

DRAFT Governing Board Meeting Minutes

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, February 22, 2011, 6:00 p.m.

Board Members Present

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

Central Administrators Present

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

OPENING OF MEETING

Call to Order and Signing of Visitors' Register

Mr. Grant called the meeting to order at 6:10 p.m. and invited members of the audience to sign the visitors' register.

Pledge of Allegiance

Dr. Balentine led the Pledge of Allegiance.

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

Mr. Grant announced the next regular meeting of the Governing Board: Tuesday, March 8, 2011, 7:00 p.m., at the Wetmore Center, 701 W. Wetmore Road.

PUBLIC COMMENT

There were no public comments.

1. CONSENT AGENDA

Mr. Grant asked if there were Board member requests to have any items addressed separately; there were none. A motion was made by Dr. Loomis to approve consent agenda items A-N. The motion was seconded by Mrs. Boros and it passed unanimously, 5-0. Appointment of personnel is effective, provided all district, state, and federal requirements are met.

A. Approval of Minutes of Previous Meeting

The minutes of the February 8, 2011, Regular Governing Board meeting were approved, as submitted.

B. Approval of Appointment of Personnel

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

C. Approval of Personnel Changes

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

D. Approval of Leave(s) of Absence

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

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

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

F. Approval of Vouchers Totaling and Not Exceeding Approximately \$1,130,158.81 (Final Total)

The following vouchers were approved as presented and payment authorized:

Vo. 181	\$ 252,446.58	Vo. 182	\$ 58,674.21	Vo. 183	\$153,311.48	
	Vo. 184	\$ 10,673.95	Vo. 185	\$335,212.64	Vo. 186	\$319,939.95

G. Receipt of December 2010 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 received the Monthly Report on School Auxiliary and Club Balances for month-end December 2010, as submitted (Exhibit 5, pp. 1-8).

H. Adoption of Governing Board Meeting Schedule for 2011-2012 Fiscal Year

Board Book information: *Traditionally, the Board has had a regular meeting on the second and fourth Tuesday of every month, unless the date fell on a holiday. The Board may meet, however, on such days at it determines at its discretion, so long as it meets the minimum requirement of having one regular meeting per month during the regular school year. A.R.S. §15-321(D). The proposed schedule follows that traditional schedule with exceptions where meetings would conflict with District-wide vacation breaks and other calendar conflicts.*

The Board may also designate the location of its regular and special meetings. State law does provide, however, that regular meetings are to be held "at the most convenient public facility in the school district." A.R.S. § 15-321(C).

Generally, the Board reserves information, study and action items for its regular business meetings, held on the first Tuesday of the month. The second meeting of each month is reserved for consent items and executive session business.

Regular Board meetings: **July 5, 2011, August 9, 2011, September 6, 2011, October 4, 2011, ** November 15, 2011, ** December 6, 2011, January 10, 2012, February 7, 2012, March 6, 2012, April 10, 2012, **May 8, 2012, June 19, 2012 (NOTE 2nd meeting of the month).

Executive Session: August 23, 2011, September 20, 2011, October 25, 2011, January 24, 2012, February 21, 2012, March 27, 2012, April 24, 2012, and June 5, 2012.

***Indicates months when there is only one Board Meeting scheduled: July, November, December, and May.*

The Governing Board approved the Governing Board Meeting Schedule for the 2011-2012 fiscal year, as submitted.

I. Award of Contract for Graphics and Printing Paper Supplies Based Upon Responses to Request for Bid (RFB) 10-0043

Board Book information: *Request for Bid (RFB) 10-0043 was mailed to 16 vendors; four vendors responded with priced bids. The bid text requested prices for paper products used by Graphics and Printing. Spicers Paper was the low responding vendor. [Board Book holders were provided with a spreadsheet giving detail on bid responses.]*

The Governing Board awarded a contract to *Spicers Paper Company* for Graphics and Printing paper supplies based upon responses to RFB 10-0045.

J. Approval of Disposal of Surplus Property via PublicSurplus.com

The Governing Board approved the disposal of surplus property, as listed by administration, through a competitive, online public auction.

<u>Item</u>	<u>Vehicle</u>	<u>Manufacture</u>	<u>Year</u>	<u>Quantit y</u>
Bus	B-90	Blue Bird	1997	1
Truck Step van	T-71	Chevrolet	1987	1
Bus	B-1	Blue Bird	1996	1
Bus	B-21	Blue Bird	1996	1
Bus	B-82	Blue Bird	1997	1
Computers	Apple	I Mac		4
Computers	Apple	Emac		1
Serving Unit		Cool tray unit salad 32"X8'		1
Serving Unit		Heat tray unit food 37"X14'		1
Serving Unit		Portable on wheels		3

K. Approval of Trade-in Surplus

Board Book information: *The Arizona Administrative Code Section R7-2-1131 allows for the trade-in of surplus materials provided that the trade-in value is expected to exceed the value realized through the sale or 'other disposition' of such materials. The item to be traded-in is an SP55 I.D. Card Printer currently inoperable, originally purchased October, 2004 for \$4,194.79. The vendor has repaired this unit a number of times and has determined that a replacement unit is required. The list price for a CP40, the replacement printer, is \$3,313; the District's cost, less the trade-in is \$1,857.*

The Administration recommends the Governing Board make the determination the trade-in value of the SP55 I.D. Printer is expected to exceed the value realized through the sale or other disposition of such material and approve the trade-in against the purchase of a replacement I.D. printer.

The Governing Board approved the purchase of a model CP40 Identification Card Printer based upon the trade-in of an inoperable SP55 Card Printer with a final cost to the District of \$1,857 as allowed by Arizona Administrative Code Section R7-1131.

L. Approval of Out of State Travel

Out of state travel was approved for students and staff (source of funding indicated): from Ironwood Ridge High School to take 24 students from IRHS Model United Nations Club to the Berkeley Model United Nations Conference in Berkeley, California, March 2-6, 2011 (student activity funds, gifts and donations, and tax credit donations); and, from Ironwood Ridge High School to take 3 students from Yearbook Club to the Herff Jones Yearbook Plant in Logan, Utah, March 10-12, 2011 (state funds, student activity funds, and tax credit donations).

Out of state travel was approved for staff (source of funding indicated): from Canyon del Oro High School to attend the Marine Educators' Workshop in San Diego, California, February 28-March 4, 2011 (no cost to District); from Ironwood Ridge High School to attend the National Science Teachers Association Conference in San Francisco, California, March 9-13, 2011 (federal funds designated for staff development); from Canyon del Oro High School to attend the Society for Photographic Education Conference in Atlanta, Georgia, March 10-13, 2011 (federal funds designated for staff development); from Ironwood Ridge High School to attend the AP Annual Conference in San Francisco, California, July 19-24, 2011 (federal funds designated for staff development); and, from Canyon del Oro High School to attend the International Baccalaureate Training in Houston, Texas, February 26-March 1, 2011 (federal funds designated for staff development), which was previously approved at the December 7, 2010, Board meeting and now includes one additional day.

M. Approval of Post-Retirement Employment Opportunities During the 2011-2012 Fiscal Year for Staff Retiring in the Current Fiscal Year

Board Book information: Significance of Staff Retention

As the Board has previously discussed, there are increasing pressures on Arizona school districts to retain highly qualified personnel:

- *The federal NCLB Act demands that instruction be provided by teachers and paraprofessionals meeting high levels of qualification.*

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

The loss of staff to retirement can therefore be counterproductive to the efforts of school districts to overcome these pressures. School districts are consequently searching for new ways to attract and retain personnel. Many personnel who retire from school districts do pursue "second careers" in another field. Often, they would prefer to remain in the field of education or other public service, but state retirement rules preclude them from doing so, at least in a direct employment relationship.

The "Lease-Back" Solution

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

The legality of retaining retired teachers and other employees through a third party "lease-back" arrangement is expressly established in A.R.S. § 15-502. It reads in relevant part:

The governing board may obtain the services of any employee, including teachers, substitute teachers and administrators, by contracting with a private entity that employs personnel required by the school district.

The District currently offers such a program through Educational Services, Inc., (ESI) a service provider under a Mohave Educational Services Contract and a current Amphitheater bid. Our ESI contract sets a fee for the service to be provided by the retiree based on a percentage of the retiree's former salary as a district employee (80% of former salary). ESI hires the retiree and "leases" the employee back to the District. ESI assumes all responsibilities for paying the retiree, who is then an employee of ESI. Like any employer is required, ESI makes appropriate withholdings and payments of all applicable taxes and then issues W-2 forms. ESI also offers a benefit plan that its employees may purchase. ESI bills the District for the cost of the retirees, salary costs and ESI's service fee.

The district saves the difference between the cost of the employee's pre-retirement salary (and employee related costs) and the fees paid to ESI. The employee earns income both as a state retiree and as an ESI employee placed with the district. The District has offered such a program for several years, and participants have been very positive about the opportunity. The program's approval by the Board expires at the end of this fiscal year.

In recent years, these "leased employee" arrangements have received scrutiny both by the Arizona State Retirement System and the legislature. We have seen, for example, the introduction of bills that would have modified the terms of these arrangements in various ways. One proposal included assessment of a "contribution" to the ASRS by the employer that retains a retiree through a third party.

The Administration's Proposal

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

1. *The option will be offered for the remainder of the current fiscal year, allowing the retiree's retention through ESI beginning in 2011-2012.*
2. *The terms of the retiree's employment with the service provider are determined by the provider, and the retiree must acknowledge those terms prior to placement with the District.*
3. *ESI will compensate former employees of the District at the rate of eighty percent (80%) of the salary paid to the employee by the District prior to retirement, less any amount the District or ESI is required by law to contribute to the Arizona State Retirement System as a consequence of the former employee's*

employment through ESI. Calculation of the compensation due to a former employee through ESI will not include Career Ladder compensation or other addenda or stipends paid prior to retirement. This shall not preclude, however, an ESI participant from being retained and additionally compensated to fill an addendum position, such as a coaching position.

- 4. The provider will make and/or pay all appropriate payroll deductions and taxes. The District will pay a service fee to the provider as determined by the District's contract with the vendor.*
- 5. Personnel placed with the District through this program must meet all district, state and federal qualification standards, including but not limited to, fingerprint/background clearance, certification, endorsement, education level, and licensure.*
- 6. Pursuant to the terms and conditions of the District's Early Retirement Program (ERP) and Early Retirement Phase-Out Program (ERPOP), participants in those former programs are ineligible to participate in this program.*
- 7. Regardless of their status as employees of a third-party rather than the District, all personnel placed with the District must comply with district, state and federal laws, policies, regulations, directives as well as school improvement plans of the Amphitheater District.*
- 8. The arrangement through ESI would ensure that any ASRS contribution that becomes required of the District would reduce the level of compensation paid to the retiree, ensuring the 80% cost is not exceeded.*

The Governing Board approved continued participation in the post-retirement employment program for retiring District employees through *Educational Services, Inc., (ESI)* as described above beginning with the 2011-2012 fiscal year.

N. Approval of Bond-Related Projects

1. Authorization to Issue a Request for Qualifications (RFQ) for Construction Manager at Risk Services for Facility Improvements to the Amphitheater Transportation Department

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 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.*
- Schedule – This process will allow the project to move forward without concern for re-design due to budget overruns and unexpected problems in the bidding process.*
- Market Conditions – Moving the design and construction forward in tandem, reducing the time line for project completion, will allow the District to take advantage of the current economic conditions for best pricing for materials and labor.*
- Project Management – Amphitheater has assembled a team of Bond Project Managers. This team has extensive background experience in commercial contracting and construction. The addition of the Architect and Contractor to the management team will complete the skills needed to manage the Transportation Department renovation project.*
- Specialized Expertise – It is important to this project for the project team to contain members that can consult. The project also calls for unique talents in scheduling to minimize the impact to the Transportation Department during construction.*
- Technical Complexity – The skills required to renovate an existing facility for a new use are unique skills found in only a certain number of contractors and construction managers. This process clearly provides the district with consulting Construction Managers that possess that higher level of skill.*
- Value Engineering – Allowing the Construction Manager to work with the Architect and Team members upfront on construction to maximize the value of each dollar spent.*

The Governing Board approved use of the "Construction Manager at Risk" alternative project delivery method for improvements to the District's Transportation Department facilities based on the consideration of the seven factors identified in A.A.C. R7-2-1116(B)(2), as described above.

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 # 30032207; b. Student #30036743; c. Student #30038695; Student #30022650; e. Student #30036550; f. Student #30036537; g. Student #30038561; h. Student #30001187; i. Student #30038334; j. Student #30005458; k. Student #30010954; l. Student #11705926; m. Student #30024419; n. Student #30007565; o. Student #30000090; p. Student #10603097; and q. Student #30026441.
2. Consideration and Decision Upon Expulsion Hearing Officer's Recommendation, Pursuant to A.R.S. §15-843(F)(2), Regarding: a. Student #30024948; b. Student #30028491; c. Student #30010933; d. Student #30015331; e. Student #30035375; f. student #30022752; g. Student #30030452; and, h. Student #30032280.
3. Consideration and Determination of Appeal of Long-term Suspension Hearing Officer's Decision, Pursuant to A.R.S. §15-843(A), Regarding: a. None at this time.
4. Consideration and Determination of Appeal of Long-term Suspension Hearing Officer's Decision, Pursuant to A.R.S. §15-843(A); 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 #30003786; b. Student #30014513; c. Student #30028573; d. Student #30029765; and, e. Student #30024876.

A motion was made by Dr. Loomis that the Board recess into Executive Session pursuant to A.R.S. §15-843(F)(2) and A.R.S. §15-843(A), as presented. Mrs. Boros seconded the motion and it passed unanimously, 5-0. Mr. Grant called a recess at 6:12 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, Mrs. Boros moved to reconvene the meeting into open session; Mr. Grant seconded the motion and it passed, unanimously, 5-0. The time was 9:05 p.m. Mr. Grant declared the meeting in open session.

BOARD MEMBER REQUESTS FOR FUTURE AGENDA ITEMS

Mr. Grant asked for a written update report about the R.O.T.C. (Reserve Officer Training Corp) program.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

A motion was made by Dr. Loomis, seconded by Mrs. Zibrat, and passed unanimously, 5-0, that the meeting be adjourned. Mr. Grant declared the meeting adjourned at 9:06 p.m.

Respectfully submitted,
Margaret Harris

Mr. Jeff Grant, President

Date