## SUPERINTENDENT’S RECOMMENDATIONS

**October 02, 2012**

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Honorable Members of the Board of Education  
Dayton City School District  

ITEM I  

I recommend that the SEPARATIONS OF EMPLOYMENT of the following persons be accepted for both regular and supplemental duties.  

**ADJUNCT STAFF**  
001.1120.142.3025.000000.271.00.205  
Manning, James  
Resignation  
Eff. 8/30/2012  

**CLERICAL**  
001.2421.141.3111.000000.105.00.502  
Walker, Willie  
Termination  
Eff. 9/18/2012  

**RESERVE TEACHER**  
001.1100.112.7321.000000.000.00.205  
Wilson, Jacqueline  
Resignation  
Eff. 9/21/2012  

**TEACHER**  
001.1110.111.3020.120000.115.00.205  
Smith, Vivian  
Retirement  
Eff. 10/31/2012  

**TEMPORARY**  
001.2890.142.6320.000000.500.00.000  
Thomas, Debra  
Assignment Ended  
Eff. 8/31/2012  

**TRANSPORTATION**  
001.2800.141.6320.000000.537.00.704  
Hunsbarger, Keith W.  
Resignation  
Eff. 9/24/2012  

001.2800.141.6320.000000.537.00.704  
Preston-Spearman, LaShonda M.  
Resignation  
Eff. 8/13/2012
ITEM II

I recommend that the following LEAVE OF ABSENCE ACTIONS for Members of the staff shown below be approved for the reasons stated.

ADMINISTRATION
001.2421.111.3111.000000.459.00.108
Radcliffe, Lydia
FMLA (Intermittent) Eff. 9/24/2012 - 11/2/2012

TEACHER
001.1110.111.3020.000000.112.03.205
Brigham, Kenyatta
Medical Eff. 9/4/2012 - 10/26/2012

ITEM III

I recommend that the following APPOINTMENTS AND CHANGES TO THE CONTRACTS of the PROFESSIONAL STAFF MEMBERS shown be approved in accordance with the bargaining unit agreements, Board-approved salary schedules and/or mandates of the State Division of Career, Technical and Adult Education.

RESERVE TEACHER
New Hire
ADMINISTRATIVE BUILDING
Reserve Teacher at the rate of $12.75 hourly NTE 72.5 hours,
Eff. 9/12/2012, 001.1100.112.7321.000000.000.00.205
Trammell, Tygene

TEACHER
New Hire
STIVERS SCHOOL FOR THE ARTS
Teacher at the rate of $38,258.00 annually
Eff. 9/12/2012 - 6/30/2013, 001.1120.111.3020.130000.271.00.205
Grindall, Colin

VALERIE PREK-8 SCHOOL
Teacher at the rate of $39,444.00 annually
Eff. 9/17/2012 - 6/30/2013, 001.1237.111.4503.196230.146.00.206
Brown, Sandra
Recall from Layoff
WRIGHT BROTHERS PREK-8 SCHOOL
Teacher at the rate of $36,576.00 annually
Eff. 9/17/2012 - 6/30/2013, 001.1110.111.3020.120000.156.00.205
Farr, Nicole

Supplemental Contract
BELMONT HIGH SCHOOL
Credit Recovery at the rate of $38.65 hourly NTE 232 hours,
Eff. 8/17/2012 - 5/31/2013, 001.1110.113.3305.000000.000.00.000
Lieber, Lenard

Credit Recovery at the rate of $45.40 hourly NTE 232 hours,
Eff. 8/17/2012 - 5/31/2013, 001.1110.113.3305.000000.000.00.000
Smith, Jacquelen

MS Cheerleader Advisor at the rate of $678.72 annually
Eff. 8/13/2012 - 10/26/2012, 001.4510.111.5510.000000.363.00.802
Early, Janeen

THURGOOD MARSHALL HIGH SCHOOL
Credit Recovery at the rate of $45.40 hourly NTE 232 hours,
Eff. 8/17/2012 - 5/31/2013, 001.1110.113.3305.000000.000.00.000
English, Christopher

ITEM IV

I recommend that the following APPOINTMENTS AND CHANGES for NON-TEACHING PERSONNEL be approved at the rates indicated and for the periods shown, in accordance with the salary schedule for the period stated.

ADJUNCT STAFF
New Hire
STIVERS SCHOOL FOR THE ARTS
Adjunct at the rate of $18.37 hourly NTE 30 hours,
Eff. 9/26/2012 - 6/30/2013, 001.1120.142.3025.000000.271.00.205
Collins, Emily

CLERICAL
New Hire
ADMINISTRATIVE BUILDING
Level III Clerical at the rate of $14.26 hourly NTE 40 hours,
Eff. 9/10/2012, 001.2416.141.4501.000000.500.00.502
Henderson, Tammy R.
PARAPROFESSIONAL
New Hire
DAVID H. PONITZ CAREER TECHNOLOGY CENTER
Paraprofessional at the rate of $12.79 hourly NTE 65 hours,
Eff. 9/24/2012 - 6/30/2013, 001.2214.141.3050.196530.370.00.505
Smith, Lauren

ITEM V

I recommend that the Board of Education enter into the following CONTRACTS AND AGREEMENTS, and further, that the officers of the Board be authorized to sign same.

Primary Care Nursing Services - To provide health care services to DPS special needs students for the 2012-2013 SY. Eff. 8/15/2012-6/7/2013.
Code: 001.2134.413.4511.000000.500.00.000 (Amt: $25,000.00)
Purchase Request: PR000550

Professional Home Health Care 2, Inc. - To provide private duty nursing services for DPS special needs students effective 8/15/12 through 6/29/13. Eff. 8/15/2012-6/29/2013.
Code: 001.2134.413.4511.000000.500.00.000 (Amt: $25,000.00)
Purchase Request: PR001082

ITEM VI

I recommend that the Board authorize the General Funds PURCHASE REQUESTS as submitted by the Treasurer.
GENERAL FUNDS

TO: Superintendent of Schools

FROM: Treasurer

SUBJECT: Purchase Requests for Board Agenda

I recommend that the following purchase requests in excess of $5,000.00 be authorized by the Board of Education.

(1) PR001308
Vendor: Cincinnati Bell
Fund: 001.2930.640.9059.000000.500.00.000 (Amt: $24,970.62)
(Information Technology)
Description: Due to existing Storage Area Network (SAN) at 90% capacity we must have an immediate solution to support increased data space requirements for district. This is an URGENT need.
Amount: $24,970.62

(2) PR001131
Vendor: City of Dayton
Fund: 001.2700.452.6220.000000.578.00.000 (Amt: $165,000.00)
(Treasury)
Description: Water distribution for district facilities.
Amount: $165,000.00

(3) PR001059
Vendor: Dayton Power & Light Corp
Fund: 013.4590.451.5541.000000.551.00.000 (Amt: $13,000.00)
(Athletics)
Description: Electrical services for Welcome Stadium
Amount: $13,000.00

(4) PR000674
Vendor: Greater Dayton Regional Transit Authority
Fund: 001.1317.483.4501.000000.500.00.000 (Amt: $5,800.00)
(Office for Exceptional Children)
Description: To purchase bus passes/tokens and Project Mobility passes for special needs students to travel to and from job sites.
Amount: $5,800.00
(5) PR001051
Vendor: Learning A-Z
Fund: 001.2212.512.3305.000000.500.00.000 (Amt: $6,088.85)
(Curriculum & Instruction)
Description: K-3 intervention materials for classroom teachers district-wide to support the 3rd grade reading guarantee and to allow parents to be involved in instructional opportunities.
Amount: $6,088.85

(6) PR001029
Vendor: Subashi & Wildermuth
Fund: 001.2419.418.1420.000000.500.00.000 (Amt: $20,000.00)
(Legal)
Description: Provide legal services to the district for various legal matters on an as needed basis for the 2012-2013 school years.
Amount: $20,000.00
Honorable Members of the Board of Education
Dayton City School District

ITEM VII

I recommend that the following APPOINTMENTS AND CHANGES TO THE CONTRACTS of
the PROFESSIONAL STAFF MEMBERS shown be approved in accordance with the
bargaining unit agreements, Board-approved salary schedules and/or mandates of the State
Division of Career, Technical and Adult Education.

TEACHER

Supplemental Contract
THURGOOD MARSHALL HIGH SCHOOL
School Improvement Grant extended-day activities at the rate of $35.41 hourly
NTE 30 hours,
Eff. 8/13/2012 - 6/1/2013, 537.1270.113.9323.000000.372.00.000
Grieshop, Kevin

School Improvement Grant extended-day activities at the rate of $42.47 hourly
NTE 30 hours,
Eff. 8/13/2012 - 6/1/2013, 537.1270.113.9323.000000.372.00.000
Lewis, Sandra

School Improvement Grant extended-day activities at the rate of $35.41 hourly
NTE 30 hours,
Eff. 8/13/2012 - 6/1/2013, 537.1270.113.9323.000000.372.00.000
Munka, Linda

School Improvement Grant extended-day activities at the rate of $41.20 hourly
NTE 30 hours,
Eff. 8/13/2012 - 6/1/2013, 537.1270.113.9323.000000.372.00.000
Murphy, Sharon

School Improvement Grant extended-day activities at the rate of $35.41 hourly
NTE 30 hours,
Eff. 8/13/2012 - 6/1/2013, 537.1270.113.9323.000000.372.00.000
Shaw, Desirae
School Improvement Grant extended-day activities at the rate of $25.52 hourly NTE 30 hours, 
Eff. 8/13/2012 - 6/1/2013, 537.1270.113.9323.000000.372.00.000
Siroky, Jamaica

School Improvement Grant extended-day activities at the rate of $38.65 hourly NTE 30 hours, 
Eff. 8/13/2012 - 6/1/2013, 537.1270.113.9323.000000.372.00.000
Stover, Linda

School Improvement Grant extended-day activities at the rate of $26.31 hourly NTE 30 hours, 
Eff. 8/13/2012 - 6/1/2013, 537.1270.113.9323.000000.372.00.000
Thompson, Indie

School Improvement Grant extended-day activities at the rate of $35.41 hourly NTE 30 hours, 
Eff. 8/13/2012 - 5/31/2013, 537.1270.113.9323.000000.372.00.000
Ward, Stephen

School Improvement Grant extended-day activities at the rate of $31.61 hourly NTE 30 hours, 
Eff. 8/13/2012 - 5/31/2013, 537.1270.113.9323.000000.372.00.000
Mason, Claudia

ITEM VIII

I recommend that the following APPOINTMENTS AND CHANGES for NON-TEACHING PERSONNEL be approved at the rates indicated and for the periods shown, in accordance with the salary schedule for the period stated.

NUTRITION SERVICES

New Hire

Food Service Substitute at the rate of $7.70 hourly NTE 40 hours, 
Eff. 9/17/2012, 006.3120.142.6902.000000.506.00.904
Nelson, Chepkemboi

Food Service Substitute at the rate of $7.70 hourly NTE 40 hours, 
Eff. 9/10/2012, 006.3120.142.6902.000000.506.00.904
Adams, Chiquita
ITEM IX

I recommend that the following CONTRACTS FOR CONSULTANT SERVICES be approved in the amounts shown for the reasons stated.

Discipline Associates dba Teacher Learning Center, P.O. Box 20481, Rochester, NY 14602
NTE: $7,350.00
To hold an in-service for the Montgomery County Juvenile Justice system school teachers on Discipline With Dignity. No cost to the General Funds.
Eff. 11/1/2012-11/30/2012.
Code: 572.2213.412.9771.000000.500.00.000 (Amt: $7,350.00)
Purchase Request: PR001091

Dorsey Sr., Steven L., 42 Pointview Avenue, Dayton, OH 45405
NTE: $500.00
To provide services to Edwin Joel Brown PreK-8 school supporting the Title I Parent Involvement Department. All services are to be provided under the guidance of the District Title I Parent Involvement staff.
Eff. 9/3/2012-6/30/2013.
Code: 572.2190.412.9761.000000.000.00.000 (Amt: $500.00)
Purchase Request: PR001022

Enriching Parents Children, 3749 W. Salinas Circle, Dayton, OH 45440
NTE: $10,000.00
To provide on-going support for the transition of preschool children to kindergarten. Services will include: parent workshops, teacher support, community outreach to Head Start area preschools, and other agencies preparing children to attend a DPS kindergarten. No cost to the General Fund.
Eff. 9/19/2012-1/30/2013.
Code: 572.2213.412.9761.000000.000.00.000 (Amt: $10,000.00)
Purchase Request: PR001195

Learning and Leadership Partners Inc., 3005 Tower Oaks Drive, Orange Park, FL 32065
NTE: $80,267.00
Develop an overview of the Common Core and provide in-depth training to the curriculum staff district-wide on transitioning to the Common Core.
Code: 590.2213.412.9141.000000.500.00.000 (Amt: $80,267.00)
Purchase Request: PR001047
Marshall Arnold, Jackie, 3250 Fairfield Pike, Springfield, OH 45502  
NTE: $12,750.00  
Open order to cover cost of providing literacy support professional development to prek-3 teachers at Fairview Prek-8 School during the 2012-2013 school year. not to exceed $12,750.00  
Eff. 10/1/2012-6/28/2013.  
Code: 537.2213.412.9323.000000.115.00.000 (Amt: $12,750.00)  
Purchase Request: PR001354

Place, Kara, 1403 N Central Avenue, Lima, OH 45801  
NTE: $188.00  
To provide professional development to the DPS music staff on second semester curriculum, instructional planning and assessment in music education.  
Eff. 9/26/2012-9/26/2012.  
Code: 590.2213.412.9141.000000.500.00.000 (Amt: $188.00)  
Purchase Request: PR001226

Rex, Joyce, 694 Southern Belle Blvd, Beavercreek, OH 45434  
NTE: $10,000.00  
Open order to cover cost of providing professional development to Thurgood Marshall HS to assist administrators, general and special education instructors on co-teaching practices to ensure equal access to the curriculum during the 2012-13SY.  
Eff. 10/1/2012-6/28/2013.  
Code: 537.2213.412.9323.000000.372.00.000 (Amt: $10,000.00)  
Purchase Request: PR001148

Sableski, Mary-Kate, 800 Hampshire Road, Dayton, OH 45419-0000  
NTE: $12,750.00  
Open order to cover cost of providing literacy support professional development to prek-3 teachers at Fairview Prek-8 School during the 2012-2013 school year. NTE $12,750.00  
Eff. 10/1/2012-6/28/2013.  
Code: 537.2213.412.9323.000000.115.00.000 (Amt: $12,750.00)  
Purchase Request: PR001352
Scholastic Classroom Magazine, District Support Ctr2315 Dean St., Ste. 600, Saint Charles, IL 60175-4823
NTE: $363,506.00
To provide phase one professional development services for eleven Cohort 2 schools (Edison, Cleveland, Rosa Parks, Charity Adams, Dayton Boys, Horace Mann, Ruskin, Kemp, Kiser, Louise Troy, and Wogaman) with such to include for each school two days per month of job-embedded instruction with eight teachers; one day of job-embedded leadership coaching; instructional materials to support training
Eff. 10/3/2012-12/31/2012.
Code: 590.2213.412.9141.000000.500.00.000 (Amt: $363,506.00)
Purchase Request: PR001295

Scholastic Classroom Magazine, District Support Ctr2315 Dean St., Ste. 600, Saint Charles, IL 60175-4823
NTE: $195,112.00
To provide phase one professional development services for seven Cohort 1 schools (Belle Haven, Valerie, Eastmont, Wright Brothers, River's Edge, Meadowdale Elem, World of Wonder) with such to include for each school two days per month of job-embedded instruction with eight teachers; one day of job-embedded leadership coaching; instructional materials to support training and two day institute supporting effective instructional practices for DPS ISS team
Eff. 10/3/2012-12/31/2012.
Code: 590.2213.412.9141.000000.500.00.000 (Amt: $195,112.00)
Purchase Request: PR001299

Scholastic, Inc., PO Box 7502, Jefferson City, MO 65102-7502
NTE: $57,846.00
To provide Cohort 2 professional development services for Westwood School during the 2012-13 school year, with such services to include two days per month of Job Embedded instruction for a period of six months (Oct 2012 – March 2013); Five days of Job Embedded Leadership Coaching; and Instructional materials and services to support training
Code: 537.2213.412.9323.000000.151.00.000 (Amt: $57,846.00)
Purchase Request: PR001327
Scholastic, Inc., PO Box 7502, Jefferson City, MO 65102-7502
NTE: $51,646.00
To provide Cohort 1 professional development services for Edwin Joel Brown School during the 2012-13 school year, with such services to include two days per month of Job Embedded instruction for a period of six months (Oct 2012 – March 2013); Three days of Job Embedded Leadership Coaching; and Instructional materials and services to support training. Eff. 10/1/2012-3/29/2013.
Code: 537.2213.412.9333.000000.105.00.000 (Amt: $51,646.00)
Purchase Request: PR001316

Scholastic, Inc., PO Box 7502, Jefferson City, MO 65102-7502
NTE: $51,646.00
To provide Cohort 1 professional development services for Fairview School during the 2012-13 school year, with such services to include two days per month of Job Embedded instruction for a period of six months (Oct 2012 – March 2013); Three days of Job Embedded Leadership Coaching; and Instructional materials and services to support training. Eff. 10/1/2012-3/29/2013.
Code: 537.2213.412.9323.000000.115.00.000 (Amt: $51,646.00)
Purchase Request: PR001315

Shoup, Donna, 3419 O'Hara Dr., Beavercreek, OH 45434-0000
NTE: $9,600.00
Open order to cover cost of providing professional development to Thurgood Marshall HS to assist administrators, general and special education instructors on co-teaching practices to ensure equal access to the curriculum during the 2012-13 school year. Eff. 10/1/2012-6/28/2013.
Code: 537.2213.412.9323.000000.372.00.000 (Amt: $9,600.00)
Purchase Request: PR001147

Zaner-Bloser, Inc., 1201 Dublin Rd. PO Box 16764, Columbus, OH 43216-6764
NTE: $2,500.00
To provide instructional staff one day of professional development customized to meet district goals and to include learning how to use award-winning, multicultural literature to stimulate classroom discussion and student writing and to encourage community/family involvement through ongoing projects to the following schools: Edison, Edwin Joel Brown, Fairview, Kiser, Rosa Parks, Westwood, Belle Haven, Cleveland, Kemp, Meadowdale, Ruskin and World of Wonder PreK-8 Schools, Louise Troy (K-3), Wogaman (4-8), and River's Edge (K-6). Eff. 10/4/2012-1/31/2013.
Code: 590.2213.412.9141.000000.500.00.000 (Amt: $2,500.00)
Purchase Request: PR001512
ITEM X

I recommend that the Board of Education enter into the following **CONTRACTS AND AGREEMENTS**, and further, that the officers of the Board be authorized to sign same.

Catapult Learning West, LLC. - To provide services to non-public eligible students as part of the year one option year for contract approved on July 21, 2009. Eff. 9/19/2012-6/30/2013. Code: 572.3260.411.9761.000000.000.00.000 (Amt: $308,481.96)
**Purchase Request: PR000850**

Miami Valley Youth Career Svcs. - Consultant services to provide dropout prevention and career exploration services to Thurgood Marshall High School students during the 2012-2013;School year. Eff. 8/15/2012-6/28/2013. Code: 537.1270.411.9323.000000.372.00.000 (Amt: $25,000.00)
**Purchase Request: PR000662**

Unified Health Solutions, Inc. - To provide Alternative Learning Center services in school as an alternative to out of school suspension. Services included angry management, life skills training, academic remediate and violence prevention for students at Westwood and Wright Bros. Eff. 9/24/2012-6/28/2012. Code: 463.2177.411.9981.000000.433.00.000 (Amt: $90,000.00)
**Purchase Request: PR000967**

ITEM XI

I recommend that the Board authorize the **Non-General Funds PURCHASE REQUESTS** as submitted by the Treasurer.

Respectfully submitted,

Lori L. Ward
Superintendent
NON-GENERAL FUNDS

TO: Superintendent of Schools

FROM: Treasurer

SUBJECT: Purchase Requests for Board Agenda

I recommend that the following purchase requests in excess of $5,000.00 be authorized by the Board of Education.

(1) PR001197
Vendor: Telenet Solutions, Inc.
Fund: 401.3260.423.9191.000000.665.00.000 (Amt: $17,280.00)
(Auxiliary Services)
Description: To provide routine maintenance of the Immaculate Conception student computers and network.
Amount: $17,280.00
Honorable Members of the Board of Education  
Dayton City School District

ITEM XII

Pursuant to Section 3313.36 of the Ohio Revised Code, I recommend that the Board of Education of the Dayton City School District accept the following **donations** and that we convey our appreciation to the donor for their gracious and timely gifts.

A. DAYTON PUBLIC SCHOOLS

Various Donations  
Thomas Fordham Foundation  
Mayerson Academy Training  
$425.00

PNC Financial Services Group  
Transportation  
$300.00

Joseph & Carolyn Palchak  
David H. Ponitz Career Technology Center  
CTC Football  
$1,000.00

Henry DePerro  
David H. Ponitz Career Technology Center  
$100.00

ITEM XIII

I recommend adoption of the resolution accepting the amounts and rates as determined by the Budget Commission of Montgomery County authorizing the necessary tax levies and certifying them to the County Auditor.

Rationale

WHEREAS, this Board of Education in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing July 1, 2012; and
WHEREAS, the Budget Commission of Montgomery County, Ohio, has certified its actions thereon to this Board of Education together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board of Education, and what part thereof is without, and what part within, the ten mill tax limitation;

BE IT FURTHER RESOLVED, by the Board of Education of the Dayton City School District, Montgomery County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and

BE IT FURTHER RESOLVED that there be and is hereby levied on the tax duplicate of said School District the rate of each tax necessary to be levied within and without the ten mill limitation (Attachment #1); and

BE IT FURTHER RESOLVED that the Treasurer of this Board of Education be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

ITEM XIV

Authorizing the issuance of not to exceed $191,960,000 of bonds for the purpose of advance refunding all or a portion of the school facilities construction and improvement bonds, series 2003-a (general obligation – unlimited tax) and series 2003-b (general obligation – limited tax), each dated June 17, 2003, issued for the purposes set forth in the authorizing resolution adopted on March 4, 2003; advance refunding all or a portion of the school facilities construction and improvement bonds, series 2003-d (general obligation – unlimited tax), dated July 31, 2003, issued for the purposes set forth in the authorizing resolution adopted on March 4, 2003; authorizing a certificate of award, bond purchase agreement and bond registrar agreement; authorizing the use and delivery of an official statement relating to the bonds, if desired; authorizing the treasurer to negotiate a termination or amendment of an interest rate hedge agreement; authorizing the application to the state department of education to approve and execute an agreement for the contingent intercept of state foundation payments to enhance the security of the bonds; and authorizing related matters in connection therewith.

Rationale
WHEREAS, this Board adopted a resolution on March 4, 2003 (the “Bond Resolution”) authorizing the issuance of not to exceed $245,055,000 of bonds; and

WHEREAS, the School District issued a series of bonds in the original principal amount of $93,500,000 dated July 17, 2003 (the “2003-A Bonds”), a series of bonds in the original principal amount of $6,000,000 dated July 13, 2003 (the “2003-B Bonds”), and a series of bonds in the original principal amount of $151,555,000 dated July 31, 2003 (the ”2003-D Bonds,” together with the 2003-A Bonds and the 2003-B Bonds, the “2003 Bonds”); and

WHEREAS, the School District authorized the execution of an interest rate hedge agreement (the “Bank Agreement”) with The Bank of New York Mellon in connection with a current refunding of the 2003 Bonds; and
WHEREAS, in view of potential lower interest rates the Board has determined that it is advisable and in the best interest of the School District to issue refunding bonds of the School District to advance refund the 2003 Bonds and to cancel the Bank Agreement; and

WHEREAS, the Treasurer of the Board (the “Treasurer”) has certified to this Board that the maximum maturity and principal amount of the bonds herein authorized cannot exceed the maximum maturity and principal amount of the 2003 Bonds, if issued; and

WHEREAS, it is now deemed necessary to authorize the issuance and sale of not to exceed $191,960,000 of such bonds under authority of the general laws of the State of Ohio, including Ohio Revised Code Chapter 133, and in particular Section 133.34 thereof, for the purpose described in the title of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE DAYTON CITY SCHOOL DISTRICT, MONTGOMERY COUNTY, OHIO THAT:

Section 1. It is hereby declared necessary to issue bonds of the School District in the principal sum of not to exceed One Hundred Ninety-One Million, Nine Hundred Sixty Thousand Dollars ($191,960,000.00), or such lesser amount as shall be determined by the Treasurer and certified to this Board, which bonds shall be designated as “Dayton City School District, Montgomery County, Ohio Refunding School Facilities Construction & Improvement Bonds, Series 2012,” or as otherwise designated herein below or as otherwise designated by the Treasurer (the “Bonds”), for the purpose described in the title of this Resolution and the Board hereby determines that refunding the outstanding 2003 Bonds is in the best interest of the District. The Bonds may be issued in one or more series.

Section 2. The Bonds shall be issued as fully registered bonds in book entry form, in such denominations as shall be determined by the Treasurer, but not exceeding the principal amount of Bonds maturing on any one date; and shall be numbered consecutively from R-1 upward, as determined by the Treasurer. The Treasurer is hereby authorized and directed to execute on behalf of the School District a Certificate of Award relating to the terms of the Bonds (the “Certificate of Award”) setting forth the aggregate principal amount, dated date, purchaser, purchase price, maturity schedule, interest rate, interest payment dates, optional and mandatory redemption provisions, if any, and such other terms of the Bonds not inconsistent with this Resolution as the Treasurer shall deem appropriate in his discretion on behalf of this Board, provided that the maximum maturity date of the Bonds shall not be later than December 1, 2031 and the true interest cost for the Bonds in the aggregate shall not exceed six per centum (6.00%) per annum.

Section 3. The Treasurer is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent for the Bonds or to execute on behalf of the School District a Bond Registrar Agreement (the “Bond Registrar Agreement”) with such bank or other appropriate financial institution as shall be acceptable to the Treasurer (the “Bond Registrar”). Such Bond Registrar Agreement shall set forth the requirements for the execution, authentication, registration, exchange of, transfer and terms for the payment, record and notice of debt service on the Bonds, in addition to terms for a successor Bond Registrar.
The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Resolution, and no Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until authenticated pursuant to the terms of the Bond Registrar Agreement.

The Bond Registrar Agreement shall also set forth that the terms pursuant to which the Bonds will be delivered as fully registered in book entry form with a securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book entry system to record beneficial ownership of Bonds, and to effect transfers of Bonds, in book entry form, which shall include The Depository Trust Company (a limited purpose trust company), New York, New York.

If requested, the President of the Board (the “President”), Treasurer, or any other officer of this Board is authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the School District, a letter agreement among the School District, the Bond Registrar and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book entry system in substantially the form submitted to the Board.

Section 4. There shall be and is hereby levied annually on all the taxable property in the School District, in addition to all other taxes and outside the ten mill limitation, a direct tax (the “Debt Service Levy”) for each year during which any of the Bonds are outstanding for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution.

Section 5. The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the premium, if any, and interest on and principal of the Bonds when and as the same falls due. Notwithstanding the foregoing, if the School District determines that funds will be available from other sources for the payment of the Bonds in any year, the amount of the Debt Service Levy for such year shall be reduced by the amount of funds which will be so available, and the School District shall appropriate such funds to the payment of the Bonds in accordance with law.

Section 6. The Bonds shall be sold pursuant to the terms listed in the Certificate of Award. The President and Treasurer, or either of them individually, are authorized and directed to execute on behalf of the Board a Bond Purchase Agreement, setting forth the conditions under which the Bonds are to be sold and delivered, which agreement shall be in such form, not inconsistent with the terms of this Resolution and the Certificate of Award, as the Treasurer
shall determine. The proceeds from the sale of the Bonds shall be applied as specified in the Certificate of Award and the Bond Purchase Agreement.

Section 7. The Board hereby covenants that it will comply with the requirements of all existing and future federal laws which must be satisfied in order that interest on the Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Bonds will not constitute “private activity bonds” within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the “Code”). The Board further covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the “Regulations”).

The Treasurer, or any other officer of this Board, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the Board with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Treasurer, which action shall be in writing and signed by the Treasurer, or any other officer of the Board, on behalf of the Board; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the School District, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the Board, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the Board pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the Board regarding compliance by the Board with Sections 141 through 150 of the Code and the Regulations.

The Treasurer shall keep and maintain adequate records pertaining to investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the School District to comply with any federal law or regulation now or hereafter having applicability to the Bonds which limits the amount of bond proceeds which may be invested on an unrestricted yield or requires the School District to rebate arbitrage profits to the United States Department of the Treasury. The Treasurer is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates.

Section 8. The President and Treasurer, or either of them individually, are each authorized to cancel, terminate or amend the Bank Agreement; provided however, that any changes to the Bank Agreement must be reviewed and recommended to the Board by an independent
interest rate hedge advisor experienced with the terms and pricing of similar transactions. Such advisor shall be retained as provided in Section 11.

Section 9. If the Treasurer determines that an Official Statement is necessary or appropriate to facilitate the sale of the Bonds, the distribution of an Official Statement of the School District, in preliminary and final form, relating to the original issuance of the Bonds is hereby authorized, and the President and Treasurer are hereby authorized to negotiate, prepare and execute, on behalf of the School District and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and they are authorized to advise the purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as they deem necessary or appropriate to protect the interests of the School District. The President and Treasurer are each authorized to execute and deliver, on behalf of the School District and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Section 10. The Board is hereby authorized to request, pursuant to Ohio Revised Code Section 3317.18, that the State Department of Education approve an agreement among the State, the School District, and the Bond Registrar providing for the withholding of deposit of funds, otherwise due the School District under Ohio Revised Code Chapter 3317, for the payment of debt charges on the Bonds. The President and Treasurer, or either of them individually, is hereby authorized to prepare and file with the State an application for such approval and to execute and deliver on behalf of the Board any and all documents, certificates, forms and agreements that are in their judgment necessary or appropriate in connection therewith, if such officer deems such agreement to be in the best interest of the School District.

Section 11. The officer having charge of the minutes of the Board and any other officers of the Board, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Board relating to the power and authority of the School District to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Treasurer and a no-litigation certificate of the President and the Treasurer, and such certified copies and certificates shall be deemed representations of the School District as to the facts stated therein.

Section 12. The Treasurer, on behalf of the Board, is hereby authorized to retain such legal counsel, financial advisors, interest rate hedge advisors, or other firms as necessary to serve in those capacities to the School District for the issuance of the Bonds. The fees to be paid to such firms shall be subject to review and approval of the Treasurer, shall not exceed the fees customarily charged for such services, and may be paid upon closing of the financing from proceeds of the Bonds.
Section 13. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the School District have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the School District are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

Section 14. It is hereby found and determined that all formal actions of the Board concerning and relating to the passage of this Resolution were taken in an open meeting of the Board, and that all deliberations of the Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 15. The Treasurer is hereby directed to forward a certified copy of this Resolution to the County Auditor of Montgomery County, Ohio.

ITEM XV

Amending the note resolution adopted on April 15, 2008, as amended on January 6, 2009 and February 12, 2009, authorizing the issuance of not to exceed $93,455,000 of notes in anticipation of the issuance of bonds for the purpose of refunding a portion of the school facilities construction and improvement bonds, Series 2003-A (general obligation – unlimited tax), dated June 17, 2003, issued for the purposes set forth in the authorizing resolution adopted on March 4, 2003; and authorizing a note placement agreement, a note registrar agreement and an interest rate hedge; and if in the best interest of the school district requesting the state department of education to approve an agreement and, if desired, authorizing the execution of such agreement to provide for the contingent intercept of state foundation payments to enhance the security of the notes.

WHEREAS, this Board adopted a Note Resolution on April 15, 2008 (the “Original Resolution”) authorizing the issuance of note to exceed $93,455,000 of Notes to refund bonds issued in the original principal amount of $99,500,000 dated June 17, 2003 (the “2003A Bonds”), with capitalized terms used herein as defined in the Original Resolution; and

WHEREAS, in view of currently prevailing lower interest rates and the availability of one or more advantageous interest rate hedges, the Board has determined that is remains advisable and in the best interest of the School District to (i) issue refunding bonds (the “Refunding Bonds”) of the School District to refund a portion of the 2003A Bonds (the “Refunded Bonds”), (ii) to issue refunding bond anticipation notes (the “Notes”) in anticipation of the Refunding Bonds, and (iii) to enter into one or more interest rate hedges; and

WHEREAS, the Treasurer of the Board (the “Treasurer”) has certified to this Board that the maximum maturity and principal amount of the securities herein authorized cannot exceed the respective maximum maturities of the Refunded Bonds and the principal amount of bonds authorized by voters on the Election Date; and
WHEREAS, the Original Resolution was amended on January 6, 2009 and February 12, 2009 (the “Amended Resolution”) and this Board desires to further amend the Amended Resolution with respect to the designation of Financial Advisor to the School District and to the designation of Placement Agent for the Notes; and

WHEREAS, it is not deemed necessary to issue and sell not to exceed $93,455,000 of the Notes under authority of the general laws of the State of Ohio, including Chapter 133, Ohio Revised Code, and in particular Section 133.22 and 133.34 thereof and Sections 9.98 through 9.983 of the Ohio Revised Code, for the purpose described in the title of this resolution; and

WHEREAS, based upon the advice of the Financial Advisor and Swap Advisor described herein, this Board desires to amend the Original Resolution to authorize the contract for the sale of the Notes in the future and take other actions;

Rationale

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE DAYTON CITY SCHOOL DISTRICT, MONTGOMERY COUNTY, OHIO THAT:

Section 1. Section 14 of the Original Resolution is deleted and amended in its entirety to read as follows:

“Section 14. The Notes shall be sold in private sale to PNC Capital Markets LLC or one or more other purchasers (the “Original Purchaser”) at the purchase price set forth in the Certificate of Fiscal Officer, plus interest accrued to the date of delivery of the Notes to the Original Purchaser. Bradley Payne LLC shall act as financial advisor to the Board (the “Financial Advisor”) and PNC Capital Markets LLC shall act as placement agent for the Notes (the “Placement Agent”) if the Notes are sold to another Original Purchaser. The Superintendent, President and Treasurer, or any of them individually, are authorized and directed to execute on behalf of the Board a Note Placement Agreement with the Original Purchaser, setting for the conditions under which the Notes are to be sold and delivered, which agreement shall be in such form, not inconsistent with the terms of this resolution, as the Treasurer shall determine, including provisions for the payment of premium on any series of Notes at any time, or for the delivery of one or more series of Notes on or not more than 90 days prior to the first optional redemption date of any related series of Refunded Bonds. The upfront payment received from the counterparty to the interest rate hedge described in Section 16 hereof is hereby deemed premium and shall be deposited into the School District’s Permanent Improvement Fund. Unless otherwise provided in the Certificate of Fiscal Officer, proceeds received from the sale of the Notes shall be deposited to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Refunded Bonds, or other obligations of the School District, as permitted by law.”

Section 2. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the School District have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of
the School District are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 3. It is hereby found and determined that all formal actions of the Board concerning and relating to the passage of this Resolution were taken in an open meeting of the Board, and that all deliberations of the Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 4. Except as amended herein, the Original Resolution is hereby ratified and confirmed, and remains in full force and effect.

Section 5. The Treasurer is hereby directed to forward a certified copy of this Resolution to the County Auditor of Montgomery County, Ohio.

ITEM XVI

Amending the note resolution adopted on April 15, 2008, as amended on January 6, 2009 and February 12, 2009, authorizing the issuance of not to exceed $94,505,000 of notes in anticipation of the issuance of bonds for the purpose of refunding a portion of the school facilities construction and improvement bonds, series 2003-d (general obligation – unlimited tax), dated June 31, 2003, issued for the purposes set forth in the authorizing resolution adopted on March 4, 2003; and authorizing a note placement agreement, a note registrar agreement and an interest rate hedge; and if in the best interest of the school district requesting the state department of education to approve an agreement and, if desired, authorizing the execution of such agreement to provide for the contingent intercept of state foundation payments to enhance the security of the notes.

Rationale
WHEREAS, this Board adopted a Note Resolution on April 15, 2008 (the “Original Resolution”) authorizing the issuance of notes to exceed $94,505,000 to refund bonds issued in the original principal amount of $151,555,000 dated June 31, 2003 (the “2003D Bonds”), with capitalized terms used herein as defined in the Original Resolution; and

WHEREAS, in view of currently prevailing lower interest rates and the availability of one or more advantageous interest rate hedges, the Board has determined that it remains advisable and in the best interest of the School District to (i) issue refunding bonds (the “Refunding Bonds”) of the School District to refund a portion of the 2003D Bonds (the “Refunded Bonds”), (ii) to issue refunding bond anticipation notes (the “Notes”) in anticipation of the Refunding Bonds, and (iii) to enter into one or more interest rate hedges; and

WHEREAS, the Treasurer of the Board (the “Treasurer”) has certified to this Board that the maximum maturity and principal amount of the securities herein authorized cannot exceed the respective maximum maturities of the Refunded Bonds and the principal amount of bonds authorized by voters on the Election Date; and
WHEREAS, the Original Resolution was amended on January 6, 2009 and February 12, 2009 (the "Amended Resolution") and this Board desires to further amend the Amended Resolution with respect to the designation of Financial Advisor to the School District and to the designation of Placement Agent for the Notes; and

WHEREAS, it is not deemed necessary to issue and sell not to exceed $94,505,000 of the Notes under authority of the general laws of the State of Ohio, including Chapter 133, Ohio Revised Code, and in particular Section 133.22 and 133.34 thereof and Sections 9.98 through 9.983 of the Ohio Revised Code, for the purpose described in the title of this resolution; and

WHEREAS, based upon the advice of the Financial Advisor and Swap Advisor described herein, this Board desires to amend the Original Resolution to authorize the contract for the sale of the Notes in the future and take other actions;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE DAYTON CITY SCHOOL DISTRICT, MONTGOMERY COUNTY, OHIO THAT:

Section 1. Section 14 of the Original Resolution is deleted and amended in its entirety to read as follows:

“Section 14. The Notes shall be sold in private sale to PNC Capital Markets LLC or one or more other purchasers (the “Original Purchaser”) at the purchase price set forth in the Certificate of Fiscal Officer, plus interest accrued to the date of delivery of the Notes to the Original Purchaser. Bradley Payne LLC shall act as financial advisor to the Board (the “Financial Advisor”) and PNC Capital Markets LLC shall act as placement agent for the Notes (the “Placement Agent”) if the Notes are sold to another Original Purchaser. The Superintendent, President and Treasurer, or any of them individually, are authorized and directed to execute on behalf of the Board a Note Placement Agreement with the Original Purchaser, setting for the conditions under which the Notes are to be sold and delivered, which agreement shall be in such form, not inconsistent with the terms of this resolution, as the Treasurer shall determine, including provisions for the payment of premium on any series of Notes at any time, or for the delivery of one or more series of Notes on or not more than 90 days prior to the first optional redemption date of any related series of Refunded Bonds. The upfront payment received from the counterparty to the interest rate hedge described in Section 16 hereof is hereby deemed premium and shall be deposited into the School District’s Permanent Improvement Fund. Unless otherwise provided in the Certificate of Fiscal Officer, proceeds received from the sale of the Notes shall be deposited to the Bond Retirement Fund to be applied to the payment of the principal of and interest on the Refunded Bonds, or other obligations of the School District, as permitted by law.”

Section 2. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the School District have happened, been done and been performed in regular and due form as required by law; that the full faith, credit and revenue of the School District are hereby irrevocably pledged for the prompt payment of the principal and
interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Notes.

Section 3. It is hereby found and determined that all formal actions of the Board concerning and relating to the passage of this Resolution were taken in an open meeting of the Board, and that all deliberations of the Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 4. Except as amended herein, the Original Resolution is hereby ratified and confirmed, and remains in full force and effect.

Section 5. The Treasurer is hereby directed to forward a certified copy of this Resolution to the County Auditor of Montgomery County, Ohio.

ITEM XVII

Pursuant to Section 5705.41 of the Ohio Revised Code, I recommend that the Board of Education of the Dayton City School District accept the following “then and now certificate.” It is hereby certified that both at the time of the making of this contract or order and at the date of the execution of this certificate the amount required to pay this contract or order has been appropriated for the purpose of this contract or order and is in the treasury or in the process of collection to the credit of the fund, free from any previous encumbrance.

I recommend that the following invoices $3,000.00 and over be authorized for payment by the Dayton Board of Education.

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Respectfully submitted,

Stanley E. Lucas
Treasurer
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