

BOARD OF TRUSTEES
HESPERIA UNIFIED SCHOOL DISTRICT
MINUTES

Board/Facilities Meeting

November 17, 2008

Hesperia Administration & Educational Support Center (Annex)

MEMBERS PRESENT: Dr. Robert Kirk, President
Hardy Black, Clerk
Helen Rogers, Member

Mark McKinney, Superintendent

MEMBERS ABSENT: Ella "Lee" Rogers, Vice President

**OTHERS IN
ATTENDANCE:**

Marlon Rogers
Roman Aguilar, D.O./SHS
Edie Irwin, Teacher, Oxford
Robert Copley, School Police
Pat Cook, Teacher, HHS
Mike Graham, Chief of Police
Christine Robinson, Teacher, Oxford
Mary Porras, VP, Canyon Ridge
Patricia Martin, Retired, JC/CSEA
Linda Metcalfe, IA, JC
Dana Snyder, Secretary, Mission Crest
Tracy Marsh, Principal, Sultana HS
Patty Murbach, Clerical, AESC
Jeanne Hamilton Brown, Retired Teacher
Lisa Groot, Business Manager, Crosswalk/Pathways
Bob Schnebeck, Principal, Hesperia HS
Bill Pittsford, Principal, Canyon Ridge
Nellie Gogley, Community Member
Chala Salisbury, Director, Crosswalk/Pathways
Mike Smith, Director
Jodi Consten, Coordinator II, AESC
Valerie Turpen, Coordinator II, AESC
D. Boatwright, AP, Topaz
Jennifer Ruiz, AP, Cypress
Margaret Snyder, Director, AESC

**OTHERS IN
ATTENDANCE:
(Continued)**

Kathy Miller, AP, Cottonwood
Vicki Kirk, LSH
Barbara Rodriguez
Melissa Tapia
Jennifer Erhart, CIS, Mission Crest
Sue Yarbrough, Principal, Lime St.
Alan Giles, Director, AESC
Gordon Williamson, Teacher, Maple
Anthony Riley
Tom Kirk, AP, Lime St.
Carrie Kirk, Teacher, Juniper
Yolette Rios
Matt Machado, M&O
Tom Loomis, Director, AESC
Russ Munyan, Coordinator, AESC
Sue Knuth, Principal, Cottonwood
Kathy Everhart, Risk Management/Benefits, AESC
Ben Skinner, AP, Mesa Grande
Lois Reaber, Principal, Joshua Circle
Matthew Fedders, Principal, Hollyvale
Tony McGuyer, Teacher, Hesperia HS
Larry Bird, Director, AESC
Carol Whitton, POA, AESC
Darrel Nickolaisen, Coordinator, AESC
Debbie Baker, Exec. Asst., Admin Services
Cathy Gomez, Exec. Asst., Admin Services
Karen Kelly, Asst., Supt., Personnel Services
Jovy Yankaskas, Asst., Supt., Educational Services
David McLaughlin, Interim Asst. Supt., Business

CALL TO ORDER:

President Kirk called the meeting to order at 4:20 p.m. All Board members were present with the exception of Vice President Ella "Lee" Rogers. President Kirk indicated that Mrs. Rogers was not feeling well but would try to attend Closed Session.

**HEARING FROM
THE AUDIENCE:**

President Kirk read the statement inviting the general public to address the Board on any closed session item. There were no comments.

**ADJOURNED TO
CLOSED SESSION:**

The Board adjourned to closed session at 4:21 p.m. to discuss the following: 3.1 Public Employee Appointment; 3.2 Employee Resignation/Retirement; 3.3 Public Employee Discipline/Dismissal/Release/Reassignment/Transfer; 3.4 Conference with Labor Negotiator; 3.5 Pupil Personnel.

**ADJOURNED TO
CLOSED SESSION:
(Continued)**

*Hesperia Unified School District
Meeting of the Board of Trustees Acting as
The Legislative Body of Community Facilities Districts of the
Hesperia Unified School District*

1. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED
LEGISLATION – 1 Potential Case (CFD No. 2004-1)

**ARRIVAL OF
VICE PRESIDENT
ELLA “LEE” ROGERS:**

Vice President Ella “Lee” Rogers arrived in closed session.

**PRESENTATION BY
JOSHUA CIRCLE
ELEMENTARY
SCHOOL:**

At 5:45 p.m., Joshua Circle Elementary School students did a presentation in the AESC Annex prior to the Board meeting.

**RECONVENE IN
OPEN SESSION/
DEPARTURE OF
VICE PRESIDENT
ELLA “LEE” ROGERS:**

The Board reconvened in open session at 6:10 p.m. All Board Members were present with the exception of Vice President Ella “Lee” Rogers.

**PLEDGE OF
ALLEGIANCE:**

President Kirk led the Pledge of Allegiance to the Flag.

**REPORTING OUT OF
CLOSED SESSION
ACTION:**

Superintendent McKinney reported the following action taken in Closed Session:

On MSC (Rogers, Black) Vote: 4-0 Certificated Personnel Report No. 08/09-9 was approved as presented.

On MSC (Black, H. Rogers) Vote: 4-0 Classified Personnel Report No. 08/09-9 was approved as presented.

On MSC (Black, H. Rogers) Vote: 4-0 Pupil Personnel Report No. 08/09-9 was approved as amended.

**REPORTING OUT OF
CLOSED SESSION
ACTION:**

On MSC (Black, H. Rogers) Vote 4-0, Hesperia Unified School District Meeting of the Board of Trustees Acting as the Legislative Body of CFD 2004-1, entered into a compromise agreement with Empire Homes and their related companies as to special taxes of CFD 2004-1 on undeveloped property for the

**REPORTING OUT OF
CLOSED SESSION
ACTION:**

fiscal year 08/09. The compromise agreement states that neither parties rights, duties or obligations are changed. Special taxes on undeveloped property will be deleted for 08/09. The Hesperia Unified School District to receive \$30,000 for costs of considering and acting upon Empire Homes 2008/09 protest of CFD 2004-1 taxes and authorized the execution of all documents as presented.

**APPROVAL
OF AGENDA &
CONSENT LIST:**

Consent List #11.4.12 Approval of Charter School Facilities Use Agreement and MOU between Pathways to college, the State of California and the Hesperia Unified School District was pulled from the agenda.

On MSC (H. Rogers, Black) Vote: 3-0, The agenda and consent list were approved as amended.

**APPROVAL OF
MINUTES:**

Board Member Helen Rogers indicated that she had submitted a listing of corrections.

On MSC (H. Rogers, Black) Vote: 3-0, The Minutes of October 20, 2008 Board/Facilities Meeting were approved as amended.

SPECIAL REPORTS:

**SUPERINTENDENT'S
REPORT:**

Superintendent McKinney introduced Tom Kirk as new Principal at Krystal Elementary School, new Science, Math, Technology Choice School.

Superintendent McKinney invited the Board to Wednesday's Avery Dennison office supplies giveaway at 8:00 a.m. Avery Dennison donated 35 pallets of office supplies to the District. Avery Dennison will be relocating to Mexico. The Board was also invited to HUSD's 1st garage sale to be held on Saturday, December 6 from 8:00 a.m. to 2:00 p.m. All merchandise will be sold at \$5 per item with proceeds going back to the Clothes Closet to help support that program for needy families. As part of our outreach and establishing new programs for our students, Carol Whitton and Barbara Ward-Lawe made over 370 contacts with students and parents. Fifteen students that were not attending any schools are now attending our schools and 29 students have returned to our schools from local charters.

**SUPERINTENDENT'S
REPORT:**

Superintendent McKinney, the Board and Cabinet recognized outgoing Board Member Helen Rogers with a plaque to honor her services on the Board. Mr. Michael Orem, representative from County Board of Supervisor Brad Mitzelfelt's office presented Board Member Helen Rogers with a Resolution for her devoted services to the Hesperia Unified School District.

Board Member Helen Rogers thanked everyone for all of the support she has received. It has been a pleasure, especially visiting the schools, because she felt so welcome and learned so much from the teachers and students. In closing, she appreciates all of you.

Superintendent McKinney indicated that we also have a plaque and Resolution for Board Member Bruce Minton, however, he was unable to make it tonight. His work on the Board is very much appreciated.

Mr. Orem also presented Joshua Circle School principal Lois Reaber with a Resolution on behalf of the County of San Bernardino for achieving the status of Title 1 School in 2007/08.

Superintendent McKinney indicated that he had the opportunity to meet this last week with our two newly elected Board members. He welcomed Mr. Chris Bentley and Mr. Anthony Riley.

**HEARING FROM
THE AUDIENCE:**

President Kirk again read the statement inviting the general public to address the School Board regarding matters on the agenda and other matters within the jurisdiction of the Board.

The following addressed the Board:

1. Ruth TerKeurst – Topic: Helen Rogers, good bye.
2. Chala Salisbury, Hesperia. Topic: Pathways Prop 1D
3. Nellie Gogey, resident. Topic: Board
4. Gordon Williamson, Hesperia. Topic: Positive atmosphere & HUSD legal expenses

ACTION

**DISCUSSION/ACTION –
ADOPTION OF
REVISED BOARD
BYLAW 9250.3 BOARD
MEMBER HEALTH &
WELFARE BENEFITS:**

This item was previously tabled for further research and is being brought forward for discussion and possible adoption of revised Board Bylaw 9250.3.

**DISCUSSION/ACTION –
ADOPTION OF
REVISED BOARD
BYLAW 9250.3 BOARD
MEMBER HEALTH &
WELFARE BENEFITS:
(Continued)**

Board Member Helen Rogers indicated that she had some concerns on the way the Proposed Board Bylaw is written. Prior proposed revisions to the Bylaw included provisions for 3 separate entities: 1) serving board members; 2) retired board members and 3) former board members. In the proposed revision as submitted, she questioned if it was all-inclusive or will there be subsequent proposals. She asked whether retired board members would be discussed later. If we agree that it is all-inclusive, what position is the District taking in regards to former elected board members who continue to receive health & welfare benefits as stated in the law and by our own Bylaws at the time they served? Example: Lori Nielson and Jack Hamilton.

Superintendent McKinney indicated that he had spoken to both Ms. Nielson and Mr. Hamilton about this issue and in light of the budget crisis, they were both willing to pay their portion as management and classified. The issue previously was dealing with the legality of former and retired. Retired being is there a pension tied to that. That is what has taken so long is having to go to STRS and look at the data.

President Kirk added that the District was still gathering information on the two individuals that Mrs. Helen Rogers mentioned. As of today, we do not have all of the information and if the Board makes a decision tonight, it is only on the recommended motion which does not take into consideration former and retired. That's the issue we're trying to resolve. We've asked for records from PERS and STRS but we've not been able to obtain all those records.

Board Member Helen Rogers stated that she wanted to make sure that those people who had been told that they would receive benefits until the age of 65 when Medicare kicked in, they would still receive them. In *Thorning v Hollister School District*, the appellate court ruled that this benefit, once given, merits the same recognition and protection that is applied to pensions and therefore, may not subsequently withdrawn at the Board's discretion. It was her assumption that if the benefits are taken away from these individuals, there could potentially be lawsuits. Due to the circumstances at hand, she asked that this item be tabled until information is completed.

**DISCUSSION/ACTION –
ADOPTION OF
REVISED BOARD
BYLAW 9250.3 BOARD
MEMBER HEALTH &
WELFARE BENEFITS:
(Continued)**

On MSC (H. Rogers, Black) Vote: 3-0, Discussion/Action – Adoption of Revised Board Bylaw 9250.3 Board Member Health & Welfare Benefits, was tabled until research is completed.

**CONSENT LIST:
(Consent Items approved
In one motion)**

On MSC (Black, H. Rogers) Vote: 3-0, The Board approved the following items on the Consent list excluding Item #11.4.12.

- 11.4.1 Approved the listing of PO's over \$50,000 and Public Works Contracts Exceeding \$15,000
- 11.4.2 Conference Report No. 08/09-7
- 11.4.3 Off-Campus Activities
- 11.4.4 Held a Second Reading and Adopted Proposed Revision to Board Bylaw 9110 Regular Members; Terms of Office
- 11.4.5 Held a Second Reading and Adopted Proposed Revision to Board Bylaw Exhibit 9270 – Designated Positions/Disclosure Categories (Conflict of Interest)
- 11.4.6 Approved Job Descriptions for Principals, Assistant Principals, Vice Principals and School Counselor
- 11.4.7 Approved the Disposal of Surplus Property
- 11.4.8 Approved the Agrmt between CSBA's Practi-Cal, Inc., and the HUSD for Medi-Cal Administrative Activities (MAA) Claim Reporting
- 11.4.9 Accepted the Budget Financial Report (October 1-31, 2008)
- 11.4.10 Approved the Resolution & Agrmt between CSBA's Practi-Cal, Inc., and the HUSD for Medi-Cal Services Program Claim Reporting
- 11.4.11 Approved the Interdistrict Attendance Agreement between the Lancaster School District and the Hesperia Unified School District
- 11.4.13 Approved Resolution No. 2008/09-30 and Application for K-3 CSR for 2008/09
- 11.4.14 Approved the Carl Perkins Five-Year Plan
- 11.4.15 Approved the Contract Services with the O'Reilly Public Relations Firm

**11.4.12
APPROVAL OF
CHARTER SCHOOL
FACILITIES USE
AGREEMENT AND MOU
BETWEEN PATHWAYS
TO COLLEGE, THE
STATE OF CA AND
THE HESPERIA UNIFIED
SCHOOL DISTRICT:**

Board Member Hardy Black requested that this be pulled from the agenda.

You may recall that several meetings ago, Ms. Chala Salisbury brought forth some plans on their new innovative design green school. He believes the motion tonight is what's needed to finalize the funding for that program. He also mentioned that concerns were raised that due to the current budget situation, should something happen, there is a default on the loan and who

would be liable for the loan. We asked the State for clarification of this issue and received word this afternoon that there would be no liability for HUSD.

On MSC (Black, H. Rogers) Vote: 3-0, The Charter School Facilities Use Agreement and the MOU between Pathways to College, the State, and the Hesperia Unified School District were approved as submitted. The Board authorized the Superintendent or Interim Superintendent, Business Services to approve all related documents including the acceptance of title to properties purchased under the provisions of the State Charter School Facilities Program (CSFP).

RECESS:

The Board took a recess at 6:45 p.m.

RECONVENE:

The Board reconvened the meeting at 6:55 p.m.

**BOARD MEMBER'S
REPORT:**

Board Member Helen Rogers reported on the following:

- She attended Synergy Day in the annex. She is concerned that it will not be held on a school day in the future. It is a grave mistake to be held on a Saturday; 29 students attended this event. On a regular school day, 100 students would attend. She would like to invite Dr. Kirk, Mr. Black and the two new board members to attend the Synergy Day.
- She visited the 1st grade classrooms at Juniper Elementary with Stephanie Poindexter, Principal. She thanked Mrs. Poindexter and her staff for making her feel welcome.
- She visited Lime Street Elementary School with Sue Yarbrough, Principal, and met with Tom Kirk.

Board Clerk Hardy Black reported on the following:

- He congratulated Lois Reaber and her staff at Joshua Circle, the Varsity Football Team at Hesperia HS and Coach Robert Kistner.

President Kirk reported on the following:

- He visited Cypress Academy and Mesquite Trails twice.
- He read to Merry Rice's kindergarten class; it was nice.
- He visited Carmel Elementary School and Chris Mauger, Principal. He was impressed with that he is doing and plans there.
- He also visited with Cindy Costa, Principal at Ranchero MS.

**ITEMS FOR FUTURE
BOARD MEETINGS:**

The Board had no items for future Board meetings.

**NEXT MEETING
DATE:**

The next meeting of the Hesperia Unified School District Board of Trustees will be held on December 8, 2008 at the Hesperia Administration & Educational Support Center (AESC) Annex, 15576 Main Street, Hesperia.

ADJOURNMENT:

The Board adjourned at 7:05 p.m.

APPROVED AS AMENDED.