

**Tucson Unified School District No. 1
Governing Board Special Meeting
Board Room, Morrow Education Center
1010 East Tenth Street
Tucson, Arizona 85719**

**June 22, 2010
5:30 p.m.**

MINUTES

Present:

Judy Burns, President
Miguel Cuevas, Clerk
Bruce Burke, Member
Adelita S. Grijalva, Member [arrived at 5:41 p.m.]
Mark Stegeman, Member

Also Present :

Elizabeth Celania-Fagen, Ed.D., Superintendent
Bonnie Betz, Chief Financial Officer
Nancy Woll, Chief Human Resources Officer
John Carroll, Interim Chief Operations Officer
Rob Ross, Legal Counsel
Sam Brown, Legal Counsel
David Scott, Director, Accountability and Research
Maggie Shafer, Assistant Superintendent, Elementary Schools
Lupita Garcia, Ph.D., Assistant Superintendent, Government Programs and Community Outreach
Patricia Dienz, Director for High Schools
Donna Lewis, Ph.D., Director for Middle Schools
Sean Arce, Director, Mexican-American Studies
Arthur Leible, Interim Chief Information Officer
Shannon Roberts, Employee Relations Coordinator
Lorraine St. Germain, Executive Director, Exceptional Education
Leon George, Director, Purchasing
Bryant Nodine, GIS and Planning Program Manager
Mary Alice Wallace, Director of Staff Services to the Governing Board
Sylvia Lovegreen, Senior Staff Assistant II to the Governing Board
Luci Messing, President, Tucson Education Association (TEA)
Marivel Roybal, Vice President, Tucson Education Association (TEA)
Linda Hatfield, President, Communications Workers of America (CWA)
Alexis Huicochea, *Arizona Daily Star*
TV Channels 4 and 13

SPECIAL MEETING CALLED TO ORDER – 5:31 p.m.

ITEM

ACTION

ACTION ITEMS

1. Schedule an executive meeting at this time to consider the following matters –
 - A. Personnel issues pursuant to A.R.S. §38-431.03 Subsection (A)(1); legal advice/instruction to attorney pursuant to A.R.S. §38-431.03 Subsections (A)(3) and (A)(4)
 - 1) Administrative appointments, reassignments and transfers
 - 2) Board issues
 - B. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase or lease of real property pursuant to A.R.S. §38-431.03 Subsection (A)(7)
 - 1) Westside Transportation Facility Proposed Land Exchange Agreement
 - C. Legal advice/instruction to attorney pursuant to A.R.S. §38-431.03 Subsections (A)(3) and (A)(4); negotiations pursuant to A.R.S. §38-431.03 Subsection (A)(5)
 - 1) Discussions or consultations with designated representatives of the Governing Board in order to consider its position and instruct its representatives regarding negotiations with employee organizations
 - D. Legal advice/instruction to attorney pursuant to A.R.S. §38-431.03 Subsections (A)(3) and (A)(4)
 - 1) Legal options re: SB 1070 and HB 2281
- Mark Stegeman moved approval; Bruce Burke seconded. Approved 4-0. Adelita Grijalva was not present for the vote.

ITEM

ACTION

ACTION ITEMS (continued)

1. Schedule an executive meeting at this time to consider the following matters – (cont.)
 - E. Discussion of contracts subject to negotiations pursuant to A.R.S. §38-431.03 Subsection (A)(2); legal advice and consultation with attorney pursuant to A.R.S. §38-431.03 Subsection (A)(3)
 - 1) Superintendent Contract

SPECIAL MEETING RECESSED – 5:32 p.m.

SPECIAL MEETING RECONVENED– 7:49p.m.

INFORMATION ITEMS

2. Update on Status of E-Rate Applications

Information only.
No action required.

John Carroll provided a brief update followed by comments and questions from Mark Stegeman, Judy Burns, and Rob Ross.

3. Update on Progress of WAN Implementation

Information only.
No action required.

Following brief comments by Liz Fagen, John Carroll presented information and responded to comments and questions from Miguel Cuevas, Mark Stegeman, Judy Burns and Rob Ross.

CONSENT AGENDA

4. a) Award of Requests for Proposal (RFP) No. 11-11-15 – Professional Printing and Plan Distribution Services, awarded to Reproductions and The Print Room in a multi-term award beginning FY 2010-2011 with renewal options through June 30, 2015, in an estimated amount of \$225,000.00 per year

Bruce Burke moved approval of Consent Agenda Items No. 4 (a) and (c-e); Mark Stegeman seconded. Approved unanimously.

ITEM

ACTION

CONSENT AGENDA (continued)

- 4. c) Addendum to the Letters of Assurance List for members of the Tucson Education Association (TEA) Bargaining Unit (MBU) for the 2010-2011 School Year approved by the Board on May 11, 2010
- d) Funding Proposal: Tucson Pima Arts Council/Kresge Arts in Tucson – *Finding Voice Project*, Catalina Magnet High School, effective July 1, 2010 – June 30, 2011, with authorization for the Contracts Manager to execute documents or contracts necessary to effect the purpose of the grant
- e) Agreement and Release between Sky Engineering and Tucson Unified School District

Mark Stegeman requested Consent Agenda Items No. 4 (b) and (f) be considered separately.

- 4. b) Award of Requests for Proposal (RFP) No. 11-25-15 – Time Recording Devices, awarded to Kaba Workforce Solutions in a multi-term award beginning in FY 2010-2011, with renewal options through June 30, 2015, in an estimated amount of \$340,000.00 the first year and \$10,000.00 years 2-5
- Miguel Cuevas moved approval; Bruce Burke seconded. Approved 3-2. Mark Stegeman and Judy Burns voted no.

In a lengthy discussion, Bonnie Betz and Leon George responded to comments and questions from Mark Stegeman, Miguel Cuevas, Judy Burns, and Bruce Burke.

- f) Agreement between Tucson Unified School District (“TUSD”), Pima Community College (“PCC”), and John Carroll, Ed.D. (“Dr. Carroll”)
- Bruce Burke moved approval; Adelita Grijalva seconded. Approved 3-2. Mark Stegeman and Judy Burns voted no.

Mark Stegeman commented briefly.

SPECIAL MEETING RECESSED – 8:31 p.m.

ITEM

ACTION

PUBLIC HEARING – Final Revision of Fiscal Year 2009-2010 Tucson Unified School District Annual Expenditure Budget in accordance with A.R.S. §15-905

1. Presentation of the budget revision by TUSD staff
2. Any *person* can ask for an explanation of the budget
**Speakers during the Public Hearing will abide by the rules governing Call to the Audience at Board Meetings listed below.
3. Further explanation of the budget by TUSD staff if necessary

Public Participation at Board Meetings**

Members of the public may speak during the Call to the Audience portion of the agenda. The Board President shall be responsible for recognizing speakers and for maintaining proper order by setting such limitations as may be appropriate.

Any person desiring to speak shall complete the Call to the Audience card. When addressing the Board, an individual shall state his/her full name and address before going into the subject matter.

Individuals are encouraged to be brief, with a maximum time limit of 3 minutes.

Individuals attending the meeting and/or speaking before the Board shall observe rules of propriety, decorum and good conduct, and refrain from impertinent or slanderous remarks.

These rules also apply to Public Hearings.

**REF: Governing Board Policy Code No. BDAA – *Procedures for Governing Board Members*

Bonnie Betz presented information on the final revision of the TUSD Fiscal Year 2009-2010 annual expenditure budget.

Following Ms. Betz's presentation, the following individuals spoke at the Public Hearing:

Marivel Roybal – Commented on the savings incurred through attrition;

Luci Messing – Mentioned the increased savings due to retirees leaving the district.

ITEM

ACTION

SPECIAL MEETING RECONVENED– 8:41p.m.

ACTION ITEMS

5. Final Revision of Fiscal Year 2009-2010 Tucson Unified School District Annual Expenditure Budget in Accordance with A.R.S. §15-905
- Mark Stegeman moved approval; Bruce Burke seconded. Approved unanimously.
- Liz Fagen recommended approval. Judy Burns commented briefly.
6. Fiscal Year 2010-2011 Tucson Unified School District Proposed Budget and Presentation
- Mark Stegeman moved approval; Miguel Cuevas seconded. Approved unanimously.
- Liz Fagen and Bonnie Betz provided information on the proposed budget and responded to comments and questions from Adelita Grijalva, Miguel Cuevas, and Mark Stegeman.
7. Approval of the Notice for the *Truth in Taxation Public Hearing* (Proposed FY 2010-2011 Budget)
- Adelita Grijalva moved approval; Miguel Cuevas seconded. Approved unanimously.
- Bonnie Betz noted that a Truth in Taxation Public Hearing will occur in July as part of the process to adopt the budget. Liz Fagen recommended approval and Judy Burns commented.
8. Administrative Appointments, Reassignments and Transfers – Principal, Borton Primary Magnet School
- Miguel Cuevas moved approval; Bruce Burke seconded. Approved unanimously.
- Liz Fagen recommended Katrina Smits.
9. Administrative Appointments, Reassignments and Transfers – Interim Principal, Rincon High School
- Miguel Cuevas moved approval; Bruce Burke seconded. Approved unanimously.
- Liz Fagen recommended Abel Ramirez to serve as Principal for one year. Adelita Grijalva and Miguel Cuevas commented.
10. Administrative appointments, Reassignments and Transfers – Assistant Principal, Valencia Middle School
- Miguel Cuevas moved approval; Adelita Grijalva seconded. Approved unanimously.
- Liz Fagen recommended Patricia Acosta.

ITEM

ACTION

ACTION ITEMS (continued)

11. Administrative Appointments, Reassignments and Transfers – Assistant Principal, Tucson High Magnet School

Miguel Cuevas moved approval; Bruce Burke seconded. Approved unanimously.

Liz Fagen recommended Dean Packard.

12. Adoption or Extension of the Consensus Agreement between Tucson Unified School District (TUSD) and the Tucson Education Association (TEA), effective July 1, 2010

Bruce Burke moved that consideration of Item Nos. 12 through 16 be held on June 30, 2010 at 7 p.m. and that between now and then, negotiations continue with each employee group; Miguel Cuevas seconded.

Liz Fagen briefly introduced this item. During the discussion, Mark Stegeman, Bruce Burke, Adelita Grijalva, Miguel Cuevas and Judy Burns commented. Rob Ross provided legal advice.

As an amendment, Mark Stegeman moved to strike Mr. Burke's motion and extend Item Nos. 12 and 13 for 30 days beyond the end of the respective contracts (to July 30, 2010); Miguel Cuevas seconded. The amendment was accepted 3-2; Bruce Burke and Miguel Cuevas voted no.

In a roll call vote, the Board then voted 3-2 to extend Item Nos. 12 and 13 for 30 days past June 30, 2010. Bruce Burke and Miguel Cuevas voted no.

13. Adoption or Extension of the White Collar/Food Service Agreement between Tucson Unified School District (TUSD) and the Tucson Education Association (TEA), effective July 1, 2010

Extension to July 30, 2010 approved with Item No. 12 (above)

ITEM

ACTION

ACTION ITEMS (continued)

14. Adoption or Extension of the Supervisory/ Professional Employee Agreement between Tucson Unified School District (TUSD) and the Communications Workers of America (CWA), effective July 1, 2010

Mark Stegeman commented.

Adelita Grijalva moved to extend this agreement to July 30, 2010; Mark Stegeman seconded. Approved 3-1. Bruce Burke voted no and Miguel Cuevas abstained.

15. Adoption or Extension of the Memorandum of Understanding (MOU) for Blue Collar Employee Agreement between Tucson Unified School District (TUSD) and the American Federation of State, County, and Municipal Employees (AFSCME), effective July 1, 2010

Mark Stegeman and Adelita Grijalva commented on the importance of both sides continuing to negotiate.

Adelita Grijalva moved to extend this agreement to July 30, 2010; Judy Burns seconded. Motion failed 2-2. Mark Stegeman and Bruce Burke voted no, and Miguel Cuevas abstained.

16. Adoption or Extension of the Meet and Confer Agreement between Tucson Unified School District (TUSD) and Educational Leaders, Inc., (ELI), effective July 1, 2010 (Administrators, Psychologists and Research Project Managers)

Adelita Grijalva moved extension of this agreement until July 30, 2010; Mark Stegeman seconded. Approved 3-1. Bruce Burke voted no, and Miguel Cuevas abstained.

ITEM

ACTION

ACTION ITEMS (continued)

17. Consider, and If Deemed Advisable, Call for a Maintenance and Operations Override Election as well as the Sale of Various Pieces of Land to Be Held in and for the Tucson Unified School District on November 2, 2010

Studied only.
No action taken.

Liz Fagen provided an overview of this item. Dr. Fagen and Bonnie Betz responded to comments and questions from Adelita Grijalva, Judy Burns, Miguel Cuevas, Mark Stegeman and Bruce Burke. Discussion topics included adding vacant property to the list, the timeline for voting on whether to call for an election, and whether or not to include on the sale listing the schools that have not yet been closed.

It was determined that the sale of various pieces of land will be further considered by the Governing Board at a special meeting on July 1, 2010.

18. Resolution of the Governing Board of the Tucson Unified School District No. 1 of Pima County Delegating Authority to the District's Superintendent or Designee to Certify the Projected Ending Cash Balance pursuant to A.R.S. §15-991(A)(3)

Adelita Grijalva moved approval; Mark Stegeman seconded. Approved unanimously.

Liz Fagen provided the rationale for this resolution.

19. Resolution: Litigation Against SB 1070 – requested by Board Member Adelita Grijalva

Studied only.
No action taken.

Adelita Grijalva highlighted her reasons for requesting that the Board consider this matter. Miguel Cuevas and Bruce Burke also commented. The impact of the discussion was to refer this issue to the Sub-Committee on Policies for Governing Board policy development.

SPECIAL MEETING RECESSED – 9:54 p.m.

ITEM

ACTION

PUBLIC HEARING – Recommendations of the Arizona Task Force on Best Practices in Special Education and Behavior Management

Public Participation at Board Meetings**

Members of the public may speak during the Call to the Audience portion of the agenda. The Board President shall be responsible for recognizing speakers and for maintaining proper order by setting such limitations as may be appropriate.

Any person desiring to speak shall complete the Call to the Audience card. When addressing the Board, an individual shall state his/her full name and address before going into the subject matter.

Individuals are encouraged to be brief, with a maximum time limit of 3 minutes.

Individuals attending the meeting and/or speaking before the Board shall observe rules of propriety, decorum and good conduct, and refrain from impertinent or slanderous remarks.

These rules also apply to Public Hearings.

***REF: Governing Board Policy Code No. BDAA – Procedures for Governing Board Members*

Liz Fagen commented on the legislative change related to best practices in Special Education and Behavior Management. Mark Stegeman commented and Rob Ross provided legal advice.

There were no members of the public requesting to speak during this public hearing.

SPECIAL MEETING RECONVENED– 9:58p.m.

STUDY/ACTION ITEMS

20. Arizona Task Force Recommendations on Best Practices in Special Education and Behavior Management

Lorraine St. Germain commented on the recommendations. Judy Burns, Mark Stegeman and Miguel Cuevas commented. Rob Ross provided legal advice.

Bruce Burke moved to submit the recommendations to the Sub-Committee on Policies for interpretation; Miguel Cuevas seconded. Approved 3-1. Mark Stegeman voted no. Adelita Grijalva was not present for the vote.

ITEM

ACTION

STUDY/ACTION ITEMS (continued)

21. Governing Board Policy Code BEDBA – *Board Meeting Agenda Preparation* – requested by Board Member Miguel Cuevas

Miguel Cuevas moved approval of the revision as presented in the item; Bruce Burke seconded.

Miguel Cuevas introduced the item with proposed changes. In addition to Mr. Cuevas, Mark Stegeman, Judy Burns, Bruce Burke and Adelita Grijalva participated in a lengthy discussion about the merits of revising the policy.

Mark Stegeman proposed an amendment that if two board members sponsored an item jointly, the item would be placed on the board agenda; amendment failed for lack of a second.

Mark Stegeman proposed another amendment to reinstitute the quarterly rotation of a second board member on the Agenda Committee; Judy Burns seconded. Amendment failed 2-3. Bruce Burke, Miguel Cuevas and Adelita Grijalva voted no.

Mr. Cuevas' original motion was approved 4-1. Mark Stegeman voted no.

22. TUSD Employee Benefits Trust Document and Authorization to Advertise for Trustees

Bruce Burke moved approval; Adelita Grijalva seconded. Approved 4-0. Judy Burns was not present for the vote.

Liz Fagen and Bonnie Betz presented an overview of the trust document and recommended procedures to be followed. Miguel Cuevas commented.

STUDY ITEMS

23. Consider and Review FY 2010-2011 Funding Level Scenarios for the Newly Formed Employee Benefits Trust

Studied only.
No action taken.

Bonnie Betz presented information via PowerPoint and responded to comments and questions from Adelita Grijalva, Miguel Cuevas, Judy Burns and Bruce Burke.

ITEM

ACTION

STUDY ITEMS (continued)

- | | |
|---|-----------------------------------|
| 24. Proposed Land Exchange with San Joaquin Land Investments LLC for the Westside Transportation Facility | Studied only.
No action taken. |
|---|-----------------------------------|

Liz Fagen commented briefly. In response to a question from Adelita Grijalva, Bryant Nodine provided additional information.

Just prior to the recess of the special meeting, Bruce Burke expressed appreciation to Dr. Fagen as this was her last TUSD board meeting.

SPECIAL MEETING RECESSED – 10:50 p.m.

SPECIAL MEETING RECONVENED AND ADJOURNED

– 12:15 a.m., June 23, 2010

Approved this 12th day of October, 2010.

TUCSON UNIFIED SCHOOL DISTRICT NO. ONE



By _____

Miguel Cuevas, Clerk
Governing Board

ba
Minutes\6-22-10Special