

MINUTES OF THE KYRENE SCHOOL DISTRICT REGULAR MEETING OF THE  
GOVERNING BOARD

May 12, 2009

Governing Board Room, Ben Furlong Education Center  
8700 South Kyrene Road, Tempe

Board Members Present

Ross Robb, President  
Michelle Hirsch, Vice President  
Patrick McGill, Member  
Ellen Shamah, Member  
Rae Waters, Member

Administration Present

David Schauer, Superintendent  
Mark Knight, Executive Director  
Terry Tatterfield, Ass't. Supt.  
Gina Taylor, Ass't. Supt.  
Patricia Weegar, Executive Director

Kyrene School District staff, the press, and other interested parties were also in attendance.

1.0 Call to Order

Mr. Robb called the meeting to order at 6:32 p.m.

1.01 Motion to Convene into Executive Session

Mrs. Waters moved, Mrs. Shamah seconded that the Governing Board convene into Executive Session for discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body pursuant to A.R.S. 38-431.03.A.5. **Passed 5-0.**

1.02 Adjournment of Executive Session

The Executive Session adjourned at 6:52 p.m.

1.03 Reconvene into Regular Meeting

The Governing Board reconvened into the Regular Meeting at 7:02 p.m.

1.04 Call to Order, Public Hearing

Mr. Robb called the Public Hearing to order at 7:02 p.m.

1.05 Roll Call for Public Hearing

All Governing Board members were present.

1.06 Presentation of Revised 2008-09 Revised Budget

Karin Smith made a presentation to the Governing Board. She stated school budget cuts from Senate Bill 1006 include M&O

reductions, reducing the base support level funding and budget limits by \$98,198,000. The impact on Kyrene is \$1,914,968. Soft capital allocation and budget limits were reduced by \$21,000,000. The impact on Kyrene is \$401,364.00. The ADM adjustment (increase) impacts Maintenance and Operation, Soft Capital, and CORL. There will be an adjustment to excess utilities.

1.07 Adjournment of Public Hearing

At 7:06 p.m. Mrs. Hirsch moved, Mrs. Shamah seconded that the Governing Board adjourn the Public Hearing. **Passed 5-0.**

1.08 Reconvene Regular Meeting

The Regular Meeting was reconvened at 7:06 p.m.

1.09 Pledge of Allegiance

Mrs. Hirsch led the group in the Pledge of Allegiance.

1.10 Moment of Silence

A moment of silence was held.

2.0 Roll Call

All Governing Board members were present.

3.01 Approval of Minutes, Executive Session, Legal Advice of April 28, 2009

Mrs. Hirsch moved, Mrs. Shamah seconded that the Governing Board approve the minutes of the Executive Session on Legal Advice of April 28, 2009. **Passed 4-0.** Mr. McGill abstained from the vote, as he was not present at the meeting.

3.02 Approval of Minutes, Executive Session, Personnel, of April 28, 2009

Mrs. Hirsch moved, Mrs. Shamah seconded that the Governing Board approve the minutes of the Executive Session, Personnel, of April 28, 2009. **Passed 4-0.** Mr. McGill abstained from the vote, as he was not present at the meeting.

3.03 Approval of Minutes, Study Session of April 28, 2009

Mrs. Hirsch moved, Mrs. Shamah seconded that the Governing Board approve the minutes of the Study Session of April 28, 2009. **Passed 5-0.**

3.04 Approval of Minutes, Regular

Mrs. Hirsch moved, Mrs. Shamah seconded

Meeting of April 28, 2009

that the Governing Board approve the minutes of the Regular Meeting of April 28, 2009. **Passed 5-0.**

#### 4.0 Preview and Approval of Agenda

Mr. Robb suggested that Item 6.01, Recognition of Poetry Contest Winners, occur before Item 5.0 Requests to Speak to the Governing Board.

Mrs. Hirsch moved, Mr. McGill seconded that the Governing Board approve the agenda as amended. **Passed 5-0.**

#### Board/Staff/Committee Presentations

##### 6.01 Recognition of Poetry School and District Winners

Karen Knight introduced the 2008-09 School and District winners (attached).

Gebriel Martin read her poem, Things We Share.

Colleen Ridge read her poem, Gravity.

Karissa Koessel read her poem, Golden Silk.

##### 5.0 Requests to Speak to the Governing Board, A.R.S. 38-431.02G & H

Karen Krawczyk addressed the Governing Board. She stated she heard there were extra funds for use by schools. She stated she would like to find out more about what she's heard.

Mr. Robb stated there was a budget update forthcoming on the agenda and asked Mrs. Krawczyk to listen to the update.

Karen Stewart stated she was going to yield her time.

Sandra Miller addressed the Governing Board on comments Mrs. Waters made in a letter to the editor last October during her legislative campaign. She then read the letter in part. She stated she wrote a letter to the Governing Board on March 27, asking two questions What is the registry, name, number, section, subsection, paragraph of

federal law that prohibits a teacher or any school district from inquiring about a student's immigration status? She stated she has not received a response.

She stated she had a copy of Proposition 200 as it appeared in 2004. She asked that sections be identified of Proposition 200 that would force a teacher to violate federal law. She stated this federal law has been cited many times. She stated she heard educators and people from school districts cite it dozens of times and not one has ever been able to identify where it is, the number, and the name that she can go to verify where that federal law is. She stated it is clear to hear that the federal law does not exist. She stated Proposition 200 could not force anyone to violate a law that doesn't exist. She stated she has received written comments from 4 experts on the issue. She stated she was informed this law doesn't exist, but the best proof is here in the valley and that Senator Russell Pearce has introduced Senate Bill 1172 in the Legislature which will require every school district in Arizona to count and report to the State Department of Education the number of illegal aliens in their population. She stated his bills have a good reputation of surviving challenges in court because they are iron clad and well thought out, not because they violate federal law. She stated she has concluded that there is no such federal law that prohibits a teacher or any school district from inquiring about a student's immigration status.

Mr. Robb asked Dr. Schauer to follow up on the letter Ms. Miller was speaking about and the status of the response.

Mr. Rob Sanchez addressed the Governing Board. He stated he is becoming increasingly concerned about the fact that our schools say that they are short on budget

dollars and that they want to increase property taxes. He stated if both were true, he might even be willing to pay more property taxes, but there is a problem. He stated schools in the Kyrene School District are educating illegal aliens and he as a taxpayer, has a right to hold the District accountable about how many of them we are educating and what the cost is. He stated he did not think they should be educated by our school system. He stated he as a tax payer should not be forced to be for those here illegally, but at a bare minimum, Kyrene School District needs to be accountable and tell the public how many of these illegal aliens Kyrene is educating and what the cost is to the school district and how much is he paying in property taxes to fund this.

Mr. Sanchez was informed to write a letter to the Superintendent's office for response to his comments.

Karen Stewart stated she agreed with the other speakers.

## 6.2 2009-10 Budget Update

Karin Smith stated two budget forums were held for the community, one last Wednesday evening at Altadena/Cerritos and one yesterday afternoon on the Brisas campus. She stated they were well attended and there were approximately 30 people at each session. She stated information was shared and questions were taken. The questions and responses will be posted to the District website. She stated in regard to some recent newspaper articles on cash funds what the State Legislature is looking at is the cash on hand which districts receive based on state equalization funding and property tax. She stated at the end of every fiscal year on June 30, we report to the State what our cash on hand is. School Districts base their operations on budget capacity, however, we pay our bills with the cash we receive based off of property taxes and the state

equalization formula. She stated at the end of each year we are permitted to carry forward 4% of our budget capacity into the next year as well as all of our soft capital funding and CORL funding. We would have cash available on June 30. That is reported to the State and what happens based on our following year expenditure budget, the county then resets our tax rate based on the cash that we have on hand, as well as what our expenses will be for the next year. We report that out each year. She stated there was some confusion on what cash funds were being referred to at the state level. She stated at first it was some of our reserve funds. Those are not the funds being referred to. It is our cash on hand that we have. We are also required to project what our encumbered expenses might be. She stated Kyrene's reports will show that we have a certain amount of cash on hand which will allow us to carry forward that amount of our budget into next year.

Ms. Smith stated we have an expenditure budget limit that is based off of a formula that is approved by the Governing Board in July and then we have a tax base set by the county. The tax base is based on cash on hand as of June 30 as well as our expenditure budget limit.

Mr. Robb stated we have another Board meeting on March 26 and June 9 and 23. He stated we have to have a budget by June 23.

Ms. Smith stated she will propose a budget on June 23 and the Board will be asked to adopt a budget on July 14. He stated the Board needs to decide as a group if there are other items needed for clarification.

Karin Smith stated we have specifications and the drawings with the City for permit purposes. She stated we are currently working with our structural engineer and Trust to receive the report as far as what the

### 6.3 Waggoner Update

findings were. She stated the report will be filed with the Trust and then the Trust will provide it to us. She stated as soon as we receive this, we will schedule a Study Session so that information can be provided to the Governing Board and community. She stated it is most likely that we will not receive the report until after school is out. She stated information regarding the Study Session will be posted on our website.

## 7.0 Consent Agenda Items

### 7.00 Consent Agenda

Mrs. Shamah moved, Mrs. Hirsch seconded that the Governing Board approve those items on the consent agenda as follows.  
**Passed 5-0.**

### 7.01 Personnel Action Items

That the Governing Board approve the personnel action items. (See attached.)

### 7.02 Purchasing Authorization, Contract Award, Medical Equipment and Supplies, IFB #K09-48-14

Award contracts, IFB #K09-48-14, for medical equipment and supplies to the low, responsive and responsible bidders:

Horizon Medical Supply  
William V. MacGill & Company  
United Health Supplies

### 7.03 Approval to Purchase 1E Nomad Enterprise Software through Arizona State Procurement Contract

Approve the purchase of 1E Nomad Enterprise software, at a cost of \$102,900, plus tax and training expenses from Dell/ASAP Software through the Arizona State Procurement Contract AD050028.

### 7.04 Acceptance of Grant Funding for Emergency Child Care Scholarships

Accept grant funding from Valley of the Sun United Way for childcare and scholarships.

### 7.05 Purchasing Authorization – Contract Award, Sports Equipment and Supplies, IFB #K09-51-14

Award contracts, IFB #K09-51-14, for sports equipment and supplies to the low, responsive and responsible bidders:

Universal Athletic  
FlagHouse, Inc.  
Sport Supply Group, Inc.

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| 7.06 Gift Acceptance  | Accept the following donations. See attached.  |
| 7.07 Purchasing Authorization - Sole Source Procurement, City of Phoenix (Plan Review)  | Approve the designation of a sole source provider, the City of Phoenix (Plan Review) in the approximate amount of \$35,000.  |
| 7.08 Purchasing Authorization for Job (JOC) Abatement, Demolition, Abatement, Demolition and Disposal Services for District Portables | Approve the construction project for Job Order Contracting (JOC) #K08-31-12, awarded to Woodruff Construction to provide abatement, demolition and disposal services for portables for a total cost of \$34,597.25.  |
| 7.09 Purchasing Authorization for Job Order Contracting (JOC) Kyrene de la Colina Elementary School Library Ramp Remodel              | Approve the construction project for Job Order Contracting (JOC) #K08-30-12, awarded to Woodruff Construction to remodel library ramp for a total cost of \$39,150.49.   |
| 7.10 Purchasing Authorization for Job Order Contracting (JOC) Kyrene de la Paloma Elementary School Library Ramp Remodel              | Approve the construction project for Job Order Contracting (JOC), #K08-30-12, awarded to Woodruff Construction to remodel library ramp for a total cost of \$39,369.55.  |
| 7.11 Purchasing Authorization – Contract Award, Construction Projects K09-54-09   | Approve the award of contract of construction projects to D. L. Withers Construction as the lowest, most responsive and responsible bidder in the amount of \$850,650.   |
| 7.12 Approval of Authorized Agents  | Approve David Schauer, Ross Robb, Terry Tatterfield, Gina Taylor, Patricia Weegar, Shari Dukes, Karin Smith, Kelly Alexander, Jackie Mattinen, Carrie Furedy and Sheryl Marr as authorized agents who will be responsible for signing federally funded projects that are submitted to the State Department of Education from our District. |
| 7.13 Purchasing Authorization, Lighting Equipment through Arizona State Procurement Contract EPS 060050                               | Approve the continued use of Arizona State Procurement Contract EPS060050 awarded to Grainger Industrial Supply in the estimated amount of \$270,532.  |



- Assembly June 27, 2009
- delegate and Mrs. Shamah as alternate delegate for the ASBA Delegate Assembly, June 27, 2009. **Passed 5-0.**
- 8.05 Approval of Education Credit Program
- Mrs. Hirsch moved, Mrs. Shamah seconded that the Governing Board adopt the education credit proposal as designed by the Compensation Committee to replace the current model that requires the accumulation of 15 credit hours for additional compensation. The new model allows teachers to submit credit hours on an annual basis that can result in additional compensation being provided more immediately. This model also offers the Governing Board increased flexibility over the current system since the amount of hours to be funded can be determined annually, based on affordability. The structure is flexible enough to address budget concerns of affordability as well as recruitment and retention efforts to address competitiveness. **Passed 5-0.**
- 8.06 Approval of the New Administrative Tentative Agreements for the 2009/2010 School Year
- Mrs. Hirsch moved, Mrs. Shamah seconded that the Governing Board approve the two Tentative Agreements worked on during the Administrative Terms and Conditions process for the 2009/10 school year. See attached.
- 8.07 Policy JFBA, Unsafe School Choice, First Reading
- Mrs. Hirsch moved, Mr. Robb seconded that the Governing Board conduct a first reading of new Policy JFBA, Unsafe School Choice. **Passed 5-0.**
- 8.08 Policy GCCC Professional/Support Staff Leaves of Absence First Reading
- Mrs. Hirsch moved, Mrs. Shamah seconded that the Governing Board conduct a first reading of revised Policy GCCC, Professional/Support Leaves of Absence Without Pay. **Passed 5-0.**
- 9.0 Information Items
- There were no information items this evening.

10.0 Items for Future Consideration

The Governing Board reviewed a list of topics of interest to be considered in the future.

11.0 Upcoming Meeting Dates

The Governing Board reviewed a list of upcoming meeting dates.

12.0 Governing Board Reflections and Development

Mrs. Waters stated she attended the annual luncheon in Joann Thomas' class and has done so for the past 11 years. She stated that Joann Thomas was a great teacher, that she was retiring this year and will be missed.

Mrs. Shamah congratulated Mariposa on their A+ School award.

Mrs. Hirsch stated she visited Casa Vida School. She stated it was a signature program in Kyrene and home schooled children can attend the school. She also stated 3 Chandler students received awards for the Environmental Art Contest they entered. A presentation will be made at the next Board meeting.

Mr. Robb stated he attended his last Parent Superintendent Council meeting of this year and thanked parents and staff who participated. He also thanked members of K-8 Committee. He also stated that last week employees were recognized for 15, 20, 25 and 30 years of service.

13.0 Superintendent's Comments

Dr. Schauer stated the 120<sup>th</sup> school year is ending with this Board meeting and we are starting our 121<sup>st</sup> year. He stated he had a positive meeting with Harry Mitchell, who has an Education Advisory Committee.

Dr. Schauer stated it is great to have someone like Mr. Mitchell to influence what is going on in the State of Arizona.

Ms. Shamah congratulated students in Kyrene. She stated we have difficult times ahead and thanked everyone for a great year.

14.0 Adjournment

At 8:49 p.m. Mrs. Shamah moved, Mrs. Hirsch seconded that the Governing Board adjourn this evening's meeting. **Passed 5-0.**

Respectfully submitted,

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Ross Robb, President

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Michelle Hirsch, Vice President