

**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, July 2, 2013, 5:30 p.m.

Board Members Present

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

Central Administrators Present

Mr. 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 p.m.

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 30034174; b. Student # 30032717; and c. Student # 30033261 d. Student # 30017461; e. Student # 30004372; and, f. Student # 30008917.

2. Consideration and Decision Upon Expulsion Hearing Officer's Recommendation, Pursuant to A.R.S. §15-843(F)(2), Regarding: a. Student # 30026934; b. Student # 30046159; and, c. Student # 30011319.

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, 5-0. Mrs. Zibrat called a recess at 5:01 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, a motion was made by Mrs. Zibrat and seconded by Dr. Barrabee that the meeting reconvenes into open session; the motion passed, unanimously, 5-0. Mrs. Zibrat declared the meeting in open session. The time was 6:09 p.m.

OPENING OF MEETING

Call to Order and Signing of Visitors' Register

Mrs. Zibrat called the meeting to order at 6:09 p.m. and asked 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 Special and Regular Governing Board Meetings

Mrs. Zibrat announced the next Special meeting of the Governing Board: Tuesday, July 23, 2013 and the next Regular meeting of the Governing Board: August 13, 2013, 6:00 p.m., Wetmore Center, 701 W. Wetmore Road.

PUBLIC COMMENT

Mrs. Zibrat described procedures for addressing the Board. Two speakers addressed the Governing Board:

Mr. Mick Stewart addressed the Board. He stated that he was a District parent of three (3) graduated CDO students, one student currently enrolled at CDO and another at Harelson; and, he resides in the La Cima Middle School attendance area. His purpose for his addressing the Board was to express concerns about the District's processes that are in place for parents wishing to report complaints. He provided an overview of his areas of concern. He requested that the Board investigate his concerns and then arrange for a meeting with him to discuss those issues.

Ms. Mary Snider, Town of Oro Valley Town Council Member, was in attendance to introduce Sergeant Steve Hammonds from the Oro Valley Police Department, who is now charged with the oversight of the School Resource Office (SRO) Program in Amphi Schools. Sgt. Hammonds replaces retired Bruce Thomas. She noted that on June 18th, the Arizona School Resource Officer's Association chose the Oro Valley Police Department's SRO unit as a model for the state. As the liaison between the Town and the District, Ms. Snider felt that this was important news to share given that the mutual priority and interests by both bodies are the students and community.

Mr. Nelson stated that the District enjoys an exceptional relationship with the Oro Valley Police Department (OVPD) and its SRO Program - and appreciates the statewide recognition received by this local SRO Program. He added that promoting the safety of school campuses has been a long-standing and shared priority. The partnership with the OVPD, lead by Chief Sharp, as well as, Sergeant Thomas has been successful and Mr. Nelson is hopeful and eager to continue that history with Sergeant Hammonds.

2. CONSENT AGENDA

Mrs. Zibrat asked if there were Board member requests to have items addressed separately; Dr. Barrabee asked to do so regarding Item J. (See detail associated with the item(s) shown below.) A motion was made by Dr. Barrabee to approve the Consent Agenda items A-I and K-Q, as presented. The motion was seconded by Mrs. Zibrat, 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 June 18, 2013, Regular Governing Board meeting and Executive Session were approved, as submitted.

B. Approval of Appointment of Personnel

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

C. Approval of Addendum to Personnel Changes

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

D. Approval of Addendum to Separation(s) and Termination(s)

Certified and classified personnel separations were approved, as listed in Exhibit 3.

E. Approval of Vouchers Totaling and Not Exceeding Approximately \$3,988,431.89 (Final Total)

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

The following vouchers were approved as presented and payments authorized:

<u>2012-2013 Fiscal Year</u>		<u>2012-2013 Fiscal Year Encumbrances</u>	
Vo. 638	\$ 773,896.53	Vo. 641	\$1,434,240.97
Vo. 639	\$ 204,426.64	Vo. 642	\$ 354,621.31
Vo. 640	\$ 619,245.13		
 <u>2013-2014 Fiscal Year</u>			
Vo. 700	\$ 602,001.31		

F. Acceptance of Gifts

Donations were accepted by the Governing Board, as listed in Exhibit 4.

G. Receipt of April 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 Report on School Auxiliary and Club Balances for March 2012, as submitted. (Exhibit 5, pp. 1-8)

H. Approval of Out of State Travel

Out of state travel was approved for staff (source of funding indicated) from: District Offices to attend the 2013 National Council of Local Administrators (NCLA) Best Practices and Innovations Conference in San Diego, California, September 24-28, 2013 (federal funds designated for staff development); from District Offices to attend the EdLeader21 Third Annual Conference in Chicago, Illinois, October 1-4, 2013 (federal funds designated for staff development).

I. Approval of the Revised District Organizational Chart

The Governing Board approved the proposed Organizational Chart for 2013-2014, as submitted (Exhibit 6).

J. Approval of the Revised District We Value Statement for 2013-2014

Board Book information: *A draft of the proposed Mission /Value statement is provided for review and adoption by the Governing Board. The Board reviewed the current version and provided specific recommendations, which are reflected in the proposed We Value statement, as shown:*

We Value

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

Dr. Barrabee asked to have this item heard separately in order to submit a minor modification. He proposed to move the We Value statement so that it becomes Paragraph # 2 in the District's Vision / Mission / Belief / Value Statement. There were no comments or objections.

Dr. Barrabee moved to approve the revised document; seconded by Ms. Day, and passed unanimously, 5-0.
<https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=34006044>

K. Verification of Desegregation Funding Matters and Submission of Desegregation Funding Report, Pursuant to A.R.S. §15-910(J)(3)

Board Book information: A.R.S. § 15-910 permits Arizona school districts to:

“... budget for expenses of complying with or continuing to implement activities which were required or permitted by a court order of desegregation or administrative agreement with the United States department of education office for civil rights directed toward remediating alleged or proven racial discrimination which are specifically exempt in whole or in part from the revenue control limit and the capital outlay revenue limit....”

During the 2004-2005 legislative session, the above-quoted statute was amended to mandate annual school district reporting and verification of data and other information concerning desegregation expenditures made by any school district pursuant to the law. This requirement of verification has continued since and, each year, the District submits the requisite verification to the Department of Education.

This agenda item will provide some history of the bases for the District’s desegregation funding and also detail the verifications now required under the desegregation statute quoted above. The Board’s approval of the attached verifications and reporting, to be submitted under the Board President’s signature, is also required.

Desegregation Funding, Generally - The purpose of the desegregation funding mechanism is to enable school districts to comply with court orders and U.S. Department of Education Office for Civil Rights (OCR) administrative agreements. Compliance with court orders and compliance agreements typically represent new and sometimes substantial expenses for school districts, because by their very nature, they mandate doing things differently from, and in addition to, those things already being done and funded under existing district budgets.

Without the funding made possible by A.R.S. §15-910, districts would have to fund the supplemental programs and activities required by applicable court orders and OCR agreements, by diverting funds from their regular capital and maintenance and operations budgets. With other programs services already dependent upon already limited (and in recent years, reduced education budget funds), funding of desegregation activities through the diversion of other funds would jeopardize the ability of districts to just maintain the status quo in terms of educating students. The resulting and proverbial “borrowing from Peter to pay Paul” would result in a dilution of existing services or the quality thereof, perhaps even exposing districts to further claims of inadequate service like those that led to desegregation complaints in the first place.

While there has historically been some degree of legislative criticism of the desegregation funding mechanism as extraneous or unnecessary, the legislature has notably taken a different posture with regard to state programs which are subject to new mandates. For example, during the 2002-2003 legislative year, the legislature passed HCR 2022. HCR 2022 placed a referendum on the 2004 General Election Ballot which would have required any new initiative or referendum proposing a mandatory expenditure of state revenues or allocating state funding for any specific purpose also provide for the increased revenues necessary to cover the new costs.

In the case of HCR 2022, the legislature determined that new programs which go beyond the level, type and form of existing state programs should have their own funding source, so as not to burden the state and its current and continuing programs. In the very same way, the cost of new programs or services mandated or permitted by OCR agreements or desegregation court orders should have their own source of additional

revenue, rather than burdening the existing and continuing programs and services of a school district. Presumably, the legislature agreed when it originally placed A.R.S. § 15-910 into law.

The Bases for Amphi's Desegregation Funding - Amphi's desegregation activities, and consequently its expenses under the statute, arise from two administrative agreements between Amphi and OCR. These agreements are known as "Corrective Action Agreements".

Amphi's Lau Corrective Action Agreement - The first of the OCR agreements requiring or permitting desegregation activities as contemplated by §15-910 followed an extensive OCR investigation of Amphi educational programs and services in Compliance Review No. 08925002 ("the Lau Review"). This review initiated in November 1991 and concerned issues not too dissimilar from the allegations raised by the plaintiffs in the Flores litigation against the State of Arizona. In short, the inquiry of this OCR review was whether Amphi provided students who are Limited English Proficient ("LEP") with sufficient educational services to allow them educational opportunities which were equal to non-minority students.

The Lau Review lasted for more than two years and resulted in findings in January 1994 from OCR that Amphi had denied LEP students an equal opportunity to meaningfully participate in District programs, in violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act. OCR therefore required corrective action by Amphi. Failure of Amphi to take corrective action would have potentially subjected Amphi to loss of federal funds and civil penalties for civil rights violations. Consequently, the District entered into a Corrective Action Agreement in January 1994 ("the Lau Agreement").

In summary, the Lau agreement required the District to ensure that LEP students and students whose primary home language was other than English ("PHLOTE" students) have equal access to educational programs and services. There were three main components in the Lau Agreement. The first component was the development of a comprehensive plan for providing specific programs and services to all LEP students. The agreement required that the comprehensive plan include specific procedures for consistent, reliable and timely identification and assessment of students whose language is other than English. The plan was also required to include:

- *Timely provision of ESL services for Limited English Proficient students at the appropriate level, i.e., beginner, intermediate or advanced;*
- *A method for collecting and recording follow-up data on students who have left the ESL program*
- *A provision for students who re-enter the program, if necessary;*
- *Program evaluation to determine its effectiveness;*
- *Elimination of barriers which might exclude LEP students from receiving gifted education services; and*
- *Expansion of gifted education identification and assessment process to ensure access of LEP students.*

The second component of the Lau Agreement was a requirement that Amphi develop a plan to ensure appropriate placement of special-needs LEP students, whether enrolled at the time of the Lau Agreement or thereafter. The third component was mandated development of plans to improve services to LEP students. Also required by the Lau Agreement was translation of parental notices into home languages.

As required by the Lau Agreement, the comprehensive plan described above was developed and implemented in the years that followed. Implementation continues today and takes many forms required or permitted by the Lau Agreement. Implementation strategies include:

- *Sufficient levels of specially trained teachers to provide specialized instruction to LEP students, in Sheltered English Immersion classrooms in accordance with Proposition 203, to ensure timely provision of services to LEP students.*
- *Bilingual instructional assistants to assist teachers in Sheltered English Immersion/ESL classrooms.*
- *Additional special education teachers, placed at schools with high numbers of ESL students to ensure prompt access to special education services by ESL students and families.*

- *At schools with significant LEP populations, regular classroom teachers and administrators also play key roles in the provision of educational services, monitoring of student success, and assurance of LEP student access to other District services including special and gifted education.*
- *An ESL department, staffed by a director and support staff, operates to coordinate ESL programs and services, collect and record data regarding student participants and their families, monitor student success, and improve program performance.*
- *Bilingual clerks are hired to assist in data collection necessary to evaluate program effectiveness and student success. Bilingual clerks also enable the District to comply with the requirement to translate parental notices and other important district materials.*
- *Some district central office administrators monitor continuing compliance with the Lau Agreement and remain responsible for supervision of those efforts.*
- *An Equal Opportunity Office has been established to ensure that parents and other members of the public can raise complaints and concerns about educational opportunities for LEP students within Amphi, including gifted and special education.*
- *Recurring staff development, through both “in-house” and external means takes place to maintain and improve program effectiveness.*
- *Provision of necessary supplies and other support materials for the mandated or permitted services.*

Amphi’s Student Discipline Corrective Action Agreement - The second of the two OCR agreements requiring or permitting Amphi’s desegregation activities as funded by §15-910 followed an OCR investigation of Complaint No. 08925002 which concerned, among other things not relevant here, a parent’s complaint that the District engaged in disparate treatment of minority students through its disciplinary policies and actions (“the Discipline Investigation”). The Discipline Investigation began in September 1992. After several months of investigation, OCR concluded that it was unable to make any substantive determination on the merits of the parent complaint because Amphi’s student discipline record keeping at the time was so substandard that OCR was simply unable to investigate.

OCR required corrective action in Amphi record keeping practices that would ensure OCR’s ability to investigate and determine district compliance with pertinent civil rights laws in the future. Failure of the District to take corrective action might have subjected Amphi to loss of federal funds and/or civil penalties for civil rights violations. Consequently, the District entered into a Corrective Action Agreement on or about April 5, 1993 (“the Discipline Agreement”). The Discipline Agreement required Amphi to substantially improve its student record keeping practices with the obvious goal of documenting and ensuring equity in student discipline matters.

Desegregation activities required or permitted by the Discipline Agreement consist of the following:

- *Maintenance of a computerized student information system that provides timely, complete and accurate disciplinary records for students, particularly with regard to disabled or minority students.*
- *Retention of personnel and service providers responsible for ensuring accurate, timely student data which can be examined and evaluated on race, national origin and disability status.*
- *Placement of behavioral intervention monitors and in-school suspension personnel at schools to implement disciplinary programs and services to ensure equitable and lawful treatment of minority, national origin and disabled students.*
- *Maintenance of internal student discipline record audit staff to monitor Amphi student disciplinary practices, confirm timely and accurate record keeping,*
- *Monitoring, by certain district central office administrators, of continuing compliance with the Discipline Agreement.*
- *Operation of an Equal Opportunity Office to enable parents and other members of the public to file complaints or report concerns about District disciplinary practices.*
- *Recurring staff development, through both “in-house” and external means to maintain compliance.*
- *Provision of necessary supplies and other support materials for the mandated or permitted activities.*

Progress Since OCR Agreements - Both aspects of Amphi’s desegregation activities described above have been highly effective at resolving the issues that gave rise to them. One very clear indication of their success

is the fact that OCR has ceased monitoring Amphi compliance under both corrective action agreements. This reflects OCR's determination that Amphi is compliant, i.e., that Amphi provides the requisite programs and services for LEP student and that Amphi evidences demonstrable proof of equitable disciplinary practices. Despite having attained compliance status, however, the District cannot simply terminate the programs that enabled compliance. Thus, the District's continuing desegregation expenditures are necessary to ensure continuing compliance with federal mandates.

The Required Verifications - Pursuant to A.R.S. §15-910(J)(3), the Governing Board must now provide the following data and verifications concerning the above described desegregation program on or before July 15, 2013:

- (a) A district-wide budget summary and a budget summary on a school by school basis for each school in the school district that lists the sources and uses of monies that are designated for desegregation purposes.*
- (b) A detailed list of desegregation activities on a district-wide basis and on a school by school basis for each school in the school district.*
- (c) The date that the school district was determined to be out of compliance with title VI of the civil rights act of 1964 (42 United States Code section 2000d) and the basis for that determination.*
- (d) The initial date that the school district began to levy property taxes to provide funding for desegregation expenses and any dates that these property tax levies were increased.*
- (e) If applicable, a current and accurate description of all magnet type programs that are in operation pursuant to the court order during the current school year on a district-wide basis and on a school by school basis. This information shall contain the eligibility and attendance criteria of each magnet type program, the capacity of each magnet type program, the ethnic composition goals of each magnet type program, the actual attending ethnic composition of each magnet type program and the specific activities offered in each magnet type program.*
- (f) The number of pupils who participate in desegregation activities on a district-wide basis and on a school by school basis for each school in the school district.*
- (g) A detailed summary of the academic achievement of pupils on a district-wide basis and on a school by school basis for each school in the school district.*
- (h) The number of employees, including teachers and administrative personnel, on a district-wide basis and on a school by school basis for each school in the school district that is necessary to conduct desegregation activities.*
- (i) The number of employees, including teachers and administrative personnel, on a district-wide basis and on a school by school basis for each school in the school district and the number of employees at school district administrative offices that are funded in whole or in part with desegregation monies received pursuant to this section.*
- (j) The amount of monies that is not derived through a primary or secondary property tax levy and that is budgeted and spent on desegregation activities on a district-wide basis and on a school by school basis for each school in the school district.*
- (k) Verification that the desegregation funding will supplement and not supplant funding for other academic and extracurricular activities.*
- (l) Verification that the desegregation funding is educationally justifiable.*
- (m) Any documentation that supports the proposition that the requested desegregation funding is intended to result in equal education opportunities for all pupils in the school district.*
- (n) Verification that the desegregation funding will be used to promote systemic and organizational changes within the school district.*
- (o) Verification that the desegregation funding will be used in accordance with the academic standards adopted by the state board of education pursuant to sections 15-701 and 15-701.01.*
- (p) Verification that the desegregation funding will be used to accomplish specific actions to remediate proven discrimination pursuant to title VI of the civil rights act of 1964 (42 United States Code section 2000d) as specified in the court order or administrative agreement.*
- (q) An evaluation by the school district of the effectiveness of the school district's desegregation measures.*
- (r) An estimate of when the school district will be in compliance with the court order or administrative agreement and a detailed account of the steps that the school district will take to achieve compliance.*
- (s) Any other information that the department of education deems necessary to carry out the purposes of this paragraph.*

A substantial portion of the required information listed above is provided to the state through the budget forms for the District. Items (d) and (k) through (s), however, must be submitted as individual documents,

together with a verification form to be executed by the Governing Board president. These requisite submissions, including the verification form to be executed by President Zibrat, are included as attachments to this item.

The Governing Board approved the Desegregation Verification Reporting Fiscal Year 2014 report; and authorized the signature by the Governing Board President on behalf of the Board and Amphitheater Unified School District No. 10 of Pima County Arizona, CTD: 10020000 pursuant to A.R.S. §15-910(J)(3) to the ADE, School Finance department (Exhibit 7, pp. 1-11).

L. Approval of Sole Source Procurement for Special Duty Law Enforcement Services; Approval of Oro Valley Police Department, Tucson Police Department and Pima County Sheriff's Department Special Duty Program Agreements

Board Book information: *At the request of the District, the Oro Valley Police Department, Tucson Police Department and the Pima County Sheriff's Department provide police officers as needed for duties such as traffic control and additional security for special events taking place at the schools within their respective jurisdictions.*

Within the City's limits, the sole source of law enforcement with jurisdiction to provide these kinds of special duty police services is the Tucson Police Department; within the Town's limits, the sole source of law enforcement with jurisdiction to provide these kinds of special duty police services is the Oro Valley Police Department; and within the County's limits, the sole source of law enforcement with jurisdiction to provide these kinds of special duty police services is the Pima County Sheriff's Department.

Therefore, specific approval is sought for Sole Source procurement for police services rendered within the City of Tucson, the Town of Oro Valley and the Pima County Sheriff's Department as appropriate within the separate jurisdictions. Approval is also sought for these entities' Agreements for the 2013-2014 fiscal year, attached for the Board's review.

The Governing Board approved the sole-source IGA's for special duty law enforcement services with the following entities: the City of Tucson Police Department; the Pima County Sheriff's Department; and, the Oro Valley Police Department (Exhibits 8a, pp. 1-3, 8b. pp. 1-2, and 8c. pp. 1-2 respectively).

M. Award of Contract for HVAC (Heating, Ventilation, and Air Conditioning) Air Filters Based upon Responses to Request for Bid (RFB) 12-0073

Board Book information: *Request for Bid (RFB) 12-0073 was e-mailed to six vendors and published to the District's web site requesting prices for HVAC Air Filters. Two vendors responded with priced bids for the required items; one vendor submitted a no bid.*

A market basket provided by Facilities Support Services was priced utilizing the responses (see attached spreadsheet). Aire Filter Products was the low responding bidder. [comp sheet is available at: <https://v3.boardbook.org/Public/PublicItemDownload.aspx?ik=34006091>]

The Governing Board approved the award of contract for HVAC Air Filters to *Aire Filter Products* based upon responses to RFB 12-0073.

N. Award of Contract for Commercial Plumbing Services based upon Responses to Request for Bid (RFB) 12-0084

Board Book information: *Request for Bid (RFB) 12-0084 was e-mailed to 19 vendors and published on the District's web site. This request for bid requested as needed commercial plumbing services. Four vendors responded with priced bids for the required services. [comp sheet is available at: <https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50065059>]*

The Governing Board approved the awards of contract for commercial plumbing services to *Cummings Plumbing* and *Plumb Plumbing* based upon responses to RFB 12-0084.

O. Award of Contract for Speech Language Pathologists and Speech Language Pathologist Assistants Based upon Responses to Request for Proposal (RFP) 12-0085

Board Book information: *Request for Proposal (RFP) 12-0085 was e-mailed to 60 Contractors registered with the District's Purchasing Department and published on the District's web site. The scope of work requested qualified Speech Language Pathologists (SLPs) and Speech Language Pathologist Assistants (SLPAs) to be used on an as needed/as required basis throughout the District. Twenty-four Contractors responded with proposals; two Contractors were deemed not qualified per the requirements of RFP 12-0085. [comp sheet is available at: <https://v3.boardbook.org/Public/PublicAgenda.aspx?ak=1000433&mk=50065059>]*

The Governing Board approved the award of contract for speech language pathologists and assistants to the following vendors based upon responses to RFP 12-0085: *Accountable Healthcare, Adjuris Therapy, LLC, Ardor Health Solutions, Cobb Pediatric Therapy Services, Cumberland Therapy Services, LLC, EBS (Educational Based Services), Comp Health Medical Staffing, Kaleidoscope Family Solutions, Inc., Invo HealthCare Assoc. Inc., Monchou Enterprises, Inc., Learn-It Systems, LLC, Professional Placement Resources, Inc., Medi-scan, Inc., SOS (Staffing Options and Solutions), NTS Staffing, Supplemental Health Care, Soliant Health, Therapy Rehabilitation Services, Inc., STARS, Therapy Solutions Unlimited (Dearborn), Sunbelt Staffing, LLC, and Team Ed., P. C.*

P. Award of Contract for Appliance Repair Services Based Upon Responses to Request for Bid (RFB) 12-0086

Board Book information: *Request for Bid (RFB)12-0086 was e-mailed to eight vendors and published on the District's web site. This RFB requested as-needed appliance repair services; 3 vendors responded with priced bids for the required services.*

The Governing Board approved the award of contract for appliance repair services to *A-United Restaurant Equipment and Supply Inc.* based upon responses to RFB 12-0086.

Q. Approval of Bond-Related Projects

1. 1. Award of Authorization to Issue Requests for Qualifications (RFQ) for Construction Manager at Risk (CM at-Risk) Services for Wetmore District Offices

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 Wetmore Administration District Offices to have additional and / or renovated space and, it is critical for the Bond Program that this project moves forward. This site is not closed for the summer. 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 Team will complete the skills needed to manage this project.

- *Specialized Expertise – It is important that the Wetmore Administration Management Team contain members with unique talents, one of which is scheduling. If the project is to minimize the impact to this site 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 use of the *CM at-Risk* alternative project delivery method and authorized the issuance of an RFQ for this Bond-funded project at the Wetmore District Offices.

3. PUBLIC HEARING

A. Public Hearing on the FY 2013-2014 Proposed Expenditure Budget and Truth in Taxation Hearing

Board Book information: *The Governing Board proposed a budget for the 2013-2014 fiscal year at the June 18, 2013 meeting. The Governing Board is required by Arizona Revised Statutes §15-905 to hold a public hearing on the proposed budget and a Truth in Taxation Hearing is required by Arizona Revised Statutes §15-905.01.*

Mr. Nelson introduced the item and reviewed the requirement for a public *truth and taxation* hearing and the protocol for budget-adoption (see agenda item below, 5.A.) by the Governing Board. Mr. Nelson stated that this is the time of year when the annual proposed budget is presented for the Governing Board's consideration and adoption.

Mrs. Zibrat declared a public hearing at 6:21p.m. concerning the 2013-2014 proposed expenditure budget and truth in taxation pursuant to A.R.S. Statute §15-905.0 and invited anyone wishing to address the Board to come forward.

There were no such comments and Mrs. Zibrat therefore immediately officially closed the public hearing at approximately 6:21 p.m.

4. ACTION

A. Approval of Revisions to Governing Board Policies EBC (Emergencies) and JK (Student Discipline)

Mr. Nelson noted that at the June 18, 2013 Governing Board meeting, the Board reviewed the proposed revisions to its policies EBC (Emergencies) and JK (Student Discipline), which contained fairly minor revisions. These policies are now presented for the Board's approval.

A motion was made by Dr. Barrabee to approve the revisions to Governing Board Policies EBC (Emergencies) and JK (Student Discipline), as presented. Ms. Cozad seconded the motion and it passed unanimously, 5-0.

5. STUDY/ACTION

A. Adoption of the Expenditure Budget for Fiscal Year 2013

Board Book information: *The State of Arizona requires governing boards to formally approve and adopt an operating budget for the school year immediately following the hearing on the budget. The budget being submitted for adoption is identical to the budget proposed on June 18th with the exception of the additional Desegregation pages required by state law and the correction of a typographical error on page 6.*

Desegregation - These budget pages detail desegregation expenditures on a school by school basis and are required by Arizona Revised Statutes §15-910(J). The Desegregation Budget total is unchanged from the prior year at \$4,025,000.

Adjacent Ways - The Truth in Taxation Notice appeared in the Arizona Daily Star on June 20. The Adjacent Ways budget as detailed in the Budget will continue the \$324,000 levy imposed two years ago. The net impact should be zero for the average homeowner's tax bill. Arizona Revised Statutes §15-905.01 requires a roll call vote to maintain the tax levy for the Adjacent Ways fund.

Mr. Nelson stated that school boards are required to adopt a budget prior to July 15th. At the last Board meeting, Mr. Little reviewed the proposed expenditure budget that was based upon the best (state) information available at the time. He outlined some of the budgetary issues that the District is facing. The Department of Education has since sent out revised/new budget forms resulting in a need for modifications that will likely be submitted for the Board's approval as Revision I at the September Governing Board meeting.

Mrs. Cozad asked whether the District, during its negotiations with AmphiEA, had accommodated consideration if any additional revenues/monies are received from the State that may be allocated to fund increases to compensation/salaries. Mr. Jaeger clarified that this was factored in under the Meet and Confer package for the upcoming year; a provision is in place that additional funding would be used for salaries. There are however, some prerequisites that must also be in place, i.e. increased funding in excess of \$700,000.00. Half of that excess is to be used towards additional compensation provided that the funds are not otherwise directed by their use and purpose by the state. At this time, additional funding is not expected.

There were no additional comments or questions by the Board. Mrs. Zibrat stated that the adoption of the proposed expenditure budget for 2013-2014 is to be voted upon via roll call vote. The roll-call vote was tabulated as follows: Mrs. Grant – Aye; Mrs. Cozad – Aye, Dr. Barrabee – Aye; Mrs. Zibrat – Aye; and, Ms. Day – Aye. The final vote was 5-0 in favor of adopting the proposed budget for 2013-2014 (Exhibit 9, pp. 1-14).

5. INFORMATION

A. Selection of Governing Board Delegate and Alternate for Arizona School Board Association (ASBA)

Delegate Assembly

Board Book information: *The Arizona School Boards Association, of which the District is a member, is holding its annual ASBA Delegate Assembly on September 7, 2013. The Delegate Assembly determines ASBA's positions for any future Special Sessions of the current legislature and for the First Regular Session of the Fifty-Second Legislature.*

In preparation for the September Delegate Assembly, ASBA requested that individual Governing Boards throughout the State submit Proposed Action Agenda Items to help craft ASBA's advocacy stances. Those items were then submitted for discussion to ASBA's Legislative Committee, which met on June 7th.

The Legislative Committee culled the Proposed Action Agenda Items and has now created a draft document of advocacy positions on issues of concern through the State. This draft document will be the basis for discussion at the official Delegate Assembly on September 7th.

While all superintendents and governing board members from member districts are invited to and may participate in the discussions held during the Assembly, each member district is only permitted one vote on each matter presented to the assembly for a vote.

Thus, one component of this item is the selection of the Board's official and voting delegate to the assembly. The Board is also advised to select an alternate delegate who would be authorized to attend the assembly, along with the delegate, and to vote in the event the delegate was unable to do so for some reason.

After doing so, the Board may, through discussion and/or motion, direct the delegate and alternate delegate how to vote or otherwise represent the interests of the Board in the development of the official ASBA political agenda.

In addition to playing a role in the development of the ASBA legislative agenda through appointment of its delegate and alternated delegate to the assembly, the Governing Board also develops and pursues its own legislative agenda. The Board's legislative agenda for the District need not, and sometimes does not, comport with the ASBA agenda.

- 1. Appoint a delegate from the Board membership to attend the ASBA Legislative Conference and Delegate Assembly and vote on behalf of the Board; and,*
- 2. Appoint an alternate delegate from the Board membership to attend the ASBA Legislative Conference and Delegate Assembly and, in the absence of the delegate, vote on behalf of the Board;*

Mr. Nelson introduced the item stating that a delegate and alternate must be decided upon at this meeting; the ASBA Delegate Assembly meeting is scheduled for September 7, 2013.

Mrs. Zibrat offered to submit herself for consideration as Delegate. Mrs. Cozad moved that Mrs. Zibrat be the Delegate; seconded by Dr. Barrabee and it passed unanimously, 5-0. Dr. Barrabee moved Ms. Day as Alternate; it was seconded by Mrs. Cozad and passed unanimously, 5-0.

Dr. Barrabee expressed appreciation to both Mrs. Zibrat and Ms. Day for their efforts and commitment to the this effort.

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

There were no new Board Member requests.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

A motion was made by Ms. Day that the Board Meeting be adjourned; Dr. Barrabee seconded the motion; and it passed unanimously, 5-0. Mrs. Zibrat declared the meeting was adjourned; the time was approximately 6:28 p.m.

Respectfully submitted,
Margaret Harris

Susan Zibrat, President
Date: August 13, 2013

Approved: 8.13.13