

BOARD OF TRUSTEES
HESPERIA UNIFIED SCHOOL DISTRICT
MINUTES

Board/Facilities Meeting
July 13, 2009

Hesperia Administration & Educational Support Center (Annex)

MEMBERS PRESENT: Ella "Lee" Rogers, Vice President
Hardy Black, Clerk
Dr. Robert Kirk, Member
Anthony Riley, Member
Chris Bentley, Member

Mark McKinney, Superintendent

MEMBERS ABSENT: None

OTHERS IN ATTENDANCE: Dick Gary, Director, M&O
Carmen Becker, Director, D.O.
Margaret Snyder, Director, AESC
Mulhern, Teacher, Sultana HS
L. Mulhern, Teacher, HJHS
Rosanne Weathers, Parent Booster, HHS
Darby Chafin, Contract Manager, First Student
Andrew Coatney
Lee Overveld
Matthew A. Frericks, Student, HHS
Vicki Kirk, LSH
Gordon Williamson, Teacher, Maple
Laura Carevic, Director, D.O.
Bob Schnebeck, Principal, HHS
Genevieve Johnston, Teacher, HHS
Derek Castillo, HTA EBoard
Robin Huntington, Parent, SHS
Bob Sprague, Arts IOP
Yollette Rios, Teacher, Cypress
Aurora Cabrera, Band Student, Hesperia Unified School District
Nate Lambdin, Principal, Mojave HS
Olga Savchenko, VP, OHHS

**OTHERS IN
ATTENDANCE:
(Continued)**

M. Taylor, Parent
Jessica Contreras, VVC Student
Aaron Moreno, Student
Patricia O'Reilly, Retired, JC
Linda Metcalfe, I.A., JC
Larry Bird, Director, D.O.
Cindy Ortiz
Cynthia Ochoa
Carol McOuat, Transportation Liaison, M&O
Richard Spring, Parent, Kingston
Kathy Everhart, Risk Mgmt/Benefits, AESC
Tom Kerman, Teacher, HJHS
Abel Gonzalez, Custodian, AESC
Debbie Baker, Exec. Asst., Admin Services
Cathy Gomez, Exec. Asst., Admin Services
David McLaughlin, Asst. Supt., Business
Jovy Yankaskas, Asst. Supt., Educational Services

CALL TO ORDER:

Vice President Rogers called the meeting to order at 4:04 p.m.
All Board members were present.

**HEARING FROM
THE AUDIENCE:**

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

**ADJOURNED TO
CLOSED SESSION:**

Pursuant to Government Code Section 54957, the Board may adjourn to Closed Session at any time during the meeting to discuss staff/student personnel matters, negotiations, litigation, and/or the acquisition of land or facilities. The Board adjourned to closed session at 4:06 p.m. to discuss the following:

1. *Liability Claims – Case No. CIVVS800932*
2. *Conference with Legal Counsel-Anticipated Litigation: 2 cases*
3. *Public Employee Appointment*
4. *Employee Resignation/Retirement*
5. *Public Employee Discipline/Dismissal/Release/Reassignment/ Transfer*
6. *Conference with Labor Negotiator*
7. *Pupil Personnel*

**RECONVENE IN
OPEN SESSION:**

The Board reconvened in open session at 7:12 p.m.

**PLEDGE OF
ALLEGIANCE:**

Vice President Rogers 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 (Riley, Rogers) Vote: 5-0, Pupil Personnel Report 09/10-10 was approved as presented.

On MSC (Kirk, Rogers) Vote: 5-0, The Board rejected the arbitrator's award on Case #CIVVS80093.

On MSC (Kirk, Riley) Vote: 5-0, The Settlement Agreement with Certificated Employee #09/10-CT01 was approved.

On MSC (Kirk, Rogers) Vote: 5-0, The Board rejected the Governmental Claim on Summers Group, Inc., as presented.

On MSC (Kirk, Black) Vote: 5-0, Classified Personnel Report 09/10-1 was approved as presented.

On MSC (Riley, Rogers) Vote: 4-1 (Ayes: Bentley, Kirk, Riley, Rogers; Noes: Black) Certificated Personnel Report 09/10-1 was approved as amended.

Superintendent McKinney announced the following administrative changes:

- Ms. Olga Savchenko to Sunset Point/Mojave HS Vice Principal
- As a result of the Assessment Center, the appointment of Michael Everett as Vice Principal, Hesperia HS
- As a result of the Assessment Center, the appointment Shawn Yancey as Vice Principal, Oak Hills HS

**SUPERINTENDENT'S
REPORT:**

Superintendent McKinney publicly apologized for inadvertently failing to recognize a PCC volunteer at the last Board meeting. Ms. Tammy Mings was recognized.

Jovy Yankaskas, Asst. Superintendent-Educational Services reported that summer school graduation will be held on Thursday, July 16 at Sultan Hall. There will be a pre-ceremony dinner at 5:00 p.m., with the event starting at 6:00 p.m. We anticipate approximately 25 graduates. According to Mrs. Yankaskas, this is the first year summer school is being held without transportation. We started out the first semester with 1,914 students enrolled and ended at the end of the first semester with 1,600 students. For the second semester, enrollment was 1,604 and at the end of the second semester, enrollment was 1,328 as of today.

**SUPERINTENDENT'S
REPORT:
(Continued)**

On a sad note, Superintendent McKinney announced that he was notified today of the passing of Diana Simmons, a dear friend and long-time employee. She was a wonderful person and will be sorely missed.

**MOTION TO MOVE
CONSENT LIST #12.16
OUT OF ORDER:**

Vice President Rogers asked if the Board would make a motion to move the Consent List (#12.16) up after Superintendent's Report #7.

Board Member Bentley made a motion to move Consent List #12.16 after the Superintendent's Report. The motion was seconded by Board Member Riley. The motion carried unanimously on a vote of 5-0.

**HEARING FROM
THE AUDIENCE:**

Vice President Rogers asked if anyone from the audience would like to comment on the Consent List. There were no comments.

**APPROVAL
OF AGENDA &
CONSENT LIST:**

Consent List Item #12.16.1 Ratify the Accounts Payable Warrant Register Report NO. 09/10-1 and Action Item #12.10 Discussion/Action – Approval of Independent Contractor Agreement for surplus were requested to be pulled by staff.

On MSC (Riley, Kirk) Vote: 5-0, The agenda was approved as amended.

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

Board Member Kirk made a motion to approve the consent list excluding Item #12.16.1. The motion was seconded by Board Member Riley. The motion carried unanimously on a vote of 5-0.

- 12.16.2 *Approved Conference Report No. 09/10-1*
- 12.16.3 *Accepted Gifts to the District*
- 12.16.4 *Approved Off-Campus Activities*
- 12.16.5 *Approved the Administrative Hearing Panel for 2009/10*
- 12.16.6 *Accepted the Summary & Disposition of the Williams' Uniform Complaints for the Quarter Ending June 30, 2009*
- 12.16.7 *Approved County Signature Listing Changes to be filed with the County Superintendent of Schools*
- 12.16.8 *Approved Representatives to the CIF League for 2009/10 school year*
- 12.16.9 *Approved the Request to Release 50% Retention to ASR Constructors, Inc. and Reduce Future Retention Withholding Amount to 5% on all Payment Applications for Oak Hills HS*
- 12.16.10 *Renewed the 2009/10 SANDABS Membership in the amount of \$2,000*
- 12.16.11 *Renewed the 2009/10 San Bernardino County School Boards Association (SBCSBA) Membership in the amount of \$250*

12.16.1

**RATIFY THE ACCOUNTS
PAYABLE WARRANT
REGISTER REPORT
NO. 09/10-1:**

Board Member Bentley requested that this item be pulled from the agenda. Board Member Bentley raised a question about the property taxes for charter schools. He questioned whether the District was being reimbursed or just eating the costs. Mrs. Laura Carevic, Director of Fiscal Services responded that it is a requirement per the Ed. Code that we transfer a portion of the costs of the property taxes to the charter schools as part of the Revenue Limit calculation. The amount is based on ADA.

Board Member Bentley made a motion to ratify the Accounts Payable Warrant Register Report No. 09/10-1. Board Member Riley seconded the motion. The motion carried unanimously on a vote of 5-0.

**APPROVAL OF
MINUTES:**

Board Member Black requested that the Minutes be corrected to reflect that he was late; not absent at that meeting.

On MSC (Riley, Kirk) Vote: 5-0, The Minutes of June 8, 2009 were approved as amended.

SPECIAL REPORTS

**REPORT ON FUNDING
OPTIONS FOR SCHOOL
DISTRICTS:**

Ms. Catherine Lew of Lew Edwards Group presented a PowerPoint presentation on revenue sources for school districts.

**FACILITIES
UPDATE:**

David McLaughlin, Asst. Superintendent, Business Services; Dick Gary, Director of M&O and Carmen Becker, Director, presented a PowerPoint Facilities update.

**HEARING FROM
THE AUDIENCE:**

Vice President Rogers 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. Pat O'Reilly. Topic: San Bernardino County Museum

**BOARD MEMBER'S
REPORT:**

Individual Board members shared information on school visitations, other activities and current events.

RECESS:

The Board took a recess at 8:30 p.m.

RECONVENE:

The Board reconvened the meeting at 8:42 p.m.

12. ACTION

12.1

**DISCUSSION/ACTION –
TO CONSIDER
ADOPTION OF 2009/10
BOARD GOALS AND
OBJECTIVES:**

Board Member Kirk made a motion to amend Goal #2, Board Objective B), which reads “Develop and monitor an ADA incentive plan to increase percentages of ADA at all school sites.” Add: “*Dashboard will be used for monitoring ADA and ADA growth percentage by school site and the District starting in September.*” Goal #4, Board Objective B), which reads “District will recruit and retain quality staff members.” Change to read: “*District will recruit and retain highly qualified staff members including fully credentialed teachers whenever possible. Develop and implement an in-state/out of state teacher recruitment plan to hire fully credentialed teachers.*”

Following discussion, a recess was taken.

RECESS:

The Board took a recess at 9:00 p.m.

RECONVENE:

The Board reconvened the meeting at 9:04 p.m.

12.1

**DISCUSSION/ACTION –
TO CONSIDER
ADOPTION OF 2009/10
BOARD GOALS AND
OBJECTIVES:
(Continued)**

Board Member Riley agreed to second Board Member Kirk’s motion if Dr. Kirk would agree to amend his motion and include his changes as part of the Success Indicators and not part of the Goals and Objectives.

Board Member Kirk amended his motion to change his recommendations to Success Indicators as follows: “*Dashboard will be used for monitoring ADA and ADA growth percentage by school site and the District starting in September.*” “*District will recruit and retain highly qualified staff members including fully credentialed teachers whenever possible. Develop and implement an in-state/out of state teacher recruitment plan to hire fully credentialed teachers.*” Board Member Riley seconded the motion. Board Member Kirk amended his motion to approve the Goals and Objectives as modified by the staff with the stipulation that his recommendations be part of the Success Indicators under those Goals and Objectives. Board Member Riley seconded the motion. The motion carried unanimously on a vote of 5-0.

MOVE ACTION

ITEM 12.15 OUT OF ORDER:

12.15

Hesperia Unified School District Acting as the Legislative Body of Community Facilities District Nos. 2004-1, 2006-2, 2006-3 and 2006-5

DISCUSSION/ACTION – ADOPTION OF RESOLUTION NO. 2009/10-13 APPROVING THE 2009/10 SPECIAL TAX LEVY WITHIN CFD NOS. 2004-1, 2006-2, 2006-3 AND 2006-5:

12.2

DISCUSSION/ACTION – DESIGNATION OF CHIEF NEGOTIATOR FOR LABOR RELATIONS NEGOTIATIONS:

Board Member Black made a motion to approve Resolution No. 2009/10-13 approving the 2009/10 special tax levy within CFD Nos. 2004-1 Empire Homes, 2006-2 Century Village, 2006-3 Providence Residential Group and 2006-5 DR Horton for Fiscal Year 2009/10, as submitted. The motion was seconded by Board Member Kirk.

Darrin Waters from the Dolinka Group addressed questions put forth by the Board.

The motion made by Board Member Black, seconded by Board Member Kirk, to approve Resolution No. 2009/10-13 approving the 2009/10 special tax levy within CFD Nos. 2004-1 Empire Homes, 2006-2 Century Village, 2006-3 Providence Residential Group and 2006-5 DR Horton for Fiscal Year 2009/10 was approved unanimously on a vote of 5-0.

Board Member Black made a motion to designate Alan Giles as Chief Negotiator for Classified personnel pursuant to Board Bylaw 9140.1 with the caveat that some parity try to be achieved with the negotiation with CSEA that we have a policy similar to what HTA has regarding vacancies. Vacancies are opened up to anyone that's qualified within the district has a chance to apply for that vacancy and no one is excluded. Vice President Rogers seconded the motion.

Board Member Kirk indicated that he would like to see the Board provide direction and leadership to the chief negotiator before negotiations begin. He is concerned that the board set parameters for all negotiations before they begin. Consensus of the Board was that Board Bylaw 9140.1 be cleaned up with a plan on how negotiations should be structured and if the Board is ultimately responsible, that they need to be getting regular reports and the negotiator needs to be responsible to the Board and Superintendent. Board Member Black withdrew his motion.

Board Member Kirk made a motion to table this item and bring back with recommendations from staff on how this can be cleaned up so that the Board is in the loop and ultimately is responsible in negotiations possible to the Board and that direction can be given to them before the negotiation process.

**12.2
DISCUSSION/ACTION –
DESIGNATION OF
CHIEF NEGOTIATOR
FOR LABOR RELATIONS
NEGOTIATIONS:
(Continued)**

Following discussion Board Member Black made a motion to designate Alan Giles as Chief Negotiator for Classified personnel pursuant to Board Bylaw 9140.1 and asked that Board Bylaw 9140.1 be revised and brought back to the next meeting. Board Member Kirk seconded the motion. The motion carried unanimously on a vote of 5-0.

**12.3
DISCUSSION/ACTION –
TO CONSIDER STAFF’S
RECOMMENDATION
OF BUDGETING
MONIES TOWARD
COMPETITION
TRANSPORTATION AT
SECONDARY SCHOOL
SITES:**

On MSC (Kirk, Rogers) Vote 4-1, (Ayes: Black, Bentley, Kirk, Rogers; Noes: Riley) The funding of budget for Competition Transportation at Secondary School Sites (HJH \$4,000; RMS \$4,000; CMS \$4,000; MHS \$3,000; CRHS \$3,000; HHS \$45,000; SHS \$45,000; OHHS \$40,000) was approved for 3 months (August/September/October). The Board also requested that prior to the end of the 3 months that this be brought back in November for re-evaluation in terms of the State Budget and liability issues.

Board Member Riley stated that for him it was difficult to not see these funds allocated to bringing back teachers.

**MOVE AGENDA ITEM
12.13 OUT OF ORDER:**

Vice President Rogers stated that she would like to move Action Item 12.13 ahead on the agenda.

**12.13
DISCUSSION/ACTION –
APPROVAL OF PARS
CONTRACT FOR
EARLY RETIREMENT:**

Board Member Kirk stated that he would recuse himself from discussion and the vote because of possible conflict of interest. Board Member Black did not feel that the number of anticipated retirees was viable.

On MSC (Bentley, Rogers) Vote: 3-1-1 (Ayes: Bentley, Riley, Rogers; Noes: Black; Abstain: Kirk) The PARS Post Analysis Findings and implementation of the plan, was approved as submitted.

**12.4
DISCUSSION/ACTION –
APPROVAL OF SUPPLE-
MENTAL PAYMENT TO
ASSISTANT SUPT./
PERSONNEL SERVICES,
FOR DUTIES PERFORMED
DURING TRANSITION
FROM POSITION OF DIR.
OF THE DIVISION TO
APPOINTMENT AS ASST.
SUPERINTENDENT:**

Vice President Rogers made a motion to table Action Item 12.14. Board Member Kirk seconded the motion. The motion carried unanimously on a vote of 5-0.

**MOTION TO APPROVE
ACTION ITEMS #12.6,
12.7, 12.8, 12.9:**

Board Member Kirk made a motion to approve Action Items 12.6, 12.7, 12.8, and 12.9. Board Member Riley seconded the motion. The motion carried unanimously on a vote of 5-0.

**12.6
DISCUSSION/ACTION –
CREATION OF NEW
BILINGUAL TESTING
SPECIALIST POSITION,
SPECIAL SERVICES
DIVISION:**

On MSC (Kirk, Riley) Vote: 5-0, The creation of a new Bilingual Testing Specialist for the Special Services Division with a work year of 11 months, 223 days, 8 hours per day, funding from Title III funds, was approved as submitted.

**12.7
DISCUSSION/ACTION –
CREATION OF SPECIAL
EDUCATION ASSISTANT
POSITION, KRYSTAL
SCHOOL OF SCIENCE,
MATH & TECHNOLOGY:**

On MSC (Kirk, Riley) Vote: 5-0, The creation of a new Special Education Assistant position at Krystal School of Science, Math & Technology with a work year of 10 months, 181 days, 6.00 hours daily, funding from Special Ed funds, was approved as submitted.

**12.8
DISCUSSION/ACTION –
CREATION OF THREE
(3) SPECIAL EDUCATION
ASSISTANT POSITIONS
AT CEDAR MIDDLE
SCHOOL:**

On MSC (Kirk, Riley) Vote: 5-0, The creation of three Special Education Assistant positions for Cedar Middle School with a work year of 10 months, 181 days, 6.00 hours daily, funding from Special Ed funds, was approved as submitted.

**12.9
DISCUSSION/ACTION –
CREATION OF THREE
(3) SPECIAL EDUCATION
ASSISTANT POSITIONS
AT OAK HILLS HIGH
SCHOOL:**

On MSC (Kirk, Riley) Vote: 5-0, The creation of three (3) Special Education Assistant positions at Oak Hills HS with a work year of 10 months, 181 days, 6.00 hours daily, funding from Special Ed funds, was approved as submitted.

**12.10
DISCUSSION/ACTION –
APPROVAL OF
INDEPENDENT
CONTRACTOR
AGREEMENT FOR
SURPLUS:**

This item was pulled at the request of staff.

**MOTION TO
APPROVE ACTION
ITEMS 12.11 AND
12.12:**

Board Member Kirk made a motion to approve Action Items 12.11 and 12.12. Board Member Rogers seconded the motion. The motion carried unanimously on a vote of 5-0.

12.11

**DISCUSSION/ACTION –
RENEWAL OF
PROFESSIONAL
CONSULTING
SERVICES WITH
AMMERMON
HENDERSON, LLP:**

On MSC (Kirk, Rogers) Vote: 5-0, The renewal of professional consulting services with Ammermon Henderson, LLP for Financial Whistleblower Fraud Hot Line and Internet Based Third Party Reporting Services for the period beginning July 1, 2009 through June 30, 2010, was approved as submitted.

12.12

**DISCUSSION/ACTION –
RENEWAL OF
CONSULTING AGREE-
MENT WITH SCHOOL
SERVICES OF CA, INC.,
FOR FISCAL BUDGET
SERVICES:**

On MSC (Kirk, Rogers) Vote: 5-0, The renewal of the consulting agreement with School Services of California for Fiscal Budget Services beginning July 1, 2009 through June 30, 2010, was approved as submitted.

12.14

**DISCUSSION/ACTION –
RECOMMENDATION
THAT EACH BOARD
MEMBER IS ALLOWED
A MAXIMUM OF TWO
BOARD ITEM AND
INFORMATION
REQUESTS PER AGENDA:**

No action was taken.

12.5

**DISCUSSION/ACTION –
FIRST READING AND
POSSIBLE ADOPTION
OF PROPOSED
ADMINISTRATIVE
REGULATION AND
EXHIBIT #1270 –
COMMUNITY
RELATIONS;
INVOCATIONS:**

Board Member Kirk recommended the following change to the proposed Regulation on Page 27 as follows: strike the word “history.” The Supreme Court has ruled that history is not a violation; it has historical references. You may mention history as long as it is in historical context.

Board Member Kirk made a motion to approve proposed Administrative Regulation and Exhibit 1270 Community Relations; Invocations, striking the word “history.”

Mr. Dennis Wagner, Legal Counsel, indicated that there is a reference to “approved speakers”; his recommendation would be to delete the word “approved” as it is used. He also noted a few typographical errors that would need to be taken care of but the basic problem was using the term “approved” in terms of establishing the list.

10:30 P.M. The Board adjourned at 10:30 p.m.
ADJOURNMENT:

APPROVED AS SUBMITTED: September 8, 2009