

**OFFICIAL MINUTES
OF THE
BOARD OF EDUCATION, DAYTON CITY SCHOOL DISTRICT**

MEMBERS

Yvonne Isaacs

Joseph Lacey

Ronald Lee

Nancy Nerny

Reverend Dr. Schooler

Sheila Taylor

Stacy Thompson

OFFICERS

Nancy Nerny
President

Ronald Lee
Vice President

Lori Ward
Superintendent of
Schools

Stanley E. Lucas
Treasurer / Chief Financial
Officer

Student Senate Representative:

September 20, 2011

Business Meeting

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These Minutes approved November 2, 2011, Dayton, Ohio

These Minutes published November 8, 2011, Dayton, Ohio

**Board of Education, Dayton City School District
Dayton Montgomery County, Ohio
September 20, 2011 – Business Meeting**

The Board of Education of the Dayton City School District convened its regularly scheduled Business Meeting on Tuesday, September 20, 2011 at 6:00 p.m. in the Board Room, 115 S. Ludlow Street, Dayton, Montgomery County, Ohio, with President Nerny in the Chair.

EX-OFFICIO MEMBER'S OATH OF OFFICE AND SEATING ON DAIS

The oath of office was administered to Eliza Straughter, President, Superintendent's Student Senate; Lori L. Ward, Superintendent, assisted with the Swearing in.

ROLL CALL

MEMBERS ANSWERING ROLL CALL: Isaacs, Lacey, Lee, Nerny, Schooler, Taylor, Thompson– 7
{SSR – Straughter} – PRESENT

MEMBERS ABSENT: None – 0

PLEDGE

Pledge of allegiance to the flag.

SCHOOL PRESENTATION – Edison Prek-8 School

Albert Jordan, Principal along with Tammy Brewer, Danielle Dapps and Taffy Turner addressed the board.

DAYTON EDUCATION COUNCIL REPORT

Les Weller, President addressed the board.

HEARING OF THE PUBLIC

The following people addressed the board: Ohio House of Representative Jim Buchy, Ohio House of Representative Michael Henne, Sarah Todd

HEARING OF THE BARGAINING UNIONS

David Romick, Johnny Allen and Marsha Russ addressed the board.

BOARD MEMBER

Pastor Schooler made a statement regarding the resolutions XIV and XV. Based on parliamentary procedure, discussions ensued in the middle of a motion and are not allowed per Mr. Lacey.

SUPERINTENDENT'S RECOMMENDATIONS

The following recommendations were presented by Lori L. Ward, Superintendent of Schools for consideration by the Board:

**Board of Education, Dayton City School District
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GENERAL FUNDS**ITEM I**

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

TEACHER

001.1120.111.3020.130000.271.00.205

Bell, Carolyn

Retirement

Eff. 9/30/2011

TEMPORARY

001.2700.142.6241.000000.578.00.902

Bissacco, Michael

Retirement

Eff. 8/1/2011

001.2700.142.6241.000000.578.00.902

Stumn, James

Retirement

Eff. 8/1/2011

TRANSPORTATION

001.2800.141.6320.000000.537.00.704

Rodgers, Joe N.

Disability Retirement

Eff. 9/6/2011

ITEM II

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**Rehire**

ADMINISTRATIVE BUILDING

Reserve Teacher at the rate of \$12.75 hourly, NTE 72.5 hours,

Eff. 8/17/2011, 001.1100.112.7321.000000.000.00.205

Kearns, Elizabeth R.

Reserve Teacher at the rate of \$12.75 hourly, NTE 72.25 hours,

Eff. 8/25/2011, 001.1100.112.7321.000000.000.00.205

Lacy, Edward

TEACHER**Supplemental Contract**

ADMINISTRATIVE BUILDING

Adult and Child C.P.R./A.E.D. Training at the rate of \$42.49 hourly, NTE 5 hours,

Eff. 9/12/2011 - 9/12/2011, 001.2139.113.3305.000000.000.00.320

Connally, Geneva

ITEM III

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.

**Board of Education, Dayton City School District
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ADJUNCT STAFF**New Hire**

STIVERS SCHOOL FOR THE ARTS

Adjunct at the rate of \$18.37 hourly, NTE 30 hours,

Eff. 9/6/2011 - 6/30/2012, 001.1120.142.3020.000000.271.00.205

McEnery, Stephanie

OPERATIONS**Change of Contract**

SERVICE BUILDING

From Assistant Custodian to Grounds Keeper at the rate of \$17.88 hourly, NTE 80 hours,

Eff. 9/26/2011, 001.2730.141.6230.000000.578.00.908

Smith, Timothy

From Assistant Custodian to Grounds Keeper at the rate of \$17.88 hourly, NTE 80 hours,

Eff. 9/26/2011, 001.2730.141.6320.000000.578.00.908

Smith, Gregory P.

From Head Custodian to Grounds Keeper at the rate of \$17.88 hourly, NTE 80 hours,

Eff. 9/26/2011, 001.2730.141.6230.000000.578.00.908

Howard, Candy L.

ITEM IV

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.

ADT Security Services Inc. - Installation and monitoring of fire alarm at new Belmont High School, 2615 Wayne Ave. Eff. 8/29/2011-8/29/2016.

Code: 001.2760.410.1950.000000.500.00.000 (Amt: \$695.00)

Purchase Order: 126580

Luciano "Lucky" Montoya - Auctioneer services for the disposal of vehicles, deemed unusable or irreparable by DPS Transportation Department. Vehicles are located at 2003 James H, McGee Blvd. Eff. 9/20/2011-11/18/2011.

Maxim Healthcare Services - Provision of special education related health service to DPS student in 2011-12 SY. NTE \$35.00 PH/7.50 hours per day. Eff. 8/17/2011-6/1/2012. Code:001.2134.413.1920.000000.500.00.000 (Amt: \$10,000.00)

Purchase Order: 126640**ITEM V**

I recommend that the Board authorize the **General Funds PURCHASE ORDERS** as submitted by the Treasurer.

GENERAL FUNDS

TO: Superintendent of Schools

FROM: Treasurer

**Board of Education, Dayton City School District
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SUBJECT: Purchase Orders for Board Agenda

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

(1) 126500

Vendor: CCI Investments, LLC

Fund: 022.2940.491.2014.000000.000.00.000 (Amt: \$20,000.00)

(Human Resources)

Description: Third-party fee involved with Workers Compensation Claims (quarterly fee)

Amount: \$20,000.00

(2) 126047

Vendor: Dayton-Montgomery County Scholarship Program

Fund: 001.2411.849.1020.000000.500.00.000 (Amt: \$28,142.02)

(Superintendent's Office)

Description: District fee to participate in the Dayton-Montgomery County Scholarship Fund.

Amount: \$28,142.02

(3) 126733

Vendor: GAB Robins North America, Inc.

Fund: 001.2310.491.2002.000000.000.00.000 (Amt: \$92,500.00)

(Treasury)

Description: Reimbursement to the loss fund account for claims.

Amount: \$92,500.00

(4) 126738

Vendor: Next Wave

Fund: 001.2932.446.1620.000000.500.00.000 (Amt: \$23,060.00)

(Public Information Office)

Description: Marketing materials will be researched, written and produced for each PreK-8 school, high school and special centers for use in Student Assignment, by staff and in our schools to promote our schools and programs and recruit students.

Amount: \$23,060.00

(5) 126584

Vendor: Ohio BCI

Fund: 001.2760.414.1950.000000.500.00.000 (Amt: \$10,000.00)

(Safety & Security)

Description: Criminal Investigation, Background Checks and Fingerprinting Services

Amount: \$10,000.00

NON/GENERAL FUNDS

ITEM VI

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

NUTRITION SERVICES

006.3120.141.6902.000000.000.00.904

Harrison, Beverly A.

Medical

Eff. 9/6/2011 - 10/12/2011

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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****ADMINISTRATIVE BUILDING**

Career Technical Education Curriculum Development at the rate of \$1,250.00 annually,
Eff. 10/1/2011 - 2/28/2012, 524.2212.113.9682.000000.500.00.205
Berro, Julie

Career Technical Education Curriculum Development at the rate of \$1,250.00 annually,
Eff. 10/1/2011 - 2/28/2012, 524.2212.113.9682.000000.500.00.205
Barta, Mary Ann

Title I Early Childhood Education health screenings at the rate of \$35.41 hourly, NTE 450 hours,
Eff. 9/1/2011 - 6/30/2012, 572.2212.113.9681.000000.500.00.205
Sommer, Harrietta

WESTWOOD PREK-8 SCHOOL

School Improvement Grant; Extended day after-school program at the rate of
\$24.31 hourly, NTE 14 hours,
Eff. 9/12/2011 - 9/29/2011, 537.1270.113.9321.000000.151.00.205
Cooley, Sara

School Improvement Grant; Extended day after-school program at the rate of
\$29.42 hourly, NTE 14 hours,
Eff. 9/12/2011 - 9/29/2011, 537.1270.113.9321.000000.151.00.205
Etter, Kristal
Grabeman, Jann

School Improvement Grant; Extended day after-school program at the rate of
\$33.38 hourly, NTE 14 hours,
Eff. 9/12/2011 - 9/29/2011, 537.1270.113.9321.000000.151.00.205
Rollins, Robin

School Improvement Grant; Extended day after-school program at the rate of
\$32.68 hourly, NTE 17 hours,
Eff. 9/12/2011 - 9/29/2011, 537.1270.113.9321.000000.151.00.205
Young Groach, Pamela

ITEM VIII

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

Anzalone, Ann, 116 Hilltop Ave, Dayton, OH 45419
NTE: \$3,000.00

To provide two days of professional development for Title I Instructional Paraprofessionals between September 26,

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2011, and May 15, 2012.
Eff. 9/26/2011-5/15/2012.
Code: 572.2213.412.9762.000000.000.00.000 (Amt: \$3,000.00)
Purchase Order: 11159140

Eric Thomas Consulting, 1534 Winford Court, Cincinnati, OH 45240
Positive School Climate training as a part of the district-wide initiative to promote student learning. Training was held during the "Tooling Up for Transformation" professional development.
Code: 019.2213.119.9090.000000.000.00.205 (Amt: \$2,700.00)
Eff. 6/20/2011-6/21/2011.

Marshall Arnold, Jackie, 3250 Fairfield Pike, Springfield, OH 45502
NTE: \$12,750.00
To cover cost of providing professional development in Literacy grades K-3 to Fairview PreK-8 teachers during the 2011-2012 school year.
Eff. 9/1/2011-6/29/2012.
Code: 537.2213.412.9321.000000.115.00.000 (Amt: \$12,750.00)
Purchase Order: 11159152

Teaching Our Youth, LLC, 8431 Jack Pine Ct, Ypsilanti, MI 48197
NTE: \$2,880.00
To provide training to build an environment that is positive and conducive to learning.
To help Wright Brothers PreK-8 teachers have an understanding of each other and work collaboratively.
Eff. 9/20/2011-2/29/2012.
Code: 572.2213.412.9762.000000.000.00.000 (Amt: \$2,880.00)
Purchase Order: 11159086

Teaching Our Youth, LLC, 8431 Jack Pine Ct, Ypsilanti, MI 48197
NTE: \$6,571.00
To hold two staff development sessions at Eastmont PreK-8 school. One, to improve teaching in order to meet individual needs of students through differentiation to close achievement gaps and the other one to improve teaching through improved staff teaming to enhancing closing the achievement gaps. "Teaching The Styles" and "Teaching With Love and Logic".
Eff. 9/23/2011-2/29/2012.
Code: 572.2213.412.9762.000000.000.00.000 (Amt: \$6,571.00)
Purchase Order: 11159105

Thomas, Eric Consulting, 1534 Winford Ct, Cincinnati, OH 45240
NTE: \$5,000.00
To cover cost of professional development services to provide an overview and specific strategies to promote a positive school culture at Westwood PreK-8 Elementary School during the 2011-2012 school year.
Eff. 9/1/2011-6/29/2012.
Code: 537.2213.412.9321.000000.151.00.000 (Amt: \$5,000.00)
Purchase Order: 11159150

Wright Jr., Derrick, 435 Majestic Drive, Dayton, OH 45417
NTE: \$35,000.00
For professional development and technical support for Interactive Video Distance Learning in all PreK-8 Title I schools.
Eff. 9/1/2011-5/31/2012.
Code: 572.2211.412.9762.000000.500.00.000 (Amt: \$35,000.00)
Purchase Order: 11159103

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ITEM IX

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.

Nutrition Services Meal Services - Agreement with Summit Academy Management for Summit Academy Transition High School - Dayton for breakfast at \$1.70 and cafeteria-style lunch at \$2.90. Eff. 8/23/2011-6/30/2012.

Nutrition Services Department - Meal Services Agreement with Summit Academy Management for Summit Academy Community School - Dayton for breakfast at \$1.70 and cafeteria-style lunch at \$2.90. Eff. 8/23/2011-6/30/2012.

Project Impact - To provide after-school services to include homework assistance, drug and violence prevention, character education, recreation activities, career exploration through the 21st Century Community Learning Center grant at Louise Troy PreK-8
Eff. 9/20/2011-6/29/2012.

Code: 599.2190.411.9022.000000.000.00.000 (Amt: \$34,500.00)

Purchase Order: 11159144

Teamwork Solutions, Inc. - To upgrade the student data collection software and e-form processing for Title I School-wide programs (Positive School Climate).

Eff. 8/23/2011-9/20/2011.

Code: 572.2212.516.9321.000000.500.00.000 (Amt: \$20,500.00)

Purchase Order: 11159092

Unified Health Solutions Inc. - To provide after-school services to include homework assistance, drug and violence prevention, character education, recreation activities, career exploration through the 21st Century Community Learning Center grant at Dunbar High School. Eff. 9/20/2011-6/29/2012.

Code: 599.2190.411.9022.000000.000.00.000 (Amt: \$34,500.00)

Purchase Order: 11159145

Unified Health Solutions Inc. - To provide anger management, drug prevention, and homework assistance as in-school alternative to out of school suspension in the Alternative Learning Center classrooms at Westwood and Wright Bros PreK-8 Schools.

Eff. 9/20/2011-6/29/2012.

Code: 463.2177.411.9982.000000.000.00.000 (Amt: \$88,000.00)

Purchase Order: 11159143

Wesley Community Center - To provide after-school services to include homework assistance, drug and violence prevention, character education, recreation activities, career exploration through the 21st Century Community Learning Center grant at Wogaman PreK-8. Eff. 9/20/2011-6/29/2012.

Code: 599.2190.411.9022.000000.000.00.000 (Amt: \$35,000.00)

Purchase Order: 11159146

ITEM X

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

NON-GENERAL FUNDS

TO: Superintendent of Schools

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FROM: Treasurer

SUBJECT: Purchase Orders for Board Agenda

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

CONTRACT/AGREEMENT APPROVED ON 9/15/2009 BOARD AGENDA

(1) 11159106

Vendor: Catapult Learning, LLC

Fund: 572.3260.411.9762.000000.000.00.000 (Amt: \$313,950.00)

(STATE AND FEDERAL GRANTS MANAGEMENT)

Description: Instructional services to non-public students who are eligible for Title I services.

Amount: \$313,950.00

(2) 11158977

Vendor: CDW Government Inc.

Fund: 003.2930.641.2009.000000.000.00.000 (Amt: \$37,800.00)

(Information Technology)

Description: 200 Computer monitors associated with Administration refresh approved by the Board on August 2, 2011, PO #11158978,

Amount: \$37,800.00 for the following schools: Stivers, Horace Mann, Cleveland, Kemp, Ruskin, Kiser, Gorman, Dunbar, Thurgood, EJ Brown, Longfellow, Westwood, Louise Troy, Gardendale; Wogaman, and Belle Haven.

(3) 11159201

Vendor: CDW Government Inc.

Fund: 506.2212.644.9797.000000.000.00.000 (Amt: \$45,026.00)

(Accountability)

Description: Monitors for teacher computer upgrades.

Amount: \$45,026.00

(4) 11158976

Vendor: Cincinnati Bell

Fund: 003.2930.641.2009.000000.000.00.000 (Amt: \$11,340.00)

(Information Technology)

Description: Adobe Digital School software for Administration refresh.

Amount: \$11,340.00

(5) 11159209

Vendor: Hewlett Packard

Fund: 506.2212.644.9797.000000.000.00.000 (Amt: \$302,378.33)

(Accountability)

Description: Classroom teacher computer upgrades.

Amount: \$302,378.33

CONTRACT/AGREEMENT APPROVED ON 8/16/2011 BOARD AGENDA

(6) 11159030

Vendor: Miami Valley Child Development

Fund: 439.1270.411.9472.000000.000.00.000 (Amt: \$180,320.00)

(STATE AND FEDERAL GRANTS MANAGEMENT)

Description: For the P.O. created to cover the agreement between Miami Valley Child Development Centers and DPS to operate the Early Childhood Entitlement Program at Longfellow School for the 2011-2012 school year.

Amount: \$180,320.00

(7) 11159210

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Vendor: Platinum Technology Services
Fund: 506.2212.644.9797.000000.000.00.000 (Amt: \$19,160.00)
(Accountability)
Description: Installation of Acer Computers in schools.
Amount: \$19,160.00

CONTRACT/AGREEMENT APPROVED ON 6/21/2011 BOARD AGENDA
(8) 11159094

Vendor: Scholastic Book Club Inc.
Fund: 590.2213.410.9142.000000.500.00.000 (Amt: \$260,962.00)
(STATE AND FEDERAL GRANTS MANAGEMENT)
Description: To provide onsite implementation professional development for teaching using READ 180 during the FY 12 academic year. Invoice monthly for services rendered.
Amount: \$260,962.00

CONTRACT/AGREEMENT APPROVED ON 8/16/2011 BOARD AGENDA
(9) 11159132

Vendor: Teaching Strategies, Inc.
Fund: 572.2213.516.9762.000000.500.00.000 (Amt: \$15,450.00)
(STATE AND FEDERAL GRANTS MANAGEMENT)
Description: To purchase an online reporting and assessment system for all Dayton Public Schools Title I preschool programs.
Amount: \$15,450.00

OSFC FUNDS

ITEM XI

I recommend approval of the Resolution for an Easement at Fairview PreK-8 School with the City of Dayton, Ohio.

Rationale

The City of Dayton, Ohio, requires an easement for the Fairview Safe Routes to School project and a letter of agreement to grant the easement for the project as a donation.

NOW, THEREFORE, BE IT RESOLVED that this Board of Education, Dayton City School District, enter into an Easement Agreement by and among the City of Dayton, Ohio, and the Board of Education of the Dayton City School District as set forth in the Easement Agreement.

BE IT FURTHER RESOLVED that the Treasurer and President of the Board are authorized to sign said Easement Agreement.

ITEM XII

I recommend approval of the following resolution requesting permission to advertise for bids for furnishing all labor, materials, and equipment necessary to complete the Parking Lot Expansion Project, located at Dunbar High School.

Rationale

Dunbar High School located at 1400 Albritton, Dayton, Ohio, currently has insufficient parking to accommodate parking for staff, students and guests during extracurricular events held at this location.

NOW, THEREFORE, BE IT RESOLVED that the Treasurer is and hereby authorized to advertise for bid for the Dunbar Parking Lot Project. Said bids will be opened and read publicly in accordance with the provisions of

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Section 3313.46 of the Ohio revised Code and said bids will be tabulated and reported to the Board of Education at a regularly scheduled meeting.

Respectfully submitted,

Lori L. Ward
Superintendent

It was moved by Ms. Isaacs and seconded by Mr. Lee to accept the Superintendent's Recommendations.

AYES: Isaacs, Lacey, Lee, Nerny, Schooler, Taylor, Thompson – 7

NAYS: None – 0

Motion Carried.

TREASURER'S RECOMMENDATIONS

The following recommendations were presented by Stanley E. Lucas, Treasurer for consideration by the Board:

GENERAL & NON-GENERAL FUNDS

ITEM XIII

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
Junior Achievement of Dayton
Dayton Boys Preparatory Academy @ Roosevelt Commons
260 Backpacks with Supplies
\$10,400.00

Steve Snell
Ludwig Drum Set
\$400

Item XIV Tabled

ITEM XIV

I recommend approval of the Amended Note Resolution for Series A Bonds.

Rationale

Amending the note resolution adopted on April 15, 2008, as amended on January 6, 2009, February 12, 2009 and October 6, 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

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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, authorizing the execution of such agreement to provide for the contingent intercept of State Foundation Payments to enhance the security of the notes or the refunding bonds.

WHEREAS, this Board adopted a Note Resolution on April 15, 2008 (the “Original Resolution”) authorizing the issuance of not 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 low 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 (i) to 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 the bonds authorized by the voters on the Election Date;

WHEREAS, the Original Resolution was amended on January 6, 2009, February 12, 2009 and October 9, 2009 (together with the Original Resolution the “Amended Resolution”) and this Board desires to further amend the Amended Resolution with respect to (i) authorizing the execution and delivery of one or more Note Purchase Agreements to sell the Notes in a private sale to one or more financial institutions offering to purchase the Notes on terms deemed favorable to and recommended to the District by its Financial Advisor, Bradley Payne LLC (the “Financial Advisor”) and its Swap Advisor, PRISM Municipal Advisors LLC (the “Swap Advisor”); (ii) authorizing the negotiation of an amendment to the interest rate hedge contract currently in place with respect to the Notes with the Bank of New York Mellon (“Current Swap Counterparty”) on terms deemed more favorable to and recommended to the District by its Financial Advisor and Swap Advisor; and (iii) authorizing the negotiation of and execution and delivery of a new interest rate hedge contract with a different swap counterparty on terms deemed more favorable to and recommended to the District by its Financial Advisor and Swap Advisor.

WHEREAS, this Board hereby confirms that it is deemed necessary to issue and sell not to exceed \$93,455,000 of the Notes under the 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 Ohio Revised Code, 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. Section 14 of the Original Resolution is deleted and amended in its entirety to read as follows:

Section 14. The Notes may be sold in a private sale to one or more purchasers recommended by the Financial Advisor (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. The President and Treasurer, or either of them individually, are authorized and directed to execute on behalf of the board a Note Placement Agreement with the Original Purchaser, setting forth 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. A form of Note Purchase Agreement constituting a Note Purchase Commitment Agreement may also be entered into with one or more financial institutions providing for a commitment and offer by such financial institutions (the “Committed Purchaser”) to purchase the Notes upon

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their issuance and delivery by the District, and providing that the maturity and interest rate on the Notes shall be as described therein, with such commitment to purchase the Notes extending through a term of not less than five years from September 1, 2011; provided that the District shall not be required to sell the Notes to the Committed Purchaser if it is determined, based upon the advice of its Financial Advisor, to issue and sell its Notes or its Refunding Bonds to a different Original Purchaser upon different financial terms.

“Any upfront payment received from any 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. Section 16 of the Original Resolution is deleted and amended in its entirety to read as follows:

“Section 16. The Treasurer and President, or either of them individually, are each authorized to enter into and provide for an amendment to the existing interest rate hedge with the Bank of New York Mellon, or a new interest rate hedge with a counterparty selected by the Treasurer, providing for an interest rate payment to the counterparty not to exceed six-percent (6%) per annum on a notional amount not to exceed \$93,455,000; provided however, that any such amendment or new interest rate hedge must be reviewed and recommended to the Board by the Financial Advisor and the Swap Advisor.

The Board hereby appoints PRISM Municipal Advisors LLC as the initial Swap Advisor pursuant to an advisory agreement with the Board, to be entered into between the Swap Advisor and the Board and executed by the Treasurer on behalf of the Board. The Board hereby appoints Bradley Payne LLC as the Financial Advisor with respect to the Notes and the interest rate hedge transaction described herein, pursuant to an advisory agreement with the Board, to be entered into between the Financial Advisor and the Board and executed by the Treasurer on behalf of the Board. The Treasurer, if advisable, may appoint one or more Placement Agents with respect to the sale of the Notes. The Treasurer is authorized to pay the fees and expenses of the Financial Advisor, Swap Advisor, Frost Brown Todd LLC, as Bond Counsel, and other costs of issuance from available funds including the Bond Retirement Fund, with the advice and consent of the Board.

Payments received from the counterparty to the interest rate hedge shall be deposited as follows: first, to the Bond Retirement Fund in an amount equal to debt service on the Notes for the period to which the counterparty’s payment corresponds, minus any sale premium on the Notes deposited therein, and second, unless otherwise provided in the Certificate of Fiscal Officer, to the General Fund.”

Section 3. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to an in the issuing of the Notes in order to make them legal, valid and binding obligations of the Board have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the board 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 4. 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. Except as amended herein, the Original Resolution is hereby ratified and confirmed, and remains in full force and effect.

Section 6. The Treasurer is hereby directed to forward a certified copy of this resolution to the County Auditor of Montgomery County, Ohio.

Item XV Tabled

ITEM XV

I recommend approval of the Amended Note Resolution for Series D Bonds.

Rationale

Amending the note resolution adopted on April 15, 2008, as amended on January 6, 2009, February 12, 2009 and October 6, 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 July 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, authorizing the execution of such agreement to provide for the contingent intercept of State Foundation Payments to enhance the security of the notes or the refunding bonds.

WHEREAS, this Board adopted a Note Resolution on April 15, 2008 (the “Original Resolution”) authorizing the issuance of not to exceed \$94,505,000 of Notes to refund bonds issued in the original principal amount of \$151,555,000 dated July 31, 2003 (the “2003D Bonds”), with capitalized terms used herein as defined in the Original Resolution; and

WHEREAS, in view of currently prevailing low 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 (i) to 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 the bonds authorized by the voters on the Election Date;

WHEREAS, the Original Resolution was amended on January 6, 2009, February 12, 2009 and October 9, 2009 (together with the Original Resolution the “Amended Resolution”) and this Board desires to further amend the Amended Resolution with respect to (i) authorizing the execution and delivery of one or more Note Purchase Agreements to sell the Notes in a private sale to one or more financial institutions offering to purchase the Notes on terms deemed favorable to and recommended to the District by its Financial Advisor, Bradley Payne LLC (the “Financial Advisor”) and its Swap Advisor, PRISM Municipal Advisors LLC (the “Swap Advisor”); (ii) authorizing the negotiation of an amendment to the interest rate hedge contract currently in place with respect to the Notes with the Bank of New York Mellon (“Current Swap Counterparty”) on terms deemed more favorable to and recommended to the District by its Financial Advisor and Swap Advisor; and (iii) authorizing the negotiation of and execution and delivery of a new interest rate hedge contract with a different swap counterparty on terms deemed more favorable to and recommended to the District by its Financial Advisor and Swap Advisor.

WHEREAS, this Board hereby confirms that it is deemed necessary to issue and sell not to exceed \$94,505,000 of the Notes under the 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 Ohio Revised Code, 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. Section 14 of the Original Resolution is deleted and amended in its entirety to read as follows:

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Section 14. The Notes may be sold in a private sale to one or more purchasers recommended by the Financial Advisor (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. The President and Treasurer, or either of them individually, are authorized and directed to execute on behalf of the board a Note Placement Agreement with the Original Purchaser, setting forth 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. A form of Note Purchase Agreement constituting a Note Purchase Commitment Agreement may also be entered into with one or more financial institutions providing for a commitment and offer by such financial institutions (the "Committed Purchaser") to purchase the Notes upon their issuance and delivery by the District, and providing that the maturity and interest rate on the Notes shall be as described therein, with such commitment to purchase the Notes extending through a term of not less than five years from September 1, 2011; provided that the District shall not be required to sell the Notes to the Committed Purchaser if it is determined, based upon the advice of its Financial Advisor, to issue and sell its Notes or its Refunding Bonds to a different Original Purchaser upon different financial terms.

"Any upfront payment received from any 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. Section 16 of the Original Resolution is deleted and amended in its entirety to read as follows:

"Section 16. The Treasurer and President, or either of them individually, are each authorized to enter into and provide for an amendment to the existing interest rate hedge with the Bank of New York Mellon, or a new interest rate hedge with a counterparty selected by the Treasurer, providing for an interest rate payment to the counterparty not to exceed six-percent (6%) per annum on a notional amount not to exceed \$94,505,000; provided however, that any such amendment or new interest rate hedge must be reviewed and recommended to the Board by the Financial Advisor and the Swap Advisor.

The Board hereby appoints PRISM Municipal Advisors LLC as the initial Swap Advisor pursuant to an advisory agreement with the Board, to be entered into between the Swap Advisor and the Board and executed by the Treasurer on behalf of the Board. The Board hereby appoints Bradley Payne LLC as the Financial Advisor with respect to the Notes and the interest rate hedge transaction described herein, pursuant to an advisory agreement with the Board, to be entered into between the Financial Advisor and the Board and executed by the Treasurer on behalf of the Board. The Treasurer, if advisable, may appoint one or more Placement Agents with respect to the sale of the Notes. The Treasurer is authorized to pay the fees and expenses of the Financial Advisor, Swap Advisor, Frost Brown Todd LLC, as Bond Counsel, and other costs of issuance from available funds including the Bond Retirement Fund, with the advice and consent of the Board.

Payments received from the counterparty to the interest rate hedge shall be deposited as follows: first, to the Bond Retirement Fund in an amount equal to debt service on the Notes for the period to which the counterparty's payment corresponds, minus any sale premium on the Notes deposited therein, and second, unless otherwise provided in the Certificate of Fiscal Officer, to the General Fund."

Section 3. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to an in the issuing of the Notes in order to make them legal, valid and binding obligations of the Board have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the board 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.

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Section 4. 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 5. Except as amended herein, the Original Resolution is hereby ratified and confirmed, and remains in full force and effect.

Section 6. The Treasurer is hereby directed to forward a certified copy of this resolution to the County Auditor of Montgomery County, Ohio.

ITEM XVI

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.

<i>INVOICE</i>	<i>FUND</i>	<i>VENDOR</i>	<i>DESCRIPTION</i>	<i>AMOUNT</i>
556290	004.5500.418.7424.000000.000.00.090	Bricker & Eckler	Legal services related to Stivers projects	\$12,763.85
60366	001.2930.441.9059.000000.500.00.000	Process Software	PO #124103 was closed for yearend closing and invoice was received afterward	\$6,604.50
	001.2419.418.1420.000000.500.00.000	Julie Rubin, Ph.D.	Student psychological services for a legal matter.	\$6,687.50

Respectfully submitted,

Stanley E. Lucas
Treasurer

It was moved by Mr. Lacey and seconded by Mr. Lee to accept the Treasurer’s Recommendations with the exception of Items XIV and XV.

AYES: Isaacs, Lacey, Lee, Nerny, Schooler, Taylor, Thompson – 7

NAYS: None – 0

Motion Carried.

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DISCUSSIONS BELOW

Ms. Thompson suggested holding the resolutions or to consider removing these resolutions from tonight's agenda.

Ms. Nerny reviewed language changes and deletions.

Ms. Thompson and Ms. Nerny made additional comments.

It was moved by Ms. Thompson and seconded by Ms. Isaacs to accept the Treasurer's Recommendations with the exception of Items XIV and XV.

There was a motion by Ms. Thompson to table Items XIV and XV. It was seconded by Ms. Isaacs. Ms. Isaacs also made additional comments.

Ms. Nerny asked for roll call to table the vote. Pastor Schooler made comments regarding the implication of withdrawing the motion.

Ms. Thompson withdrew her motion to table the resolutions pending discussion. Ms. Isaacs withdrew her seconded motion and made additional comments.

The Assistant Treasurer was asked questions about Items XIV and XV. Ms. Allen referred the questions to John Payne, our Financial Advisor and David Rogers, Bond Counsel who came to the podium. David Rogers Frost Brown Todd, Bond Counsel and John Payne, Financial Advisor spoke about the nature of the volatility of this complex transaction.

Pastor Schooler made additional remarks.

Ms. Isaacs asked about the implications of holding over this vote?

Ms. Thompson recommended we postpone voting on the resolutions tonight.

Ms. Isaacs asked if to table means that we can come back to the next meeting for further discussions?

Ms. Thompson moved to table Items XIV and XV.

Ms. Taylor said that the board has discussed this matter long enough. We need to schedule a meeting tonight and schedule a date to continue discussions.

Postpone or table? Postpone or table? Finally the decision was made to schedule the next board meeting for Monday, September 26, 2011.

VOTE TO TABLE RESOLUTIONS – ITEMS XIV & XV

It was moved by Ms. Isaacs and seconded by Mr. Lee to table Items XIV and XV for the next meeting on Monday, September 26, 2011.

AYES: Isaacs, Lacey, Lee, Nerny, Schooler, Taylor, Thompson – 7

NAYS: None – 0

Motion Carried.

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NEW BUSINESS

Ms. Taylor, Ms. Thompson, Mr. Lee, and Ms. Isaacs congratulated Ms. Straughter on becoming the new president of the student senate.

Ms. Straughter briefly commented about her studies, organizations and groups she participates in. The first student senate meeting was held on September 8, 2011 and new officers were selected. The student senate will focus on community service with Habitat, mentoring during the holiday season and DPS scholarships.

SUPERINTENDENT ANNOUNCEMENTS

- Welcomed Ms. Straughter & recognized her mother and friend who were in attendance
- Recognized several staff
- Attended the Aullwood Fall Gala which collected \$12,000 for 2nd & 3rd grade field trips
- Sep 28th Professional Development Day, no students

DEATHS

I regret to inform the Board of the passing of an employee, Cari Wright, s first grade teacher at Rosa Parks. Cari's mother, Judy Jones is also a staff member.

I also regret to inform the Board of the passing of a fourth grade student, at Westwood Prek-8 school.

I recommend that the sympathy of the Board and myself be extended to the families and further that this message of sympathy be spread across the minutes of this meeting.

NEW BUSINESS CONTINUED

Ms. Nerny announced that September 26TH is the Fairview United Methodist Early Childhood Education Forum. She also welcomed Ms. Straughter as President of the student senate.

EXECUTIVE SESSION

Conference with Attorney

Pursuant to Section 121.22, (G).<2> of the Ohio Revised Code, I move that this board go into Executive Session. This meeting is being held to hold a conference with our attorney involving pending or imminent court action. We will adjourn from the Board Conference Room.

Is there a second? Mr. Lacey seconded. May we have a roll call please?

UPON RETURN FROM EXECUTIVE SESSION:

“Let the record show that the Board of Education of the Dayton City School District has just completed an Executive Session during which it held a conference with our attorney involving pending or imminent court action.”

AYES: Isaacs, Lacey, Lee, Nerny, Schooler, Taylor, Thompson – 7

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NAYS: None – 0

Motion Carried to go into Executive Session

OSBA DELEGATE - ASSIGNMENT

Joe Lacey was appointed the OSBA delegate and Mr. Lee as the Alternate Delegate.

It was moved by Ms. Isaacs and seconded by Mr. Lacey to accept the Delegate appointments..

AYES: Isaacs, Lacey, Lee, Nerny, Schooler, Taylor, Thompson – 7

NAYS: None - 0

Motion Carried.

ADJOURNMENT

There being no further business, it was moved by Ms. Isaacs and seconded by Ms. Taylor to adjourn.

AYES: Isaacs, Lacey, Lee, Nerny, Schooler, Taylor, Thompson – 7

NAYS: None – 0

Motion Carried. Meeting adjourned at 9:00 p.m.

ATTEST:

Stanley E. Lucas, Treasurer / Chief Financial Officer

Nancy Nerny, President