded report resides.

For the Maintenance and Operations (M & O) fund, there was no investments earnings for the year due to the deferment of the State Aid. We incurred \$25,000.00 borrowing costs to float the M & O due to the cash flow disruptions as a result of this deferment. He noted the declining cash balance in the M & O fund; the year began with \$3.6 and ended with \$1.7 million in cash and is reflected as a declining budget balance/cash being brought forward from year to year. This is the last year that the 'soft capital' budget appearing on the form; those balances will begin to be included in the 'unrestricted fund'. The variances within the Special Education fund reflect increased expenditures resulting from increased population of approximately 4.6%. Individual variances shown in the report are evident due to the loss of the ARRA Stimulus funding (American Recovery and Reinvestment Act of 2009), expenditures that now returned to the M & O fund that had been funded through grants sources in previous years. Fund 12 revenues have increased improving the amount that can be paid out. (performance pay). Last year's distributions increased from 1.6 million to almost \$2 million reflecting the increased revenue stemming from Proposition 301. This is a positive sign. Increased Capital Funds' costs reflect the large investments necessary for networks and infrastructure associated with the build-outs at the schools/classrooms. He explained that regarding Grants, both state and federal governments have moved to primarily a 'reimbursement' protocol rather than disbursements and when reimbursements cross fiscal years – final payments are often not received until after the close-out of a fiscal year, resulting in negative numbers as reflected in the report. A positive cash balance in the Gifts and Donations account reflects the final sale of the donated property and will follow the donor's requests as dictated by the Schottenstein trust. He stated that many of the final pages are summarized data used by both the State and the Auditor General's office for aggregated data collection.

In response to inquiries by Dr. Barrabee about the need for the District to borrow/cover cash flow, Mr. Little explained the current process – the delay in the State's equalization payment process and, he noted that cash flow needs' suffer because tax revenues are only collected twice a year (during May and October). Mr. Nelson reiterated that this situation began during the onset of the 2007 recession. Mr. Little also explained that the increase in Proposition 301 stems from a one-time accounting correction from the State. Dr. Barrabee stated his discontent with the lack of legal intervention on behalf of school districts, mandating the legislature reimburse the 3-years of reduced/lost voter-approved Proposition 301 (2% inflation increase) funding to the revenue control limit.

A motion was made by Ms. Day to approve the 2012-2013 AFR and directed administration to submit the report, as presented. The motion was seconded by Mrs. Grant, and it passed unanimously, 4-0 (Exhibit 7, pp. 1-15).



5. **STUDY**

**A. Study of Proposed Revisions to Governing Board Policies CM (School District Annual Report); DJE (Bidding/Purchasing Procedures); EBAA (Reporting of Hazards/Warning Systems); EBBB (Accident Reports); EBC (Emergencies); GBI (Staff Participation in Political Activities); GCFC (Professional Staff Certification and Credentialing Requirements); IHB-R (Special Instructional Programs); and IMG (Animals in Schools)**

Board Book information: *The periodic revision of state and federal law often necessitates the corresponding revision of Governing Board policies. This item is presented to permit the Board to review several proposed revisions to the following Policies:*

**Policy CM** – *School District Annual Report. HB2496 (Laws 2013, Chapter 148) gives school districts that are assigned letter a letter grade of A in at least two of the last three years under the state’s accountability system, the opportunity to petition the State Board of Education for exemption of applicability of state statutes and rules (these are not specified in the law). This change is accounted for in the proposed policy revision, attached.*

**Policy DJE, DJE-R and DJE-E** – *Bidding/Purchasing Procedures. Statutory requirements which operated to ensure that districts not contract with businesses with scrutinized operations in Sudan/Iran (found in A.R.S. 35-397 and created by Laws 2008, Chapter 235) have now expired and therefore references to the same have been removed in Policy DJE and Exhibit DJE-E. And, in Policy DJE and Regulation DJE-R, the state bidding limit has been changed from \$50,000 to \$100,000. The Auditor General’s Office will be publishing related procurement information in the near future and further revision may be required.*

**Policy EBAA** – *Reporting of Hazards/Warning Systems. SB1290 (Laws 2013, Chapter 125) made several changes to the Office of Pest Control within Arizona State Government. While the legislation did not make a substantive change for schools, passage of the law made it clearer that applicators of pest control products in schools must be certified (previously the term was “licensed”). EBAA is revised to reflect this.*

**Policy EBBB** – *Accident Reports. EBBB is recommended for change simply for clarification; it is not a substantive change.*

**Policy EBC** – *Emergencies. SB 1324 (Laws 2013, Chapter 69) specifically exempts and makes confidential emergency response plans (ERP) as they are part of "critical infrastructure information." The ERP is exempted from public records requests. However, plans developed by the Superintendent will be presented annually to the Board.*

**Policy GBI** – *Staff Participation in Political Activities. HB2156 (Laws 2013, Chapter 88) revises A.R.S. 15-511 to prohibit the rental of school facilities by a private person or group with the intent of influencing the outcome of an election during the same time and at the same place as a district sponsored forum on candidates or issues. Please note: the penalties for violation of 15-511 have gone from \$500 fine per violation (plus reimbursement of the value of the school resource expended) to \$5,000 fine per violation (plus reimbursement of the value of the school resource expended) in this legislation.*

**Policy GCFC** – *Professional Staff Certification and Credentialing Requirements. HB2317 (Laws 2013, Chapter 7) was passed to clarify that an expired fingerprint clearance card could be used to satisfy statutory requirements for an applicant if an affidavit has been signed by the applicant stating both that the applicant:*

- a) *has submitted a completed application to DPS for a new card within 90 days before the expiration date of the current card; and*
- b) *is not awaiting trial on and has not been convicted of a criminal offense that would make him or her ineligible for a card.*

*This provision would be of great assistance to our occasional employee who fails to make timely application for a new finger card on whose application processing is protracted for some reason. In turn, this will assist our District and its students by ensuring the continuity of educational services.*

**Regulation IHB - R** – *Special Instructional Programs. The Arizona Department of Education recently provided a special education alert regarding changes to IDEA. The changes governed the use of public benefits or insurance (Medicaid) in 34 CFR §300.154 and the parental consent needed to access such benefits. The change to the policy included in this item will incorporate the new notice requirements.*

**Policy IMG** – *Animals in Schools. The changes to IMG reflect the passage of HB2401 (Laws 2013, Chapter 59) defining “service animal” for the purposes of exempting service animals to policies prohibiting animals in certain school settings. These changes to statute mirror requirements under the federal Americans with Disabilities Act of 2010 and regulations implementing this law.*

Mr. Nelson noted that verbiage changes within several policies were needed to reflect changes to State law and other mandates. He indicated that most of these changes are minimal. The information will be presented this evening for initial study with expectations to request approval at the next Board meeting.

Mr. Jaeger was invited to provide a brief overview of the proposed policy changes. He highlighted the information provided in the Board Book materials regarding Policies: (and applicable regulations and exhibits) CM, DJE, EBAA, and EBBB - to ensure that the District submit accident reports on a timely basis as determined by the Carrier.

Mr. Jaeger noted that Policy EBC – Emergency; this is related to Emergency Plans for school and are a bit more substantive related to two new changes to the law. He noted specifically, Emergency Response Plans (ERPs) are considered confidential and are exempted from Public Records’ Act denying access to someone that may intend harm at a school. The Plans, by statute are required to be submitted to the Board annually by the Superintendent, without divulging specific safeguards/plans.

Mr. Jaeger noted that Policy GBI – Staff Participation in Political Activities. There are two policy changes being presented from within the “G” series, and are applicable to District personnel, which typically are matters of Meet and Confer discussions. He explained that agreement has been reached allowing very simple changes that need to occur that can take place outside of the formal Meet & Confer process. Policy GBI does not impact staff directly. No longer will a third-party entity be permitted to rent space during a district-hosted forum. Regarding Policy GCFC will be discussed with the Association. He described the issues of concern for the District, Association, and Administration associated with delays currently being experienced with the fingerprint-card clearance and renewal/application process. This provision allows some flexibility in the use of an affidavit process to extend the processing time for a fingerprint card renewal application. Recent delays experienced in the processing of fingerprint applications through DPS (Department of Public Safety) have sparked provisional measures, such as this 90-day application.

Regulation IHB-R – Special Instructional Programs is related to the billing of services to the Medicaid program - now requires written notification to parents and offers a last opportunity for their consent prior to the District’s initial reimbursement application.

Policy IMG – Animals in Schools - this is driven by the Americans with Disabilities Act and defines “service animals’ as dogs and horses thereby exempting those animals from policies prohibiting animals.

There were no questions from Board Members.

**BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS**

There were no Board Member requests.

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

There were no public comments.

**ADJOURNMENT**

Ms. Day moved to adjourn the meeting. Mrs. Grant seconded the motion and it passed unanimously, 5-0. Mrs. Zibrat declared the meeting adjourned at 7:57 PM

---

Respectfully submitted,  
Margaret Harris

---

Mrs. Susan Zibrat, President

---

Date

Approved: 2.11.2014