

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

**January 14, 2014
6:30 p.m.**

MINUTES

Present:

Adelita S. Grijalva, President
Kristel Ann Foster, Clerk
Michael Hicks, Member
Cam Juárez, Member
Mark Stegeman, Member
Madison Dodge, Superintendent's Student Advisory Council (SSAC)

Also Present:

H. T. Sánchez, Ed.D., Superintendent
Julie Tolleson, Lead Legal Counsel
Adrian Vega, Ed.D., Deputy Superintendent for Teaching and Learning
Yousef Awwad, Deputy Superintendent for Operations
Steven Holmes, Assistant Superintendent, Curriculum & Instruction
Abel Morado, Ed.D., Assistant Superintendent, Secondary School Leadership
Karla Soto, Chief Financial Officer
Candy Egbert, Chief Operations Officer, Engineering, Facilities and Planning
Damon Jackson, Chief Information Officer, Technology and Telecommunications Services
Jim Fish, Executive Director, Equity Intervention
Anna Maiden, Chief Human Resources Officer
David Scott, Director, Accountability and Research
Eugene Butler, Interim Director, Exceptional Education
Tsuru Bailey-Jones, Director, Academic Equity – Pan Asian Studies
Cara Rene, Director, Communications/Media Relations
Kevin Startt, Director, Purchasing
Kristina Allen, Director, Grants Partnership Resources
Jeff Coleman, Director, School Safety
Bryant Nodine, Acting Director, Planning and Student Assignment
Kent Johnson, Field Technician Lead, Technology Services
Richard Haan, Senior Program Coordinator, Desegregation Department
Jes Ruvalcaba, Graphic Designer, Communications and Media Department
Rex Scott, Principal, Catalina High Magnet School
Vivi Watt, Principal, Pueblo High Magnet School
Shawna Rodriguez, Assistant Principal, Tucson High Magnet School
Charles McCollum, Sponsor, Superintendent's Student Advisory Council
William Brammer, Outside Legal Counsel
Patricia Victory, Outside Legal Counsel
Mary Alice Wallace, Director of Staff Services to the Governing Board
Sylvia Lovegreen, Senior Staff Assistant II to the Governing Board
Frances Banales, President, Tucson Education Association
Leo Masursky, Liaison, School Community Partnership Council

<u>ITEM</u>	<u>ACTION</u>
<u>REGULAR MEETING CALLED TO ORDER</u> – 6:30 p.m. Board President Adelita Grijalva called the meeting to order.	No action required.
<u>PLEDGE OF ALLEGIANCE</u> Kristel Foster led the Pledge of Allegiance.	No action required.
<u>INFORMATION ITEMS</u>	
1. Superintendent’s Student Advisory Council (SSAC) Report	Information only. No action required.
<p>Madison Dodge presented the SSAC report of the last meeting held at Palo Verde. Highlights of the meeting were an activity led by Dr. Sanchez on what makes a TUSD graduate, a visit by Board Member Michel Hicks, presentations by Food Services Director Shirley Sokol and Chef Jennie on the healthy food program, planning for <i>Kindness Week</i> in TUSD during Valentine’s week, and participation with a Pueblo media team on development of a storyboard for a TUSD commercial and plans to livestream a SSAC meeting. She concluded by inviting board members to visit high schools to see great things being done and pledged that SSAC members will work to make sure the Board is kept informed.</p>	
<u>SUPERINTENDENT’S REPORT</u>	No action required.
<p>Dr. Sanchez recognized and congratulated the following persons: [Details are available through the audio recording posted on the web]</p> <p>Delaney Schnell – State Champion diver, Freshman student at Tucson High Magnet School</p> <p>Catalina High Magnet School Students who received the San Xavier Kiwanis Student of the Month award for the first semester: Rocio Jimenez, Daniel Castillo, and Helene Green. Steve and Genie Bunch, Catalina High Band Booster Parents, accompanied by Principal Rex Scott. New National Board Certified Teachers: Jill Bond, Valencia; Gayle Bricker-Albrecht, Tucson High; Kathleen Eichhorst, Gale; Kristin Enger, Curriculum & Instruction; Sandy Herfkens, Curriculum & Instruction; Emily Lambert, Erickson; Eva Lange, Sahuaro; Regina Oliver, Sabino (not present); Lynn Pugh-Kelly, Valencia; Laura Romero-Ballesteros, Valencia; Mary Saraceni, Erickson; Cheryl Watters, Sahuaro; Susan</p>	

ITEM

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SUPERINTENDENT'S REPORT (continued)

Williams, Gale; and **Megan Winter**, Hudlow. National Board "Take One!" Candidates: **Anne Abbott-Gee**, Pueblo; **Kendra Citron**, Sewell; and **Allison Richter**, Vesey.

Dr. Sanchez expressed appreciation to Tucson Electric Power for the use of its conference center on February 25th for a strategic planning conference. He requested Board members to identify five to ten elected officials or community volunteers to invite to the conference. He stated in order to accomplish the goal of meeting community expectations for TUSD, there must be dialogue with the community. The Southern Arizona Leadership Council will provide names of business leaders; principals will provide teachers to give their perspective and names of parents to be part of the conversation. The Board will be central to the conversation. Persons suggested by the Board will be randomly invited until 40 have accepted to attend and participate. Dr. Sanchez stated he will be working with the Center for Reform of School Systems which focuses on innovation and 21st Century Learning.

Dr. Sanchez indicated the Efficiency and Curriculum audits are currently taking place, and they along with strategic priorities identified will determine the five year goal. Decisions will then be made to move the District toward that goal. The five year goal is in line with allowing parents to see the conclusion of their childrens' education careers.

Dr. Sanchez responded to Ms. Foster's inquiry concerning the deadline to submit names, by indicating he would like to have names by Thursday (January 13), so invitations could be sent out on Friday.

BOARD MEMBER ACTIVITY REPORTS

No action required.

Mr. Juárez indicated he attended the Winter Graduation, and participated in the ten year celebration of the Jewish Latino Teen Coalition.

Mr. Hicks reported on attending the musical presentation of "Yes, Virginia" at Holladay; and attending and speaking at the Superintendent's Student Activity Council meeting. He indicated he attended the Tucson Police Department Barbeque for the children at Van Buskirk which is to help alleviate stress children might feel when coming into contact with law enforcement officials. He reported on attending the Tucson

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BOARD MEMBER ACTIVITY REPORTS (continued)

Korean Ambassador program at Santa Rita and complimented Pan Asian Studies Director Tsuru Bailey-Jones and all the staff on the effort required to put on this wonderful event. He encouraged everyone to participate in the partnerships TUSD has.

Ms. Foster reported on attending the traditional Carrillo presentation of Las Posada. She reported on also attending the event at Van Buskirk and stated it was great to see how amazing the school is in recovering from the storm that damaged the school. She also reported that she along with Mr. Juárez and Dr. Stegeman attended the LULAC breakfast.

CALL TO THE AUDIENCE

Adelita Grijalva reviewed the rules and protocol for the Call to the Audience.

No action required.

The following are names of individuals who spoke and the subject of their comments:

David Morales – History of Mexican American Studies events

Lillian Fox – Consent Agenda Item on Computer Refresh

INFORMATION ITEMS (continued)

2. Fisher-Mendoza Litigation Update

No action required.

Dr. Sanchez indicated he would recommend that TUSD pursue relief in an opinion at the 9th Circuit Court of Appeals in the matter of the District Federal Court ruling that TUSD does not have a right to be heard. The Admissions Plan for University High School prompted this conversation and Dr. Sanchez reviewed the history of development of the plan. The Court rejected TUSD's plan and put the Special Master's plan in place. Dr. Sanchez expressed the concern that if TUSD took no action on pursuing the right to present the work of the District on the UHS plan to the Court, next would be a similar decision by the Special Master on the Magnet Plan, which was unanimously approved by Board to give schools two years to meet the integration requirement. Action by the Special Master to eliminate or replace the Magnet Plan, without TUSD having established the right to be heard by the Court, would result in losses in the magnet schools and put TUSD in jeopardy of not having the opportunity to be heard at the Court level. He indicated the District would continue to communicate with the

INFORMATION ITEMS (continued)

2. Fisher-Mendoza Litigation Update (continued)

community, provide reports, visit with magnet parent and set meetings for them to provide input and that he will support students and parents and present their point of view. He asked that the Board consider the recommendation to seek relief at the 9th Circuit to establish the right to be heard in court.

Dr. Sanchez asked Ms. Tolleson to introduce new counsel for the Fisher-Mendoza case. Ms. Tolleson reported on the change in counsel to Rusing, Lopez and Lizardi approximately six weeks ago and introduced Bill Brammer and Patricia Victory to report on substantial developments during the past six weeks. She also indicated updates on Fisher-Mendoza would be done in open session to the extent possible in order to be transparent to the public, although there would be occasions where some issues would still require legal advice presented in Executive Session.

Mr. Brammer commented on his representation of the District over 40 years ago, and that Ms. Victory is a graduate of University High School and has been influential in putting together responses regarding the UHS plan. He reported that Dr. Sanchez's directions to them as counsel were to comply with the Unitary Status Plan as agreed to by the District, the plaintiffs, and the government and approved by the Court, and to become a unitary district as quickly as possible, which means that this district must eliminate all vestiges of prior unlawful discriminatory conduct as quickly and as reasonably as possible. He reviewed the sequence of events from the District's filing of the UHS plan, to the Special Master filing his own plan, and to the materials submitted by the District demonstrating the work done to develop the plan being stricken from the record by the Court. He commented that the materials are the record of the District's good faith compliance with the USP. The Court adopted the Special Master's plan and in that Order severely restricted the ability of the District and other parties, including the Federal government, to object to filings of the Special Master. As Dr. Sanchez recommended, he indicated another court may be asked to look at what the District Court did here, and stated that will need to be discussed in order for counsel to get direction. Mr. Brammer reported that TUSD staff along with counsel met with the Special Master and has reached a resolution to the problem of admissions for the class of the 2014-2015 school year, but stated that the problem

INFORMATION ITEMS (continued)

2. Fisher-Mendoza Litigation Update (continued)

remains that an in-place program that makes sense is needed for the District and its students. He commented on the appearance that less deference is given by the Court to educational decision making here than elsewhere in the country, and instead greater deference is given to the Special Master who is not local and does not appear to have spent much time in public school districts in Arizona including TUSD except as an expert appointed by the Court. He stated his belief that because of actions by the Board and the direction being taken by the Administration, the perception will change, and he expressed hope that the deference the District is entitled to will be given as appropriate, and that what the Special Master suggests will be on the work being done and not in opposition.

Mr. Brammer reported that another matter pending before the Court is a request by Plaintiffs' counsel that they be paid for work done up to the early part of 2013. The District requested it be permitted to conduct Discovery, which means asking questions of the people requesting to be paid, and those who are supporting by way of affidavit the rates they should be paid for the work they have done and that the amount of work they did was appropriate. The fee requests exceed \$2.2m plus some additional costs. The Court denied the request for that limited Discovery and also denied the request for a hearing, although it indicated it might order a hearing in the future if deemed appropriate.

Mr. Brammer commented on the failure of the District to meet deadlines for actions or filing reports in compliance with some parts of the USP, and stated this has been a result of the numerous plans requiring development and proposals being presented to the Board for adoption as policy. He indicated that he and his colleagues are committed to meeting the deadlines established by the Plan. Attempts are being made to negotiate deadlines with the Special Master and Plaintiffs' counsel that make sense within the context of the realities faced by the District and to ensure the ability to meet the commitments agreed upon. However, in accordance with the Superintendent's direction, TUSD will comply with the USP and will meet the requirements in conjunction with any negotiations required with the Plaintiffs, the U.S. Government and the Special Master, the goal of which is not only to attain unitary status, but to provide the best education possible to its students.

INFORMATION ITEMS (continued)

2. Fisher-Mendoza Litigation Update (continued)

Dr. Stegeman expressed appreciation for new counsel's getting up to speed on the case so quickly. He commented that he supported the Superintendent's decision on both the magnet and UHS plans. He reviewed the development of the USP as mandated by the Court, and commented that it was ratified by the Court and Plaintiffs with few disagreements. He stated his belief that the District met the requirements in the USP for the UHS plan, which he supported in the spirit of compromise for a unified Board, but that rules were changed for reasons that could not have been anticipated. He indicated his support for the Superintendent's position on the issue.

Mr. Juárez added in terms of the magnet program, his hope that the Court recognizes the contribution and support by the community for the magnet programs.

Ms. Foster inquired whether there is a legal definition of "good faith effort" and if the District has a legal argument of having proven good faith effort in the past. She cautioned moving forward with legal action unless there is knowledge of good faith effort having been demonstrated. Mr. Brammer responded that when the District Court previously declared TUSD unitary, it stated TUSD had not demonstrated good faith effort because it had not kept records chronicling the effectiveness of those things the District had undertaken and accomplished throughout the 30 year period since the beginning. There's no evidence in the record to support that finding. Currently the District is required by the USP to undertake this process for the next three school years, and demonstrate good faith effort through actions by the Board and programs implemented by the Board. He commented that caution is important and there are no guarantees in the courtroom due to too many variables. He indicated research shows there is a basis for the District to complain about some of the actions that have been taken. He explained the District will have to ask the 9th Circuit Court for special relief from special circumstances, which would require them being determined special enough by the Court to order relief. He stated his belief that mistakes have been made under the law, but they would have to rise to the level determined by the Court in order to gain relief. The outcome will affect not only the District but all parties in the case; every party has been denied or limited in their ability to question the filings of the Special Master.

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INFORMATION ITEMS (continued)

2. Fisher-Mendoza Litigation Update (continued)

Ms. Foster reminded that the District is the defendant. Mr. Brammer agreed, but USP applies to everyone equally, and was agreed to by everyone. Ms. Foster expressed hope there would be collaboration with the Implementation Committee. Mr. Brammer responded to Ms. Foster's inquiry concerning consequences of being found in contempt of court.

Ms. Grijalva inquired what the outcome would be if the District prevails at the 9th Circuit, and how Judge Bury would interpret the outcome. Mr. Brammer explained that what the District would be requesting of the 9th Circuit is to allow it to be heard in District Court, to allow it to file papers and be given the opportunity to argue and present some evidence to suggest a better idea than that of the Special Master.

Dr. Stegeman inquired concerning Mr. Brammer's statement that there is no right to appeal. Mr. Brammer responded that an appeal comes at the end of a case, when there is a ruling and there is no further action on the case because of the ruling. He stated this case is still ongoing.

Mr. Brammer responded to Ms. Grijalva's request for clarification that part of this filing is for the fees, by saying the fees haven't been determined yet. The opportunity to discuss them in court will be contingent on whether the judge orders a hearing.

Dr. Sanchez explained the District's commitment will be to have as much open dialogue as possible, and that it is important for the community to understand these actions are founded in the will of the community served.

3. School Community Partnership Council (SCPC) Report No action required.

Dr. Sanchez called on Leo Mazursky, Board Liaison. Mr. Mazursky introduced Moderator Michelle Simon to present the report. Ms. Simon expressed appreciation for Board members' service. Her report focused on communication. She referred to the summary of the meeting which is attached to the agenda item, and highlighted presentations by Matt Munger, Sabino Principal, who talked about how the school became a Blue Ribbon recipient; Moses Thompson, Manzo Counselor, concerning the sustainability project; Julie Versluis from the

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INFORMATION ITEMS (continued)

3. School Community Partnership Council (SCPC) Report (continued)

Finance Department concerning tax credits, how the money is spent and training available for sites. Ms. Simon explained SCPC's work is to communicate the vision that is happening with this administration and the board as TUSD is a great place to be, and to empower parents on how to communicate with the District.

Ms. Simon responded to Ms. Foster's inquiry concerning the date of the next meeting (January 27, 2014) and that topics listed under Notes on the report are continuing questions. Ms. Foster commented that the feedback is important.

4. Governing Board Policy Code JC - *School Attendance Boundaries* No action required.

Referencing the red-lined exhibit for Policy JC [available as an attachment to the agenda item posted on the web], Dr. Sanchez commented on the adjustments being recommended to Student Attendance Boundaries in order to align with the Unitary Status Plan. He commented that when looking at demographics, it is possible to create boundary lines that would diversify schools, but only when able to answer why shifts in boundaries would be advisable. He commented that boundary lines would be "dotted" rather than "solid" lines since people can still move to schools outside home boundaries through open enrollment and the magnet process. He indicated the proposed policy has been reviewed by legal and will be brought back for Action by the Board.

Dr. Sanchez responded to Mr. Hicks' inquiry about the removal of the word "only" (in paragraph 3) by indicating it was a grammatical correction.

In response to Mr. Juárez's inquiry concerning when the policy would go into effect, Dr. Sanchez indicated that it would be effective as soon as the Board approves it. He further commented that the policy, in conjunction with the efficiency audit and demographics, will drive the timeline for meeting USP deadlines.

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INFORMATION ITEMS (continued)

5. Strategic School Attendance Boundary Review: Approach and Schedule No action required.

Referencing the School Master Plan Schedule for 2014 [available as an attachment to the agenda item posted on the web], Dr. Sanchez commented on timelines demonstrating when things have and will occur to get the District into compliance with the USP and to meet the deadlines in the USP. He referenced the major items under Tasks, and indicated it is a plan that tells what will be done and when completed, and that pieces have to happen in concert. He stated this will provide Board members with knowledge needed to respond to constituents. He noted the excellent work by Bryant Nodine and his team in developing this good road map which demonstrates the good faith effort in meeting the goal of the USP through the amount of consideration given and community input, including the Plaintiffs and the Special Master. He indicated the timeline will be updated as adjustments are made.

In response to Mr. Hicks' inquiry concerning how some of the functions correlate to strategic boundaries, Dr. Sanchez indicated the plan would determine locations where students could have access to curriculum in their immediate vicinities. He referred to TUSD's recent rank as No. 9 in the United States for offering school choice and the desire to honor that. He stated that the plan will use the results of the curriculum audit to offer curriculum access to students. He clarified further this plan is Phase I work which will reveal limitations of what boundaries can address and look at the feasibility of options to provide access for programming within multiple boundaries. He stated the plan will be well thought out before being brought to the Board.

Mr. Juárez commented on the value of the plan to help draw boundaries and for site planning in the future, and his understanding of this as project management. Dr. Sanchez commented that the strategic planning process will begin on February 25 and will help to anticipate what the next set of moves will be, that they will be reasonable and include input from the community and parents.

ITEM

ACTION

CONSENT AGENDA

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| 6. | a) Salaried critical need and replacement hires
b) Hourly critical need and replacement hires
c) Salaried separations
d) Hourly separations
e) Requests for leave of absence for certified personnel
f) Requests for leave of absence for classified personnel
g) Title VIII Impact Aid – Native American Education
h) Intergovernmental Agreement between Arizona Department of Economic Security and Tucson Unified School District’s Asian Pacific American Student Services for the Refugee School Impact Grant, with Authorization for the Superintendent to Execute the Agreement
i) Agreement between Asia Society and Tucson High Magnet School for the Asia Society Confucius Classroom Grant for the 2013-2014 School Year, with Authorization for the Superintendent to Execute the Agreement
j) Amendment 1 to the Lease Agreement between Tucson Unified School District (TUSD) and the Arabian Oasis-Wayfarer Christian Center at 2102 and 2120 E. Broadway Boulevard approved on June 13, 2012, with, Authorization for the Acting Director of Planning and Student Assignment to Execute the Agreement
k) Renewal of Cost Reimbursable Agreement with Tucson Country Day School and Regional Science Center, January 2014 – January 2017, Subject to Annual Review for Performance by Both Parties
l) Approval to Purchase Computer Equipment for Technology Services Refresh Project Using State Cooperative Contract, with Authorization for the Director of Purchasing to Execute the Lease Documents
m) Approval to use Cooperative Purchasing Contracts that may Exceed \$250,000 in Fiscal 2014 | After the discussion documented below, Michael Hicks moved approval of Consent Agenda Items 6(a-t), Mark Stegeman seconded.

Following discussion of Consent Agenda Items 6(l, m, n, o and p), the Consent Agenda was approved unanimously in a voice vote. |
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ITEM

ACTION

CONSENT AGENDA (continued)

- 6. n) Award Request for Quote (RFQ) 14-76-C14 – Mass Notification System to ParentLink for a one year contract utilizing a Strategic Alliance for Volume Expenditures (SAVE) Cooperative Contract #13-31 MP
- o) Award of Request for Proposal (RFP) 14-49-18 – School District Executive and Administrative Search Services to McPherson and Jacobson, LLC, a multi-term contract for search and recruitment services on an as-needed basis at the sole discretion of Tucson Unified School District, beginning with FY 2013-2014 with renewal options through June 30, 2018
- p) Award of Food Services Bid No. 14CN – Canned Fruits and Vegetables, January 15, 2014 – November 30, 2014
- q) Minutes of Tucson Unified School District Governing Board Meetings
 - 1) Special Board Meeting, January 7, 2014
- r) FY 2013-2014 Public Gifts and Donations to Schools Quarterly Report (2nd Quarter)
- s) Acceptance of the Summary of Student Activity Funds for the Period of July 1, 2013 through November 30, 2013
- t) Ratification of Salary and Non-salary Vouchers for the Period Beginning December 1, 2013 and Ending December 31, 2013

Dr. Sanchez asked Damon Jackson to provide an explanation of Consent Agenda Item 6(l) on technology refresh. Mr. Jackson provided information on the upcoming expiration of Windows XP and that the results of an inventory of computers revealed that some would be able to be upgraded to Windows 7, but there were some that could not be upgraded. This refresh would enable the District to get to a new generation of inventory that can be managed.

In response to Mr. Juárez's comment on the use of Windows XP and the funding source, Mr. Jackson responded concerning computers using Windows XP, and Yousef Awwad responded that funding would be from Capital and financed over five years. Dr. Sanchez commented that the Board previously approved financing of funding as appropriate.

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CONSENT AGENDA (continued)

Mr. Jackson responded to Ms. Foster's inquiry about how many students this purchase would impact, by indicating thousands district-wide since a quarter to a third of the campuses are affected.

Dr. Stegeman commented on a computer refresh approved by the Board two years ago with Dell and questioned why that has been "ditched" in favor of this higher priced contract. Mr. Jackson explained as the project was completed, it was considered wise to revisit the competitive price process, in which Dell did participate. He indicated the price for the computers being acquired is higher because it was believed prudent to get mid-level machines that would have at least a seven-year life expectancy at campuses. Dr. Stegeman commented further on the previous practice of involving the Technology Oversight Committee in the evaluation of large purchases, which worked well, and he recommended returning to that practice. Mr. Jackson indicated he would look into that.

Mr. Hicks expressed his concern about the Technology Oversight Committee not being involved. He questioned the source of pricing for this purchase. Mr. Jackson responded that pricing was through state contracts.

Mr. Juárez commented on issues in the past with disposal of old equipment and questioned how items for disposal would be tracked. Dr. Sanchez responded this is being addressed through a new protocol from the beginning where items are tagged and cataloged upon receipt, documented upon receipt at campuses, assigned to a specific person who must sign, and accounted for at the end of the year. He indicated specific persons will be accountable for items assigned to them. Items for disposal will be documented for audit purposes and the State disposal process will be followed.

Dr. Stegeman commented that the previous procurement was proposed as no-bid off state contract, but was subsequently sent out to bid. He stated that the mini-bid done this time as a matter of course was an improvement.

In response to Mr. Hicks' inquiry concerning availability of GPS tracking on computers, Mr. Jackson replied the desktop computers don't have it, but the laptops do.

Dr. Sanchez recommended approval of the Consent Agenda.

ITEM

ACTION

CONSENT AGENDA (continued)

At this point the motion to approve and the second were made.

Prior to voting, Mr. Hicks inquired concerning the use of the P-Card for purchases on items 6(l, m, n, o and p). Mr. Awwad replied the computer purchase [6(l)] will be financed; there are obstacles to using the P-Card for purchases on State contracts; and the P-Card will be used for other purchases. He explained he is working with the State to resolve the State Contract issue. Mr. Hicks explained he was asking because there is a significant savings through the use of the P-Card, and Mr. Awwad responded this will be brought to the Board soon.

At this point the vote was taken. (See Action above.)

ACTION ITEMS

7. Proposal to Revise Governing Board Policy BEDB –
Board Meeting Agenda Posting and Organization –
Requested by Board Member Michael Hicks

Mr. Hicks explained that he was asking for a definitive way of knowing, after a board approved vote, how to reverse that vote.

Dr. Sanchez responded by distributing a proposed Regulation and asked Ms. Tolleson to review it which captures the protocol approved at the last board meeting. Ms. Tolleson explained the difficulty in revising the policy is there is no mechanism to put into policy on how to handle communication of a cancellation of board meetings; that is an implementation process. She indicated the proposed language in the Regulation ensures that when a cancellation or rescheduling of a meeting is proposed, staff will contact Board members so that everyone is informed promptly. She further explained that conduct of straw polls would be in violation of the Open Meeting Law.

Mr. Hicks questioned why the language he proposed can not be included in the policy since he pulled it from two other local school districts. Ms. Tolleson responded that in accordance with the discussion of this item at the December meeting, what she heard was to go in a direction to ensure everyone would be informed, not to set forth limitations on how a board meeting would be cancelled. Dr. Sanchez commented that the District is trying to stay within ASBA model policies, but if the will of the Board is to modify a model policy to include a more restrictive

ACTION ITEMS (continued)

7. Proposal to Revise Governing Board Policy BEDB –
Board Meeting Agenda Posting and Organization –
Requested by Board Member Michael Hicks (continued)

protocol concerning the cancellation of a board meeting, that can be done. He explained that Ms. Tolleson and he attempted to balance concerns by creating an opportunity for board members to be contacted by staff regarding a change, and avoid holding a meeting to vote to cancel a meeting.

Referencing the policy attached to the agenda item [available with the agenda item posted on the web], Ms. Foster inquired if this is the existing policy, is there a draft policy with proposed revisions, and if the Board is considering revisions to the policy or adding a Regulation. Dr. Sanchez responded by directing Ms. Foster to the proposed revision suggested by Mr. Hicks in the agenda item. Ms. Foster clarified what the Board would be voting on.

Dr. Stegeman commented that none of the current agenda policies are ASBA model, and inquired if the proposed Regulation was from ASBA. Dr. Sanchez responded the proposed Regulation was a result of research he requested Legal to do and stays within the law without violating statute. He further explained that the goal is to move in the direction of having all policies be ASBA model. Ms. Tolleson responded to Dr. Stegeman's inquiry concerning the legality of Mr. Hicks' language. Dr. Stegeman commented further on the process being proposed for cancelling a meeting the Board voted on via a Regulation. Ms. Tolleson responded that under the existing law, the Agenda Committee could take the action it did to change the meeting in October, and that she doesn't believe a policy modification is required. She commented the proposed Regulation is for the purpose of giving notice, and that the vote taken at the beginning of the year is to give the public notice of anticipated board meetings, not to direct the Board to hold meetings. Dr. Stegeman commented further that the language proposed by Mr. Hicks makes sense, that it is not out of the box with what other districts do, that it seems reasonable, and has his support.

Mr. Hicks indicated he heard Dr. Sanchez say he has the power to cancel a meeting. Dr. Sanchez indicated that is not what he said, and clarified that action was in consultation with the Agenda Committee.

ITEM

ACTION

ACTION ITEMS (continued)

7. Proposal to Revise Governing Board Policy BEDB –
Board Meeting Agenda Posting and Organization –
Requested by Board Member Michael Hicks (continued)

Michael Hicks moved approval to accept the proposed revision to Policy BEDB which is consistent with other districts within the state of Arizona, Mark Stegeman seconded the incorporation of the proposed language into policy.

At this point Mr. Hicks moved to accept the proposed revision to Policy BEDB which is consistent with other districts within the state of Arizona.

Ms. Grijalva clarified that the language being proposed to be incorporated into the existing policy is what is included under the Description and Justification on the front page of the agenda item. Mr. Hicks said that was correct.

Dr. Stegeman seconded the incorporation of that language into policy.

Mr. Juárez expressed his belief this proposal was about noticing Board members. Mr. Hicks responded that was incorrect. He stated his belief that if the entire board voted on something, the entire board should be involved in cancelling or changing the vote.

Ms. Foster commented she heard two different issues being expressed: one was communication, and the other involved cancelling something the Board had voted on. She indicated she is not okay with holding a meeting in order to cancel a meeting. She asked for clarification of the issue. Mr. Hicks responded that the proposed revision does not require holding a meeting to cancel a meeting, although he indicated that the Agenda Committee held a meeting to cancel a meeting. Ms. Foster stated the purpose of the Agenda Committee meeting was to review the agendas.

Regarding the meeting in October that was cancelled, Ms. Grijalva clarified that the Agenda Committee met and decided to cancel the meeting based on the fact that many staff were going to be absent during the Fall Break and that there was no immediate pressing business. Dr. Sanchez clarified that when the Agenda Committee met, there were no items requiring the Board's consideration. He quoted the annual posting that says meetings would be held on a certain date and time "*unless otherwise posted.*"

Dr. Stegeman commented that the current practice provides a means whereby two members of the leadership could thwart

ITEM

ACTION

ACTION ITEMS (continued)

7. Proposal to Revise Governing Board Policy BEDB – *Board Meeting Agenda Posting and Organization* – Requested by Board Member Michael Hicks (continued)

Cam Juárez moved to Call the Question, Adelita Grijalva seconded. Failed 2-3 in a roll call vote. Kristel Foster, Mark Stegeman and Adelita Grijalva voted no.

action on an item with which they did not agree by cancelling the meeting. He discussed the mechanism utilized by the City Council where members just don't attend if there's an item they don't want to vote on and there can be no meeting without a quorum.

Mr. Hicks commented on the reason he was told the October meeting was cancelled was because staff was not going to be present and elaborated that the Board meets in the summer when staff may be gone.

The original Hicks/Stegeman motion failed 2-3 in a roll call vote. Kristel Foster, Cam Juárez and Adelita Grijalva voted no.

At this point Mr. Juárez moved to Call the Question, Ms. Grijalva seconded.

After the motion to Call the Question failed, Ms. Foster commented concerning Mr. Hicks' proposed language which does indicate cancellation of meeting would require a majority vote of the Board. She commented that seems to indicate there would have to be a meeting to cancel a meeting and would require all board members to be present. Ms. Tolleson provided legal advice that proposed language indicates cancellation would require a vote by the Board.

At this time a roll call vote was taken on the original motion.

8. Change Reconvene Time for Board Meetings from 6:30 p.m. to 6:00 p.m. – Requested by Board Member Mark Stegeman

Cam Juárez moved to keep meetings as they currently are, reconvening at 6:30 p.m. Kristal Foster seconded. Approved 3-2 in a roll call vote. Michael Hicks and Mark Stegeman voted no.

Dr. Stegeman commented that since board meetings run late, 6:00 pm. would be a reasonable time to begin to gain a half hour.

Kristel Foster commented that her schedule would not accommodate an earlier starting time than 4:00 p.m. for Executive Session, and indicated that at times the public meeting does not reconvene until after the 6:30 p.m. time due to the length of the Executive Session. Michael Hicks commented that he would not continue to stay late at night because of his early morning schedule, and stated that when people are tired, best decisions are not made. Cam Juárez inquired that when

ITEM

ACTION

ACTION ITEMS (continued)

8. Change Reconvene Time for Board Meetings from 6:30 p.m. to 6:00 p.m. – Requested by Board Member Mark Stegeman (continued)

there is no Executive Session, could the starting time for meetings be moved earlier. Dr. Sanchez stated that was a possibility and was something he could determine based on circumstances, and would be in accordance with the 24-hour advance notice required by statute.

Mr. Juárez commented that the notice posted at the beginning of the year suggests flexibility in the beginning time. He suggested that board members try to keep their comments during the meetings succinct.

Dr. Stegeman clarified he was not proposing to begin Executive Session earlier as his schedule would not permit that. He suggested that a different way to handle Executive Session be determined if two hours is not long enough to complete business, perhaps going back into Executive Session after the public meeting.

Ms. Foster also commented on keeping comments short when presenting positions on items during meetings. She referenced her appreciation for the 6:30 p.m. beginning time when she attended meetings prior to being a board member.

Ms. Grijalva inquired what the impact would be changing to 6:00 p.m. Dr. Sanchez commented that the 6:30 p.m. start time seems efficient to allow staff to complete work and people being recognized to arrive on time.

Mr. Hicks suggested that the Board stick to the self-imposed 10:00 p.m. curfew and postpone agenda items not addressed by that time to a subsequent meeting.

Dr. Stegeman commented that if there are concerns persons who are being recognized or want to speak at Call to the Audience cannot attend at 6:00 p.m., those items can be moved to later in the meeting.

Mr. Juárez commented that moving Call to the Audience has been opposed previously.

At this point Mr. Juárez moved to keep the meetings as they

ITEM

ACTION

ACTION ITEMS (continued)

8. Change Reconvene Time for Board Meetings from 6:30 p.m. to 6:00 p.m. – Requested by Board Member Mark Stegeman (continued)

currently are, Ms. Foster seconded. During the roll call vote, Ms. Foster asked for clarification of the motion. Mr. Juárez clarified his motion again. Ms. Grijalva asked for legal advice since the roll call vote had been called.

Ms. Tolleson provided legal advice in response to Mr. Juarez question on whether a different action can be proposed other than the one included in the agenda item. She indicated the subject is within the scope of the agenda item for action.

Dr. Stegeman clarified that it makes no difference whether this motion passes or not. Ms. Tolleson agreed.

STUDY/ACTION ITEM

9. Governing Board Policy Code Exhibit KF-E – *Rental Rate Schedule for Community Use of School Facilities*

Kristel Foster moved approval, Cam Juárez seconded. Approved unanimously in a voice vote.

Dr. Sanchez asked Yousef Awwad to present this item and indicated it is very basic. Adjustments are made based on the market, and are set to ensure accessibility to groups who want to use our facilities.

Ms. Grijalva requested information on the impact to groups who rent facilities for programs that are for TUSD students. She commented on the problem many groups had after the last rental rate increase. Mr. Awwad provided information that the rates are competitive with other programs. In response to Ms. Grijalva's inquiry, he clarified that there is a mechanism for groups to request an appeal or waiver.

Mr. Juárez inquired how the District is working with neighborhood associations that are not 501(3)(c) organizations, and are recognized by the City and the County. Dr. Sanchez responded that the District is working with and being flexible with associations who are non-profit and are providing volunteer hours to the District.

ITEM

ACTION

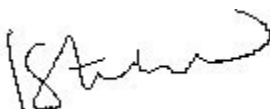
FUTURE AGENDA ITEMS

Ms. Grijalva stated board members can forward requests for agenda items to the Director of Staff Services.

REGULAR MEETING ADJOURNED – 9:06 p.m.

Approved this 11th day of February, 2014.

TUCSON UNIFIED SCHOOL DISTRICT NO. ONE



By _____

Kristel Ann Foster, Clerk
Governing Board

sl/maw
Minutes\01-14-14Regular