

EDUCATIONAL OPPORTUNITY CENTER CHARTER HIGH SCHOOL

Yuma Private Industry Council, Administration Building
3834 W. 16th Street, Yuma, AZ 85364

Meeting Link:

<https://us06web.zoom.us/j/88258773340?pwd=elk3U2dPVkNSdkFuOXpQbzZRVTRBZz09>

Meeting ID: 882 5877 3340, Passcode: 102650

Phone: +1 346 248 7799 US

May 10, 2023

8:00 a.m.

MINUTES

I. CALL MEETING TO ORDER

Steven M. Miller called the meeting to order at 8:00 a.m.

II. PLEDGE OF ALLEGIANCE

Steven M. Miller led the Pledge of Allegiance.

III. ROLL CALL

The roll was called, and those present and absent were:

<u>Members Present:</u> Judith Castro (Virtually-7:57a.m.), Jesus G. Figueroa (Virtually-7:57 a.m.), Steven M. Miller (In Person-7:49 a.m.), Michael J. Sabath (Virtually-7:57 a.m.),	<u>Members Absent:</u> Antonio Zuniga (Excused)
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Thereby, a quorum was established.

Staff/Guest Present (Virtually):

Samuel G. Loveless, WDB Vice-Chair
Elicia Page, YPIC
Alicia Huizar, Contract Manager
Nidia Herrera, Executive Director
Steve Barba, Finance & Accounting Manager

Brian Grossenburg, Principal
Patrick Goetz, Operations Director
Beatriz Aguilar, Clerk of the Board

IV. CALL TO THE PUBLIC

There were no comments from the public.

V. APPROVAL OF MINUTES

Steven M. Miller asked for a motion to approve the minutes from the April 12, 2023 meeting.

Jesus G. Figueroa moved to approve the minutes from the meeting of April 12, 2023; seconded by Michael J. Sabath. The motion passed.

VOICE VOTE: The motion carried 4-0 at 8:01 a.m. (Yes-Judith Castro, Jesus G. Figueroa, Steven M. Miller & Michael J. Sabath)

VI. SCHOOL PRINCIPAL'S REPORT

Principal Brian Grossenburg reported the following:

A. Enrollment Update

Principal Grossenburg informed enrollment is at 103.

B. ACSA Compliance Summit Summary: Open Meeting Law

Principal Grossenburg presented a PowerPoint. PowerPoint is attached.

C. Procedures for Administering Seizure Management Plans

Principal Grossenburg provided the following information,

- Recently the Governor signed a senate bill that amended ARS 12-160, where every school now needs to have a seizure management plan and procedures
- The plan must identify specific individuals who will be trained on recognizing and treating seizures and which school resources will be used to train staff

Steven M. Miller asked when will training take place. Principal Grossenburg replied it will occur during the pre-year training between July 27, 2023 and August 2, 2023. There are 2 web-based training sessions for about 3 ½ hours per training.

Michael J. Sabath asked what kind of experience does the school have with seizures on the campus. Principal Grossenburg replied it's been a while since the last seizure and is looking forward to training. Michael J. Sabath asked has there been any incidents over the years. Principal Grossenburg replied there has been about three incidents over the years, they are not frequent but do occur.

D. Policies of Confidentiality Under the School Guidance and Counseling Plan

Principal Grossenburg provided the following information,

- Recently had the opportunity to apply for a competitive grant to have a social worker at the school
- The assurances of the grant requires that schools have a policy of confidentiality for school social workers as school guidance and school guidance counselors
- Principal Grossenburg will keep the Board informed regarding the grant process

Michael J. Sabath asked if it would involve having a social worker onsite full time. Principal Grossenburg replied it would require a social worker to be onsite from Tuesday through Thursday full time.

E. Graduation Ceremony Reminder

Principal Grossenburg reminded the Board, graduation is scheduled for May 25, 2023 at 6:00 p.m. at the Historic Theater. The keynote speaker for this year's graduation will be Steven M. Miller.

F. Suspension and Discipline Report

The summary of suspension for April 2023. The report is as follows:

Suspension Type	Disruption/Defiance	Threat/Intimidation	Fight/Assault	Drugs	Gang Identification/Activity	Other
Short-Term Suspension	0	0	0	0	0	0
Long-Term Suspension	0	0	0	0	0	0
Recommendation for Expulsion	0	0	0	0	0	0
Awaiting Disciplinary Hearings	0	0	0	0	0	0
Alternative Learning – Short Term	0	0	0	0	0	0
Alternative Learning – Long Term	0	0	0	0	0	0

G. Next Meeting Date: Wednesday, June 14, 2023 at 8:00 a.m. via Zoom.

VII. CONSENT ACTION ITEMS

A. Student Activities Account for Educational Opportunity Center Charter High School for the period of April 30, 2023, in the amount of \$6,807.15.

Patrick Goetz recommended the Educational Opportunity Center Charter High School approve the April 30, 2023 balance of \$6,807.15.

Steven M. Miller asked for the approval of the consent action items as presented.

Michael J. Sabath moved to approve the consent action items as presented; seconded by Jesus G. Figueroa. The motion passed.

VOICE VOTE: The motion carried 4-0 at 8:22 a.m. (Yes-Judith Castro, Jesus G. Figueroa, Steven M. Miller & Michael J. Sabath)

VIII. DISCUSSION ACTION ITEMS

A. Expenditures for the Educational Opportunity Center Charter High School for the period ending April 30, 2023, in the amount of \$1,052,013.

Patrick Goetz recommended the Governing Board of the Educational Opportunity Center Charter High School approve the expenditures as presented for the year-to-date period ending April 30, 2023 in the amount of \$1,052,013.

Expenses are at 78%, at 80% of the school year.

Steven M. Miller asked for a motion to approve the expenditures for the Educational Opportunity Center Charter High School for the period ending April 30, 2023 in the amount of \$1,052,013.

Michael J. Sabath moved to approve the expenditures for the Educational Opportunity Center Charter High School for the period ending April 30, 2023; seconded by Judith Castro. The motion passed.

VOICE VOTE: The motion carried 4-0 at 8:23 a.m. (Yes-Judith Castro, Jesus G. Figueroa, Steven M. Miller & Michael J. Sabath)

B. FY 2022-2023 Budget Amendment

Patrick Goetz recommended the Governing Board of the Educational Opportunity Center Charter High School approve the FY 2022-2023 Budget Amendment for the Educational Opportunity Center Charter High School.

Steven M. Miller asked for a motion to approve the FY 2022-2023 Budget Amendment for the Educational Opportunity Center Charter High School.

Michael J. Sabath moved to approve the FY 2022-2023 Budget Amendment for the Educational Opportunity Center Charter High School; seconded by Jesus G. Figueroa. The motion passed.

VOICE VOTE: The motion carried 4-0 at 8:24 a.m. (Yes-Judith Castro, Jesus G. Figueroa, Steven M. Miller & Michael J. Sabath)

C. Procedures for Administering Seizure Management Plans

Patrick Goetz recommended the Governing Board of the Educational Opportunity Center Charter High School approve the Procedures for Administering Seizure Management Plans.

Steven M. Miller asked for a motion to approve the Procedures for Administering Seizure Management Plans.

Michael J. Sabath moved to approve the Procedures for Administering Seizure Management Plans; seconded by Judith Castro. The motion passed.

VOICE VOTE: The motion carried 4-0 at 8:25 a.m. (Yes-Judith Castro, Jesus G. Figueroa, Steven M. Miller & Michael J. Sabath)

D. Policies of Confidentiality Under the School Guidance and Counseling Plan

Patrick Goetz recommended the Governing Board of the Educational Opportunity Center Charter High School approve the Policies of Confidentiality Under the School Guidance and Counseling Plan.

Steven M. Miller asked for a motion to approve the Policies of Confidentiality Under the School Guidance and Counseling Plan.

Jesus G. Figueroa moved to approve the Policies of Confidentiality Under the School Guidance and Counseling Plan; seconded by Judith Castro. The motion passed.

VOICE VOTE: The motion carried 4-0 at 8:26 a.m. (Yes-Judith Castro, Jesus G. Figueroa, Steven M. Miller & Michael J. Sabath)

IX. OTHER INFORMATION OR DISCUSSION ITEMS

Steven M. Miller asked how expenses are looking towards the end of the year and are any purchases needed. Principal Grossenburg replied the school is ok with all the purchases needed for this year. Principal Grossenburg informed the Board, the school is moving forward with bars on windows and is currently in the process.

Alicia Huizar informed the committee, a request for quotes went out for a security guard. One quote has been submitted; bidders have until May 26, 2023 to submit quotes.

X. GOOD OF THE ORDER

Patrick Goetz informed the Board, Principal Grossenburg and himself will be meeting with the youth department regarding the seniors that will be graduating to provide opportunities for education, training or employment.

Steven M. Miller informed the Board, he met with 8 students regarding what the Department of Corrections has to offer. Principal Grossenburg stated 2 of the students will be graduating this year and will be moving forward with the application process for the Department of Corrections.

XI. ADJOURNMENT

Steven M. Miller asked for a motion to adjourn the meeting.

Michael J. Sabath made the motion which was seconded by Judith Castro. The motion passed, and the meeting adjourned at 8:30 a.m.

VOICE VOTE: The motion carried 4-0 at 8:30 a.m. (Yes-Judith Castro, Jesus G. Figueroa, Steven M. Miller & Michael J. Sabath)

Respectfully submitted by; Beatriz Aguilar, Clerk of the Board.

Open Meeting Summary of Presentation by **Lynne C. Adams**



**Presented by
Brian
Grossenburg**

Highlights of Presentation



- In Arizona, each board member is liable for violations of open meeting law.
- The Attorney General can file suit for a violation of the Open Meeting Law not just against a governing board as a whole, but against individual members of the board.
- Meeting = Quorum + **Discussion** or Decisions
- Some charter school corporate bylaws indicate that the governing board can take action “without a meeting” by signing a written consent. -> **NOT ALLOWED IN ARIZONA!!!!**

Highlights of Presentation



- “Standing, special committees, advisory committees or subcommittees of, or appointed by” the Governing Board are subject to the Open Meeting Law.

Electronic Communications

- Two-way: Board members may not exchange electronic communications with a quorum of the board that involve “**discussions**, **deliberations** or **taking legal action.**”
- One-way: Board members may not **propose legal action** to a quorum of the board *even if there is no exchange of messages.*

A.R.S. § 38-431(4)

Highlights of Presentation



- “What if all our board members are going to be at the same place, do we need to post a notice since a quorum exists?”

Answer:

No, but best practice is to provide a “courtesy” posting of a non-meeting. Include statement: “A majority of governing board members may attend this function. However, no board business will be discussed, and no board action taken.”

You can post an entire list of possible events in advance – plays, graduation, sports, community events.

More About Electronic Communications



- Example of proposal of legal action:
 - “Please put a discussion about the school’s purchase of new science textbooks on the next board agenda because I think that our textbooks are outdated and we need to approve new ones.”
- But, it is ok to **ask the board president** to put an item on the agenda as long as you do not propose legal action OR as long as you do not copy a quorum of the board on the message.
 - “Please put a discussion about the school’s science textbooks on the next board agenda.”
 - Advice—don’t copy a quorum of the board on your email.

More About Electronic Communications



“Is it a violation of the Open Meeting Law for the School’s Executive Director to share a question from one board member with the rest of the board members, including the answer to the question?”

Answer:

Maybe. If the question is merely for more information *without* indicating how other board members may vote on the issue were it to come before the board, it is not a violation; it’s just information sharing.

The School’s Executive Director should blind copy all board members on any email to remove the potential for an inadvertent “reply all.”

Electronic Communications



“My board members send text messages to each other all the time. Is that a problem?”

Maybe. Are the messages about school business? Do they end up in the hands of a quorum of the board eventually? If a board member’s proposal of legal action ends up being shared with a quorum of the board – regardless of how it gets to the quorum – **it is a violation.**

Facebook posts? Same. Instagram DMs? Same. Tweets? Same. Statute covers all methods of electronic communication, even ones that haven’t been created yet.

Plus public record issues – doesn’t require a quorum, just a tie to public business!

Question about Agendas



“We are having a board study session. Do we have to post a notice and have an agenda?”

Yes, it does not matter what you call the meeting.

Study session? Yes!

Workshop? Yes!

Holiday Get-Together? Yes!

If there is a quorum of the board discussing public business, it's a meeting.

Notes About Executive Sessions



- Executive session discussions must be strictly limited only to allowed issues.
- Cannot use to discuss issues that are embarrassing or uncomfortable.
- Once in executive session, chair must remind board members that matters discussed in executive session are confidential.

NO voting in executive session, not even to adjourn the executive session!

Executive Sessions



- You must call a public meeting to order before you vote to go into executive session.
 - The public needs to know that you have gone into executive session.
- *Agenda* must state there will be an executive session and provide specific statutory basis and enough information to notify public but not breach confidentiality.

- Public session
 - Motion to go into executive session
 - Executive session
 - Reconvene in public session
- Take any action related to executive session

Actions After Executive Sessions



- Examples of agenda items following executive session:
 - Confirmation of instructions to legal counsel or school representatives provided in executive session.
 - ✦ “I move to authorize the _____ to take action as instructed in the executive session.”
- You do not need to take action after an executive session.