



Phoenix Elementary School District No. 1

Special Session - Executive Session
May 7, 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 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 – 6:00 p.m.

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

Ms. Bliss moved approval for the Board to adjourn into Executive Session and Dr. Stark seconded the motion. The Board unanimously approved and adjourned into Executive Session.

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
The Board returned to the Special Session at 7:45 p.m.

C. Community Communications

Dr. Marston stated that Ms. Pat Kuhn has submitted two Speaker Cards and one of them specifies Community Communications and the other specifies that she wants to talk about the PESD/UPSI Collaboration and she asked Ms. Kuhn if she plans to talk about the same issue at both times. Ms. Kuhn stated that she doesn't and Dr. Marston stated that as long as it's a different issue, she can step forward and speak. Ms. Pat Kuhn, retired teacher of the District asked why students cannot be placed at existing schools that have space. She stated that she looked at every school capacity report and Heard has the largest space available. Dr. Marston stated that Ms. Kuhn has misled the Board and is aggregating her agreement with the Board and stated that if Ms. Kuhn wants to talk about student placement in a place other than the Prep, she is talking about it as an argument against this agreement and informed Ms. Kuhn that she can certainly talk about it, but not in Community Communications. Ms. Kuhn continued to talk about the subject and Dr. Marston asked her to please sit down.

D. Special Session

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

Attorney Jennifer MacLennan suggested that Item D1 (giving Direction to the Attorney of the Public Body) can be addressed within the body of addressing Item D2, which is the actual consideration of the approval of the UPSI /PESD Governing Board Agreement and suggested that the Board might want to vacate Item #D1. *Dr. Stark moved approval to vacate Item D1 and Ms. Bliss seconded the motion. The Board unanimously approved the motion and Item D1 was vacated.*

2. Request Approval of the PESD-UPSI Collaboration Agreement

Ms. Bliss moved approval to accept and approve the draft agreement between PESD and UPSI (Phoenix Elementary School District and University Public Schools, Inc.) with the changes discussed in today's Executive Session and she further moved to direct the attorney to finalize the agreement and provide it to appropriate parties for signature. Dr. Stark seconded the motion.

Dr. Marston invited Ms. Pat Kuhn to come forward or wait until we hear from the attorney so she can hear what the changes are to the contract so that she'll have an idea and can address this more specifically and Ms. Kuhn replied that she would wait.

Dr. Marston asked Ms. Jennifer MacLennan, the attorney to detail the changes so that the representative from UPSI and the Board can be sure that everything is in place. Ms. MacLennan stated that she reviewed the proposed changes with Mr. Larry Pieratt who is here from UPSI and the changes are as follows:

- A definition will be added to the Definition Section of the UPSI Governing Board and innovative committee
- There will be a change to the "Short-Term Facility Use" paragraph to require that any use greater than 72 hours must be approved by the Phoenix Elementary School District #1 Governing Board and by UPSI
- There is going to be some clean-up changes to the annual fee to specify that both State and Local Funds will be received by the District (Phoenix Elementary School District #1)
- There is going to be a change to the Short-Term Facility Use paragraph to specify that any long-term use of the facility by a third party must be approved in writing by both parties and also to specify that UPSI will grant PESD priority use of the facility's auditorium, cafeteria and gymnasium.
- There are some clean-up changes to portions of the agreement on page 13 and that would be the remainder of the changes that are being proposed.

Dr. Marston asked if those would just be grammatical and Ms. MacLennan agreed.

Dr. Marston invited Ms. Pat Kuhn to speak and told her that she can start by making sure we have her in the Minutes accurately. Ms. Kuhn stated that she just wants to ask a very important question

of the Board, District Members and Administrators and doesn't want anyone to take offense at this and further stated that it's very important to the community as well as everyone in the District. She asked if anyone has any conflict of interest in regards to UPSI, Inc. or ASU connections or anything with the community, or anything else that would interfere with the Board's decision tonight. Ms. Bliss stated that she just took a class at ASU and Ms. Kuhn stated that a class is not what she meant. Dr. Marston stated that she has no objection to having this on the record and asked Dr. Stark if she wanted to speak on this. Dr. Stark stated that to be very honest, until about 4 years ago she was an adjunct professor in the Department of Anthropology. Dr. Marston answered Ms. Kuhn's question by stating No.

Dr. Marston asked Ms. Kuhn if she wanted to address the other issue that she began to address regarding the capacity and Ms. Kuhn stated that she looked very carefully at all the capacities and all the schools according to the current enrollment. She stated that in looking at the schools and the numbers, especially with the idea that the District is going to 32-1 for Pupil/Teacher Ratio, she didn't even use that high of a number and went a lot lower. She stated that she found room and at many of our schools we could add another 7th or another 8th grade in those schools. There is an option and we don't have to lose that ADM, which is very important to this District.

Ms. Royna Rosell submitted a Speaker Card and stated that Ms. Jennifer MacLennan, the attorney listed the changes but that she, Ms. Rosell doesn't know the main content and doesn't know if they will get that. Dr. Marston stated that Ms. Rosell has been on the School Board and she understands why. Ms. Rosell stated that her first comment is that she thinks the District should add the playgrounds to the auditorium-cafeteria-gymnasium portion. She stated that before that, her concern is the issue with the Special Ed. classes that are at the Prep Academy right now, student should be given a choice to have the same assistants and maybe do a two or three year phasing out.

Ms. Rosell stated that her second comment is that the 7th graders from this year not be thrown into the mix of things but instead, the children should still have a familiarity of maybe 4 or 5 staff members from the Prep.

Ms. Rosell stated that her third comment is that we get a guarantee in this final contract of the percentage of students that will be from the Phoenix Elementary School District.

Her last question is what will be the process for renaming the Phoenix Prep Academy? Will that be UPSI, Inc, or will it be Phoenix Elementary?

Dr. Marston thanked Ms. Rosell and stated that she appreciates her input and also stated to Ms. Rosell that she didn't bring anything to the Board's attention that the Board hasn't already carefully considered but she might have and it doesn't hurt the Board to hear what members of the community are emphasizing in their thoughts and she appreciates it.

Mr. Allsworth stated that he's heard a lot of concerns expressed about this agreement over the past several months and he's troubled that some of the criticism is rooted in what is essentially closed to the concept. But he's also heard many valid concerns expressed, many legitimate questions asked and he thinks that the Board has worked very hard over the last several months to address those in the context of the negotiations and he's been very impressed with some of the questions and comments raised by other Board Members, things that he hadn't thought of and hadn't caught and he thinks that the end-product is a result of a lot of really good input from both the community and other members of the Board as well as the Administrators and attorneys who worked on this. He stated that he's extremely impressed with the collaborative spirit of UPSI in this and he thinks they have been a fantastic partner in working with us, on coming up with what he thinks is a really amazing agreement that this community should be proud of and he could not be more proud of the end-product and he hopes that the community will try to have an open mind as they review exactly what the Board has done.

Dr. Stark stated that the Board has been working on this project since they first started talking about a charter school and she truly feels that what we are signing off on tonight is going to be a very exciting program and will be a great benefit to our kids and she has always been very concerned that so few of our kids actually went on to school beyond high school and many dropped out. Her true hope is that this will be a breath of fresh air for the school district. She stated that she really hasn't heard from people from the community and she would have loved to hear from them about ideas to do something really exciting with the Prep, like how to make better programs and how they can put together better education for the middle school kids. She feels that it is a big change but also feels that our students really merit this change and they merit the excitement that is going to come into their education and to their classrooms from what is being proposed. She stated that the Board is committed to doing this and time will be taken to see that this works out well, that it's planned well and that our students really profit as a community.

Ms. Bliss stated that she doesn't have any problem adding playgrounds and it might be a really useful thing and she knows exactly where it should go and stated that she doesn't know if the rest of the Board feels that way, and Dr. Stark agreed. Ms. Bliss thanked Ms. Pat Kuhn and Ms. Royna Rosell for bringing the issues that they brought to the Board and stated that every one of them was considered by the Board and of course, in negotiations and yes, it's absolutely true that they have space for every one of those kids. She stated that our District is about choice and we are trying to offer a different choice and we want kids to be able to go to what we believe will be a superior school and we also want them to stay within our District, but it depends on what their parents want. She stated that the Board has been trying over the last several years to conduct signing sessions for all the 6th graders where they are offered choices and she knows that the Board is doing that because she gets questions from people asking where they should send their kids. She stated that sometimes it's bewildering for parents to know what the right choice is, but this is another choice. She stated that it's a choice for the Special Education kids as well as for ACE kids and yes, the District could find another classroom to place them in with their same teachers, but maybe it would be reasonable to keep them there within the UPSI Program and those are details that can be worked out. She stated that they can begin to talk about some of those things with greater specificity with the actual people involved, once the District has an agreement. She stated that it would be great if they hired many of our employees back because they're the ones who are familiar with the facility, but that's going to be up to them. She thanked them once again for the things they brought forward and assured them that the Board has included them in their sessions and she knows it's frustrating and asked them not to assume that the Board is not paying attention because they are.

Dr. Marston stated that what the Board is not doing is:

- They are not selling this property;
- they're not giving it to ASU
- They are not even entering into an agreement with ASU and ASU itself has no rights under this agreement and they are not a partner to it.
- The District is not leasing the property but we are attempting to attract back into our school District and into the homes in our school District and into our tax base for the good of all of our students, a number of students who have made a choice to go to another school district or to another charter school because we think this is not only an opportunity for our students but an opportunity for us to work with ASU on a better way of training teachers through the UPSI link and for UPSI to help us to do better in every one of our schools.

Dr. Marston stated that we are looking for something that will benefit every teacher and every student in this District and we are not going to lose money on this, we are not going to give up property, we are going to offer a wonderful choice if this agreement is approved.

She stated that in terms of the name, she gets to announce it and we have a motion on the floor.

The Board unanimously approved the motion and Item D2, Request of the PESD-UPSI Collaboration Agreement was approved and passed.

Dr. Marston stated that the name of the school which will be a collaborative agreement, operated under a collaborative agreement, a partnership between Phoenix Elementary School District #1 and University Public Schools, Inc., "Phoenix University School" and will have our school district's logo replacing the O and it's going to be a clear collaboration between us and UPSI, who is the other party to this agreement. Dr. Marston thanked Mr. Pieratt for waiting so long and stated that she hopes it was worth waiting for.

E. Board Reports and Requests

Ms. Roa stated that she wants to commend the Governing Board for this bold and innovative step as we move forward in our collaboration agreement and she will give her utmost attention to have many reports to the Board on our progress.

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

Ms. Bliss stated that she would like to direct the Superintendent to pay special concern to the Special Education programs. Ms. Roa stated that they will be meeting with parents as soon as possible with appointments to give them the choice and if they would rather stay with the Phoenix Elementary School, then obviously we would make room for that.

Ms. Roa stated that she will be bringing on Planning Principals through the rest of May and June and she made the announcement of who that would be. Ms. Roa announced that Ms. Nadine Gofonia, the current Principal of Shaw School has been recommended and offered, if we were to have a collaboration agreement, a position as Principal for the Pre K-6th portion of the schools and Gareth Zehrback will be the Principal for 7th and 8th grades, and also 9th-12th in the future, based on the Board's approval of the contract this evening. After the contract is finalized and signed, we'll get those people in place and start planning for the beginning of the school year. Dr. Marston stated that as soon as those changes are made, we'll meet and sign it.

Mr. Allsworth stated that he knows this point has been made by others and it's made from time to time, but he thinks some legitimate concerns have been expressed about our diligence in getting Minutes finalized and out to the public and in posting agenda items and he thinks it's a fair criticism and we need to continue to be mindful of that.

F. Adjournment

Ms. Bliss moved for approval to adjourn the meeting and Dr. Stark seconded the motion. The Board unanimously approved and the meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Dr. Ruth Ann Marston
Board President