



**LITTLEFIELD UNIFIED SCHOOL DISTRICT #9**  
**GOVERNING BOARD WORK SESSION**

**Administrative Services Site**  
**3490 East Rio Virgin Road**  
**Thursday, December 8, 2022**  
**3:00 P.M.**

**Mission Statement**

The Littlefield Unified School District is committed to excellence. Therefore, we are committed to providing opportunities for all students to learn and develop socially, emotionally, and academically. We are committed to providing resources to our students, parents and teachers in an ongoing effort to help students transition from childhood to adulthood.

1. CALL TO ORDER:

Board President Graham called the meeting to order at 3:00 p.m. There were two members of the public in attendance and Board Member Moerman was absent from the meeting.

2. ROLL CALL:

Sonny Graham, Board President  
Susan Burch, Board Secretary  
Patricia Schoppmann, Board Member  
Michael Fagnan, Board Member  
Rena Moerman, Board Member

Darlene McCauley, Superintendent/Principal  
Jeremy Clarke, Elementary Principal  
Kevin Boyer, Business Manager  
Sheree Goessman, District Secretary

**DISCUSSION**

3. Discussion regarding Policy GCQC, liquidated damages clause in the Certified Teacher Contract.

Darlene McCauley said this was brought forward by Board Secretary Burch. Mrs. McCauley noted that Robert Haws from Gust Rosenfeld was in attendance. She said she believes one of the questions was what happens when we have one of the employees that leave at the end of the year and are no longer employees of the district. Board Member Fagnan asked how much money we have collected from the teachers that left over the summer. Mrs. McCauley noted we have not successfully collected any money.

Board Secretary Burch arrived at 3:02 p.m.

He then asked if the liquidated damages clause can be taken out of the contract. Mr. Haws



said the teacher contract says the teacher will pay the District \$2500 if they break the contract which would cover some of the costs the districts would have. The board can waive that upon the teachers request and noted they can withhold from any funds such as a final paycheck or 301 monies. Once the teacher has left employment and once they receive their final check, it becomes much more difficult to get the money. Mr. Haws told the Governing Board the District can send out a demand letter and if they don't respond the District can retain a collection agency, which would take a part of the collection amount, or can file a lawsuit. The contract also indicates if the District files a lawsuit and wins, the District will be able to recover the fees and costs with the lawsuit. The expenses of that lawsuit would come out of the M&O budget. When a certified person leaves early and the board does not approve that early departure you have the option of filing a complaint against the teacher with the Arizona Department of Education against their certificate which would complicate them moving on to another position in Arizona. Board President Graham said it sounds like the liquidated damages are in the contract as a deterrent. Board Secretary Burch said in her opinion it takes a lot of time to get the money. Mr. Haws said if you take it out you use that leverage. Board Member Fagnan said the two years he's been on the Governing Board, about 1/2 of the people have been approved to waive the liquidated damages. He asked if this would open the District up for any kind of legal ramifications. Mr. Haws said the risk is present with discrimination but is not likely. Board Member Fagnan said he thinks it is okay because one was waived because of family and the other was denied because the request was due to the cost of gas. Board Secretary Burch said when a teacher has been here a long time they know the rules. Mr. Boyer asked if we should put an item on the agenda to discuss how the collection process is going to be and how to proceed. Mr. Haws said he doesn't know that we need a specific direction and thinks the administration can just do that. Mr. Clarke said the collection side is necessary. He said if he were a teacher and knew something might go on his teaching credential that might make them look at paying the fee. Board Member Fagnan noted going to collections itself is a ding on your credit and is hard to get off. Board Member Fagnan requested an agenda item be placed on the next agenda to discuss this issue.

#### 4. Discussion regarding Policy JICI, Weapons on school campus.

Darlene McCauley said we've invited the attorney to discuss this and also Sgt. Stock from Mohave County Sheriff's Department. Mrs. McCauley said she met with Sgt. Stock regarding school safety and have put the recommended measures into place. Mr. Haws said policy JICI addresses students and not staff. Mr. Haws said it is unlikely the District insurance policy would provide coverage for a staff member that is carrying a firearm and discharge a firearm. You would need to verify with them whether you would have any such coverage. He noted there would also be some responsibility the District would be taking on. Law enforcement officers go through extensive training on decision making with shootings. If the individual didn't have training, it would be a risk to the district. Mr. Haws noted that this topic comes up in rural districts who say the response times for where they are located are long and are uncomfortable with calling 911. He advised the Governing Board they would want to confer with the local law enforcement agencies. Mr. Haws noted Policy GBEB that addresses staff conduct and states no employee shall possess a weapon on school grounds. The regulation to that policy echoes that. Both federal and state laws also



cover this topic. The gun free school zones act restricts guns within the school zone. It also says if a person is licensed by the state that is an exception. The state law prohibits deadly weapons on school grounds. There are some narrow exceptions to the state law. In Arizona you do not need a permit to carry a firearm but these statutes would require it. There was an attorney general opinion on a private school. The bottom line on the legality on it is if you were interested in really pushing the envelope on this there is a path but the practicalities in his opinion make it unwise.

Board Secretary Burch said she thinks way back when they made those regulations it has changed more recently. Mr. Haws said everyone is very on edge regarding school safety. When officers respond to a school safety situation they are coming into a situation not knowing who has a gun, whether they are staff or the bad guy. Board President Graham said if a staff member shoots an active shooter if the insurance would cover something like that. Mr. Haws said there probably will not be a lot of issues with that, but the risks to the school district are you would not have insurance coverage.

Sgt. Stock said he was here to cover the practicality but felt it was addressed by the attorney. He noted if there is a staff member with a firearm when a situation arises they will address it like someone with a firearm. He noted officers have been trained to hang badge wallets from their necks to show they have the authority. Sgt. Stock said the police have the property training to carry a firearm and noted there is a lot of liability to carrying a firearm.

Mr. Haws noted there is a narrow path to carry a firearm and he doesn't recommend allowing it. He advised he has represented schools for 30 years now. He said when it's not your full-time job such as a police officer not had the training the risks are very high, which is why you need to verify if there will be insurance coverage. Mrs. McCauley said she's worried about the psychological aspect because we put a lot of things on a teacher's plate and to put something like this on their plate is a lot to ask. Sgt. Stock said he and his department try to be on campus when there are group activities. He noted they can also be hired for school events. It is a 4 hour minimum because the officers that are called in are off duty. Board Member Fagnan said he brought this up, but was for him to bring his firearm with him and not to arm a teacher. He noted he has a concealed to carry permit. When he comes to the school he has to take that stuff off and leave it at home. He wants to know if he can come on campus and have his concealed to carry. Sgt. Stock told Board Member Fagnan if he had to use his firearm on campus he most likely wouldn't be charged with a homicide but would get in trouble for breaking the law. Board Secretary Burch said if we have an emergency there are a lot of times the Sherriff's Department doesn't come for several hours. Sgt. Stock said they've never taken hours to get to an emergency. They have 7 officers now. Sgt. Stock said if it is not a true emergency then it will take longer. If something happened at the school there would be quick response from several officers. Mrs. McCauley noted the importance with school safety. Sgt. Stock said there is a school in Texas that went overboard with school safety. Board Secretary Burch suggested putting and item on the agenda regarding hiring the Sheriff's Office for school events. Sgt. Stock advised he posts the game schedules and asks his officers to make a presence. He noted if the District would like to hire an officer for events the cost is \$50 an hour with a minimum 4 hour time period. Board President Graham said it would be the Superintendents call

regarding hiring the Sheriff's Office. Sgt. Stock said they cover almost 7,000 square miles. He said he has been in this area for 8 years and has been an officer for 17 years. Board Member Schoppmann Sgt. Stock and Mr. Haws for the work they have done and the resources received. Sgt. Stock advised he just hired 2 new officers and 4 highway patrol.

Mr. Haws said as far as scheduled events, one safety step is make sure administration can be trained that help is available and can be scheduled ahead of time. You can have some advanced discussions regarding concerns about safety. Sgt. Stock said if it's specific event call and make arrangements, but if there's a threat to the school then he can bring officers in on overtime.

5. Discussion regarding creating retention stipends for staff.

Mrs. McCauley said she recalls this was whether ESSER III funds would be used for this. Mr. Haws said there are ways to make some of your ESSER funds available to staff. Board President Graham said he thinks they cannot call it a bonus and would need to be called a stipend. Mrs. McCauley said they also can't tap into the 20% loss of learning. Mr. Haws said yes that there are 12 allowable uses of the ESSER funds. If you do it, make sure staff knows it's a one-time deal and that you aren't creating an ongoing obligation. If it's going to be a retention amount, paying it out in small amounts is more of a retention then paying it out all at once. Board President Graham asked if they need to revise the grant to allow for this. Mr. Haws said they can use the funds in the appropriate way. He noted the Governing Board typically gives some direction on how to use the funds. Mr. Boyer said if we want to change the grant, we would need to submit the revision to the Arizona Department of Education. Mrs. McCauley said we can look at where we've designated that funding to go and look at where we can make some adjustment. Mr. Boyer advised we can bring this item back in January. He further noted there are 61 employees and would need to know how the Governing Board wants something like this disbursed. Mrs. McCauley said it gets pretty dicey when you have different amounts. Board Member Fagnan said he thinks it should be a dollar amount based on years of service. Board Secretary Burch noted the District already does that with longevity pay. Mr. Boyer noted the longevity is only for classified employees that have been here over 5 years. He noted it is paid out in December and is based on the number of years an employee has worked here. Mr. Haws said legally the Governing Board would have broad discretion how to pay this out. Board President Graham said he originally thought about giving some kind of reward for those employees that worked during COVID compared to someone that was hired this last year. He further noted certified staff receives 301 monies. He noted he was looking at giving all the staff more money for their time during COVID. Board President Graham asked the Governing Board Members if they are onboard with creating a retention stipend for staff. Board Member Schoppmann said it depends upon how much money. Mrs. McCauley said staff can show the Governing Board where they have earmarked funds for different categories. Board President Graham said yes he would like to see where the funds were earmarked and also the 20% loss of learning.

6. Discussion regarding creating an account for Board Compassionate Services.

Mr. Haws said when it comes to spending money; the Arizona Constitution has a restriction

that prohibits you from giving away public funds. He said the District would need to show the money is being used for a public purpose and whether there is a public benefit for the amount you are spending. When we are talking about compassionate gifts such as sending flowers to a family of an employee that has passed away it is fine because it is of nominal value. He noted it would be better suited for the school PTO or parent group to do. Board Secretary Burch said she thought they could put in a small donation for the year. Board President Graham said the Governing Board already has some money budgeted for training and he wasn't sure if they could use those funds for this. Board Member Schoppmann said the Governing Board can go to the school and make a donation and sign the card. Mr. Boyer said if it is a nominal fee we can send flowers on behalf of the Governing Board.

7. Discussion regarding Exhibit KF-EC, Community Use of School Facilities User Fees.

Mrs. McCauley said this item is on the agenda to discuss changing the fees. Also the Governing Board was noting there may be a deterrent for some organizations to use our facilities because of the fees. Board Secretary Burch asked where the money went from the craft fair. Mrs. McCauley said it went to scholarships for the senior class. She expressed her opinion that this policy is a good way for the community to partner with the schools. If the event is sponsored by a school organization or club then there is no charge. Board Secretary Burch said the kitchen should be a little bit more than the cafeteria. She then asked why Class III isn't more for the kitchen than Class II. Mr. Boyer said one of the comments made by Board Member Moerman was if it's a government agency then they are not charged. Mr. Haws said where this comes from is gifting of funds. There are rules that apply to all districts. Mrs. McCauley said this is an agenda item on the regular meeting where the Governing Board can propose any changes. Board President Graham noted the Superintendent can reduce or waive the fee. Mrs. McCauley advised she has never been asked to waive the fee.

## **ADJOURNMENT**

Board President Graham adjourned the meeting at 4:33 p.m.

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Sonny Graham, Board President

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Darlene McCauley, Superintendent

Respectfully Submitted by:

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Sheree Goessman, District Secretary