



Phoenix Elementary School District No. 1
Regular Public Meeting/Regular Session/Executive Session
April 22, 2010

Dr. Ruth Ann Marston presided over the PESD #1 Governing Board Meeting in the Phoenix Elementary School District Governing Board Room.

Other Board members present at the meeting were:

Mr. Doug Allsworth
(Arrived at 6:45 pm)

Ms. Susan Bliss
(Absent)

Ms. Liz Meza

Dr. Louisa Stark

Also present were:

Ms. Myriam Roa
Superintendent

Mr. Tom Lind
Assistant Superintendent
for Curriculum and Instruction

Mr. Kenneth Baca
Assistant Superintendent
for Business Services

Mr. Randy Dickason
Executive Director for
Human Resources

Ms. Eleanor Moyza
Board Secretary

A. Regular Session – 5:30 p.m.

1. Call to Order – Dr. Ruth Ann Marston, President
2. Pledge of Allegiance – Fred Graef
Mr. Randy Schiller, Maricopa County Co-Director for the Arizona School Boards Association introduced himself and stated that he grew up in our neighborhood and is a board member for the Laveen School District and that it is his personal goal to visit all 64 school districts this year at their board meetings. Mr. Schiller further stated that if he can be of any assistance to anyone, he has left his business card and his cell phone number.
3. Adjourn to Executive Session
5:37 pm = *Dr. Stark moved approval for the board to move into Executive Session and Ms. Meza seconded the motion. The board went into Executive Session at approximately 5:37 p.m.*

B. Executive Session

1. Receive and Discuss Items from Ongoing Meet and Confer Process
§38-431.03.A.5. Discussion 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.
2. Adjourn to Regular Session
The board reconvened at approximately 6:45 p.m.

(Item E was discussed out of the order of discussion)

E. Superintendent's Report

1. Awards and Recognitions

◇ Ms. Roa gave recognition to Dr. Ronnie Pitre the Principal of Bethune School for receiving the NAACP Education Award at the Maricopa County Branch. Dr. Pitre stated that the NAACP rewarded her for the

diligent work and efforts that she has made in our school district and she was very humbled to hear her name mentioned among several great ladies.

2. Announcements

- ◇ Ms. Roa announced that May 3-7 is Teacher Appreciation Week, and May 4 is Teacher Appreciation Day and also announced that on May 4 we are going to have our Retirement Tea for our retirees and board members are invited to attend.

C. Approval of Consent Agenda

1. Approval of Minutes: February 11, 2010
February 25, 2010
March 25, 2010
2. Ratification of Payroll \$1,971,004.00 and Expense Vouchers \$731,647.22 in the Total Amount of \$2,702,651.22
3. Request to Approve Out of District Field Trip
4. Request for Approval of Employment of Administrative, Certified and Classified Staff
5. Request for Approval of Separation of Employment, Resignations and Retirements
6. Request for Approval of Employment of Director of Special Education for the 2010-2011 School Year
Mr. Allsworth moved approval of the Consent Agenda and Ms. Meza seconded the motion. The board approved the motion by 4-1 and was passed.

D. Community Communications

None.

H. Human Resources – Randy Dickason, Executive Director

1. Receive and Discuss Items from Ongoing Meet and Confer Process
Mr. Dickason stated that during the process with the Phoenix Elementary Classroom Teachers' Association they requested that administration ask the governing board to discuss the following: One is the option of re-opening the Meet and Confer process should additional funding be awarded by the Arizona Legislature for fiscal year 2010-2011 and clarification of the governing board's direction to administration regarding the interest-based negotiation process for 2010-2011.
Dr. Marston asked Mr. Dickason what his stance and/or recommendation would be to the board regarding the re-opening of the Meet and Confer Process. Mr. Dickason stated that to attempt to open a Meet and Confer Process to deal with financial crises and issues would not be recommended at this time.
Ms. Rosalinda Ramirez, PECTA President expressed her opinions about the Meet and Confer Process.
2. Request for Approval of Issuance of Contracts to Teachers, Administrators, (Professional) Support Services Staff, and Work Agreements for Classified/Support Staff for the 2010-2011 School Year
Mr. Dickason stated that there is one caveat and he wants to go on record with the board minutes that the contract that will be issued to Social Workers will be for 35 hours, which is their current. Dr. Marston stated that this is because if we increase their hours, we have no way of increasing their pay and it's an important thing to know. *Mr. Allsworth moved for approval of Item H2 and Dr. Stark seconded the motion. Dr. Marston moved to amend the motion and stated that this is the way she would like to see it amended and she will explain why, for each one:*
 - In Paragraph 6, the first paragraph of the first contract, the last phrase says "but in no event, shall such a reduction exceed 3% of teachers' salary". Dr. Marston stated that this phrase is throughout the contract and has resulted in a great deal of confusion throughout the district and has not resulted in agreement with our Classified Staff. She stated that she believes that it would result potentially, in rifting large numbers of teachers and if we lost a lot of capacity at some time during the year, rather than being able to reduce all salaries by a meager amount but slightly more than 3%, we could wind up rifting a large number of people and we've just gone through that. She stated that even when we riff them and bring them back, people get hurt and she doesn't want to see that happen. She stated that she would include that in the amendment.

•Dr. Marston stated that the second one is in Paragraph 7 and it says, “*Furloughing teachers for up to two (2) days.*” She stated that furloughing is implied in Paragraph 6, but what if furloughing for three (3) days meant that we could keep additional positions? She asked what if we kept classes smaller, how do we know where to cap that? She stated that they don’t have agreement from the Classified Staff, so she would cross out “*for up to two (2) days*” in Paragraph 7.

•In Paragraph 12, there’s a whole new paragraph that states “*teacher resignation without prior governing board approval shall be deemed to be an unprofessional act*”, and imposes a fine of \$2,500. Dr. Marston stated that she thinks that’s a slap in the face to our teachers in this economic climate. She stated that if somebody’s spouse loses a job or if somebody has to move immediately, how can we do that to them?” She stated that she’d like to see that whole paragraph stricken.

Dr. Marston moved for approval to propose an amendment to make those three (3) changes to this contract and subsequently to the other contracts in this packet. Dr. Stark seconded the motion for the amendment proposal. Mr. Allsworth stated that he agrees with Dr. Marston about Paragraph 12 and doesn’t like the idea of putting in a penalty clause like this and he supports the amendment as far as Paragraph 12. But with regard to the 3% limitation and the furloughing issue, he understands that sometimes just as it was an issue this year, we would have rified fewer people if we had cut salaries, but we had cut salaries before and he doesn’t think employees are overpaid. He stated that he’d rather keep salaries as close to where they are as possible and doesn’t like the idea of a 3% pay cut and he is supportive of keeping these portions in the contract.

- Ms. Stella Garcia of ESPA, addressed her concerns to the governing board and stated that these are very tough times and these are very huge decisions and stated that she was very honored and fortunate to work with the budget committee. She stated that we can promote, we can suggest and we can have conversations, but ultimately the leaders will make those decisions and she asked the board to speak to their hearts and also stated that she trusts that they will make the right decisions when this is over.
- Ms. Connie Meza addressed the governing board with her concerns about Item H2. She stated that she found Paragraph 12 very punitive and the terms that it was written in, given the state of affairs that everyone is in and she wanted to ask if the board would consider changing the wording of that but to consider more than a 3% pay cut or above is almost inhumane and the teachers are very upset right now, even though all of them did not attend the board meeting.
- Mr. Perry Young, Interim President of ESPA expressed his opinions about the contract language and stated that it’s a tedious process but upon agreement, compromise can be very rewarding. He stated that the contractual changes were officially brought to ESPA at the April 12 Meet and Confer Session and thanked Mr. Dickason for briefly meeting with him individually on April 9 to initially go over this.
- Ms. Wendy Drew stated that last year, as in previous years, teachers looked forward to their contracts and with some humbleness, she personally signed her contract to reduce her annual salary. Although she’s grateful that what she earns in this district is enough for her to live on, many of her colleagues have gone through a struggle. She asked if it’s at all possible to budget in all those areas so her colleagues will remain employed.
- Ms. Paula Craig stated that her request would be that if there has to be a change to at least give a cap because it’s one thing to know that you have to sacrifice, but it’s good to know where that cap will be so that employees can make a logical decision as to whether they can remain in that employment or if they have to go elsewhere in order to pay their bills or until they can plan. She stated that if there’s an uncertainty as to a cap or how many furlough days there will be, that can put a person in a very uncompromising situation if they are not even able to prepare or plan for that in advance. She stated that she realizes that the board has to make that decision and if they feel it’s necessary to go beyond the cap already stipulated in the contract, she prefers that it actually state that. And if they think 5% will be the worst or 4% will be the worst or whatever it is so that employees can plan, they can think about it and they can at least know what they’re up against, but just leaving it blank leaves everybody wondering, and come December if there’s a 10% cut and at that point trying to find another job or trying to make ends meet would be much more difficult. She stated that it would be beneficial and helpful if the board decides it needs to be increased, if they could at least have that stated.

Dr. Marston asked Mr. Dickason if she is correct in believing that the Paragraph 6 stopped in previous contracts with the word budget and the phrase that we're talking about was not included, but this provision has been included in every teacher contract with no cap for as long as she can remember. Dr. Marston stated to everyone in the audience that the board is not talking about cutting their wages now and they're not saying they're going to reduce their wages and she has gotten calls about this. She stated that people are asking why we are putting in the contract that we're going to reduce their wages without their agreement. She stated that is not what they're talking about. She stated that they're talking about a catastrophic event and in a catastrophic event, would it be better for the board to reduce wages or to cut personnel? And how deeply would they have to cut personnel depending on how bad the catastrophic event was in order to keep this?

Ms. Meza voted Yea in approval of the amendment, Dr. Stark voted Yea, Dr. Marston voted Yea and Mr. Allsworth voted Nay. The amendment was passed 3-0.

Voting for the question on the motion as amended, Ms. Meza voted Yea, Dr. Stark voted Yea, Dr. Marston voted Yea, Mr. Allsworth voted Yea. The board approved it 4-0. Mr. Dickason stated that he would make those changes in each of the contracts and agreements.

Ms. Roa stated that from a budget perspective, there is a general feeling of assurance that she wants to convey to our employees that she believes that the economic climate is turning around and that we more than likely will not experience some of the catastrophic scenarios although we are prepared to keep as many staff as possible and restore any cuts if in fact, we so get an increase in funding.

Dr. Marston stated that it goes without saying that the board is directing administration to do anything they can not to cut one half a percent or make any further cuts in salaries and she knows they are all working on that. Mr. Baca stated that they will go ahead and convene a Budget Advisory Committee on Tuesday to ensure they take the necessary steps to make sure that they address those concerns and lay out a very clear plan of all the options that we have so that they do not have to invoke either the furlough days or any type of salary reduction.

3. Request for Approval of Agreement Regarding Recoupment of Montessori Training Payments
Mr. Dickason stated that there is one change that was just recognized today in Section 3, on the very last line it says "equal to the last fiscal year of tuition he or she received" and they want to strike "the last fiscal year" and simply say "equal to the tuition he or she received". *Mr. Allsworth moved for approval of Item H3 and Dr. Stark seconded the motion.* Ms. Paula Craig expressed her concerns and asked some questions about the item. Mr. Allsworth asked if the teachers have actually seen this language and Mr. Dickason stated that he doesn't believe teachers have seen it, but he shared it with Ms. Susan Engdall. *Mr. Allsworth stated that it might be easier to table this until it has been shared with teachers and until we have feedback from teachers. Mr. Dickason agreed and withdrew his recommendation for Item H3 and stated that they will come back with it after having the teachers review it. The board members withdrew their motions and Item H3 was tabled.*

F. Business Services – Kenneth Baca, Assistant Superintendent

1. Receive and Discuss Information with Respect to a November 2, 2010 Class B Bonding Program Special Election
(Mr. Bob Casillas from Stone and Youngberg spoke to the board).

G. Curriculum & Instruction – Tom Lind, Assistant Superintendent

1. Request to Receive and Discuss Information on AzSafe, Student Code of Conduct, and Best Practices in Special Education and Behavior Management Committee
2. Request for Approval to hold two (2) public hearings to receive input on Family Life Education Lessons for Grades 4-8
Mr. Lind recommended May 13 and June 27, 2010 for the two hearings. *Mr. Allsworth moved for approval of Item G2 and Dr. Stark seconded the motion. The board approved the motion by 4-0 and Item G2 was passed.*
3. Request for Approval of Agreement with ASU for the American Dream Academy Program, formerly know as PIQE, for the 2010-2011 School Year

Mr. Allsworth moved for approval of Item G3 and Ms. Meza seconded the motion. The board approved the motion by 4-0 and Item G3 was passed.

I. Board Reports and Requests

1. Select a Delegate and an Alternate Delegate for the ASBA Delegate Assembly

Dr. Marston moved for approval that Mr. Allsworth represent PESD and Dr. Stark seconded the motion.

The board approved the motion by 4-0 and it was passed.

2. Update on University Public School Phoenix (UPSP)
3. Board Direction to the Superintendent (if necessary)
4. Board Report

J. Adjournment

Dr. Stark moved for approval to adjourn the board meeting and Mr. Allsworth seconded the motion.

The board meeting was adjourned at 9:00 p.m.

Respectfully Submitted,

Dr. Ruth Ann Marston
Board President

RAM/em