



Phoenix Elementary School District No. 1

Public Session -Special Session – Executive Session
April 29, 2009

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
(absent from Special
Session)

Ms. Susan Bliss

Ms. Liz Meza

Dr. Louisa Stark

Also present were:

Ms. Myriam Roa
Chief Executive Officer

Mr. Tom Lind
Interim 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. Special Session – 8:00 a.m.

1. Call to Order – Dr. Ruth Ann Marston, President
2. Pledge of Allegiance – Randy Dickason
3. Adjourn to Executive Session

At 8:02 a.m. Ms. Bliss moved approval to move into Executive Session. Dr. Stark seconded the motion and the Board approved and moved into Executive Session.

(Mr. Allsworth attended the Executive Session but was absent from the Special Session due to an appointment).

B. Executive Session

1. Receive legal advice regarding the Collaboration Agreement for Phoenix Preparatory Academy and give direction to the attorney of the public body regarding negotiation of the Collaboration Agreement.

§38-431.03 (A)(3) Discussion or consultation for legal advice with the attorney or attorneys of the public body.

§38-431.03 (A)(4) Discussion or consultation with the attorneys for the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.

2. Adjourn to Special Session

At 9:55 a.m. the Board returned to the Special Session.

C. Special Session

1. Give direction to the attorney of the public body as discussed in executive session

2. Consider and, if advisable, approve the PESD-UPSI Collaboration Agreement

Ms. Bliss moved for approval of Item C1 to give authority to the attorney to continue developing the agreement as discussed in Executive Session. Dr. Stark seconded the motion. Ms. Bliss stated that Item C2 is not ready and the agreement still needs further discussion and negotiations and instructions have been given to the attorney. Ms. Bliss amended her motion and moved for approval of Item C1 and Item C2 on the agenda of today that the attorney proceed with negotiating the agreement. Dr. Stark seconded the motion.

Ms. Jennifer MacLennan, the attorney clarified and stated that just for purposes of negotiating she is instructed to further negotiate the agreement and with respect to Item C2, which was the Board's consideration of the agreement that the agenda item will be vacated. Dr. Marston confirmed this and stated that the item will be vacated until a future meeting.

Dr. Marston stated that she has two Community Communications Speaker Cards on this topic and it is the pleasure of the Board to hear them since the agreement itself will not be discussed.

Mrs. Royna Rosell, a former Phoenix Elementary Board Member did not speak since one item was vacated.

Ms. Pat Kuhn expressed her concerns about the possible closure of the Phoenix Preparatory Academy.

The Board approved the motion for item C1 (4-0) and it was passed.

3. Request Approval for Direction on Policy Decisions in Response to Phase 5 of a Pandemic Alert Period

Ms. Roa stated that we are currently on Pandemic Stage 4, which is human to human transmission of the virus in small clusters. In preparation, if we go into Pandemic Stage 5, which is large clusters and Pandemic Stage 6, which is the most serious phase of the Pandemic, the District has an Emergency Response Plan which describes our responsibilities as a District to respond in a precautionary manner when we have threat of a Pandemic Flu. We know we've heard of the Swine Flu and its growth in the United States although it's been different than what's been experienced in Mexico City. Ms. Roa stated that notices have already been sent home to parents and families and employees have been given notice on how to take precautionary measures, washing hands, coughing into tissues, etc. She stated that we are also in the process of ordering supplies for our school nurses and other people who have student to student contact so that we don't alarm the public, but let them know that we're doing this as a precautionary measure and even in some cases, a type of drill, like a fire drill, but this would be a "flu drill" that we want people to know that we are taking this very seriously. At any time the World Health Organization and/or other agencies might tell us that we are in a different stage.

Ms. Roa stated that per the District's Emergency Response Plan the Board is asked to give Administration direction on preparing for Stage 5 and possibly Stage 6. She stated that what has been put together for them are some of the policies that the Board will be asked to allow Administration to liberalize: leave policies and leaves and absences, and our policies GCC, GCCA, and GCCC are also attached in the board packet. Also included is the Exclusion from School for employees, GBGCB and Students JHD, so that in case we feel that it would be a threat to the school, we can implement sending people home. She stated that if an employee does not have enough Leave hours, we can ask them to take the Leave and pay us back for the Leave when they return to work, so that they don't come to work when they're sick. She stated these are some of the scenarios that were addressed and are asking the Board to give authority to respond and that's part of the Board's responsibility to do that. Ms. Roa stated that Administration recommends that the Board give authority to Administration regarding decisions and response to Stage 6 of the Pandemic Alert Period.

Dr. Marston asked Ms. Roa if she believes that we need an emergency change to Board Policy or does she only need direction because she clearly has the right to close a school, to direct people to stay at home and she must have that right under the law because the Board can't move quickly enough to make those decisions. Ms. Roa stated that in their attempt to take precautionary measures and alert the Board as well as employees that this is our Emergency Response Plan which was put into place two years ago, we want to have that authority more from a leave policy to let employees know that we really want them to stay home if they're sick.

Dr. Marston stated that she would like to suggest that anyone who has signed a contract with us for next year be placed on the same step, July to January, which is the 5 days of unused Sick Leave, for the duration of this emergency.

Ms. Roa stated that Cabinet and herself discussed this particular issue and they felt that even 5 days was too restrictive because depending on the severity of the illness, people might need 10 days and she wanted to get permission from the Board to liberalize that on a case by case basis. Dr. Marston stated that she has no problem liberalizing this policy up to the limit of Leave that an employee can earn in the next year.

Ms. Roa stated that there are other issues such as do we review the out-of-state field trip requests, do we review our in-state field trip requests, do we cancel large gatherings for Professional Development and those kinds of things that are in policy specifically but we also want to alert the Board that we may be on a case by case basis giving advice to people so that they aren't further exposed.

Ms. Bliss stated to Ms. Roa that right now it's reasonable to follow the guidance of the World Health Organization and that she would like to give her all authority to act under their existing guidelines to suspend the 5 days limit if she feels she needs to give an employee additional time as bound by the regulations only if we're at a higher level of this Pandemic.

Dr. Stark stated that she agrees with that but she wants to say that this Pandemic may not go above Level 5 as it's imagined and we may have staff in our schools who may come down with this disease and she thinks we need to think of this in terms of a disease rather than a Pandemic.

Dr. Marston stated that she doesn't know that we want to have a level of a recommendation but thinks that a report from staff of actual incidents of possible related cases might be of greater weight in this emergency, but she wants to make it clear that it's for this emergency and not for all future occurrence.

Dr. Marston suggested that this be put in the form of a motion and Ms. Bliss moved approval to give staff and the CEO all powers that are necessary to be exercised under our policies pursuant to the current declaration by the World Health Organization or of a Swine Flu Pandemic. She further moved that the Board authorize reasonable leave under Policy GCCA in individual cases where the employee or staff member may have documented Swine Flu or the potential for it. Dr. Stark seconded the motion and the Board approved the motion (4-0) and Item C3 was passed.

Dr. Marston stated that she would like to suggest that a second direction be considered which may not need to be in the form of a motion and that's because we are at the time of year when we as a school district, promote many public gatherings. She stated that our kids are showing off what they learned all year, and there are festivals of various kinds, concerts of various kinds and promotion ceremonies. She stated that perhaps staff could consider asking schools to make promotion ceremonies more private and videotape them for parents or other ways of promoting smaller gatherings under the circumstances should the danger increase.

D. Board Reports and Requests

1. Board Direction to the Chief Executive Officer (if necessary)

Dr. Marston stated that it is hoped that a Board Meeting will be held on May 7, 2009 at 6:00 p.m. This will probably be an Executive Session and followed by a session where we will take whatever actions may result from that and whatever our normal agenda would be.

Dr. Marston asked Ms. Roa if she needs a motion on making smaller gatherings possible and Ms. Roa replied that they're actually talking to at least one school's promotion to have two separate promotions so the gathering will be smaller.

E. Adjournment

Ms. Bliss moved approval to adjourn the meeting and Dr. Stark seconded the motion which was approved by the Board (4-0).

The meeting was adjourned at 10:20 a.m.

Respectfully Submitted,

Dr. Ruth Ann Marston
Board President

RAM: evm