

BOARD OF TRUSTEES  
HESPERIA UNIFIED SCHOOL DISTRICT  
MINUTES  
**September 11, 2009**  
**(Continuation of September 8, 2009 Meeting)**  
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:** Ruth TerKeurst, CSEA President, D.O.  
Chala Salisbury, Exec. Director, Crosswalk Charter School  
Carmen Becker, Director, D.O.  
Roman Aguilar, Tech Media, D.O./OHHS  
Larry Bird, Director, D.O.  
Lisa Groot, Business Manager, Crosswalk Charter School  
Cathy Gomez, Exec. Asst., Admin Services

Jovy Yankaskas, Asst., Superintendent, Educational Services

**CALL TO ORDER:** Vice President Rogers called the meeting to order at 7:30 a.m.  
All Board members were present.

**PLEDGE OF ALLEGIANCE:** Vice President Rogers led the Pledge of Allegiance to the flag.

**MOTION TO ADD CONSENT ITEM #16.8 PROVISIONAL INTERNSHIP PERMIT BACK ON THE**

The Board is being asked to consider adding Consent Item #16.8 Provisional Internship Permit back on the agenda as an Action Item in accordance with Board Bylaw 9323.2 “emergency add-on item.”

**AGENDA AS AN ACTION ITEM:** Board Member Kirk made a motion to add Consent Item #16.8 Provisional Internship Permit back on the agenda as an Action Item. The motion was seconded by Board Member Riley.

**MOTION TO ADD  
CONSENT ITEM #16.8  
PROVISIONAL  
INTERNSHIP PERMIT  
BACK ON THE  
AGENDA AS AN  
ACTION ITEM:  
(Continued)**

Board Member Bentley stated that the Board Bylaw states that there can be “an emergency add-on” item but the Board already approved the agenda and actually voted on this specific item itself. He doesn’t see how this emergency add-on can be done because the agenda has already been approved.

Superintendent McKinney indicated that the California Commission on Credentialing requires a PIP to be a separate action item. The action taken on Tuesday was done through the consent. If the PIP is not approved, the October 1 paycheck for this particular teacher may be delayed. He reminded the Board that Board Bylaw 9323 gives the Board latitude for such circumstances even though a vote was already taken on the consent. The Board could, by a vote, add this item because of the circumstances we’re dealing with. The Board is within its purview to add this based on Board Bylaw 9323.

Vice President Rogers indicated that because of the impact to the employee, she would like to move ahead with this. In accordance with Board Bylaw 9323.2, the Board may take action a regular meeting on a subject not listed on the published agenda only when it publicly identifies the item to be acted upon in conjunction with one of the following circumstances (Gov’t Code 54954.2):

1. The Board, by majority vote of its members, determines that the action responds to an emergency situation;
2. The Board determines, either by a 2/3 majority vote of the members present at the meeting or, if less than 2/3 of the members are present, by a unanimous vote of all members present, that the need to take immediate action came to the District’s attention after the posting of the agenda;
3. The matter was properly posted for a previous meeting occurring not more than 5 days earlier and was continued to the meeting at which action is being taken.

The recommendation to the Board is to add item #16.8 Discussion/Action – Approval of Provisional Internship Permit (PIP) back on the agenda as an Action item “emergency add-on.”

The motion by Board Member Kirk, seconded by Board Member Riley to add Item #16.8 Discussion/Action – Approval of Provisional Internship Permit (PIP) back on the agenda as an emergency item failed on vote of 3-2 (Ayes: Black, Kirk, Riley; Notes: Bentley, Rogers).

**MOTION TO ADD  
CONSENT ITEM #16.8  
PROVISIONAL  
INTERNSHIP PERMIT  
BACK ON THE  
AGENDA AS AN  
ACTION ITEM:  
(Continued)**

After being given a background overview of the situation, Alice Waters, legal counsel, determined that the emergency add-on criteria was not applicable due to the fact that this is an adjourned meeting from September 8, 2009 (i.e. continued to September 11, 2009); therefore, the Board would only need to take action to move this item from consent back to action.

Board Member Kirk made a motion to move Item #16.8 from the Consent List back onto the agenda as action. The motion was seconded by Board Member Riley.

Board Member Bentley requested under the California Public Records Act, the fax machine reports from Anthony Riley, Dr. Kirk and Hardy Black on the date of the amended agenda as noted on the top of the fax (09/08/2009 13:12 760-948-9187 HUSD BOARD KIRK).

After comments, a vote was taken. The motion carried 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley)

**ACTION ITEMS:**

**11.1.1.  
DISCUSSION/ACTION –  
FIRST READING  
AND POSSIBLE  
ADOPTION OF  
PROPOSED ADMIN.  
REGULATION AND  
EXHIBIT #1270 –  
COMMUNITY  
RELATIONS;  
INVOCATIONS  
&**

Board Member Riley made a motion to exchange the Alliance Defense Fund policy for the pending Invocation Board Bylaw 9323.1 to modify Administrative Regulation according to this revision with the following minor modifications:

- Page 1, drop Paragraph #2
- Paragraph #3, replace “establish” in place of “maintain”
- Page 4, exchange “or county” or the wording for “surrounding community.”

Superintendent McKinney does have the wording that he can refer to and we can put that on record. He would like to request that this come back for first reading at the October meeting.

**16.19  
DISCUSSION/ACTION –  
FIRST READING  
AND ADOPTION OF  
PROPOSED REVISION  
TO BOARD BYLAW  
9323.1 BYLAWS OF  
THE BOARD;  
INVOCATIONS:**

Vice President Rogers clarified for the audience that the Board had been discussing invocations for two (2) years. There is an organization called Alliance Defense Fund that supports invocations within our government and they have researched a great deal about what can and cannot be said. Approximately a month ago, the Alliance Defense Fund mailed to each board member, their suggestions and legal opinions on what could and could not be done. She has read through the documents and it makes a lot of sense. Not only does it follow Government Code but it also follows the State Code and the Education Code.

**11.1.1.**

**DISCUSSION/ACTION –  
FIRST READING  
AND POSSIBLE  
ADOPTION OF  
PROPOSED ADMIN.  
REGULATION AND  
EXHIBIT #1270 –  
COMMUNITY  
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**16.19**

**DISCUSSION/ACTION –  
FIRST READING  
AND ADOPTION OF  
PROPOSED REVISION  
TO BOARD BYLAW  
9323.1 BYLAWS OF  
THE BOARD;  
INVOCATIONS:  
(Continued)**

Board Member Riley called attention to the fact that the Board is also discussing Action Item #16.19 Discussion/Action – First Reading and Adoption of Proposed Revision to Board Bylaw 9323.1 – Bylaws of the Board; Invocations in addition to Item 11.1.1 Discussion/Action – First Reading and Possible Adoption of Proposed Administrative Regulation and Exhibit #1270 – Community Relations; Invocations. Again, the proposal is to exchange the Alliance Defense Fund for the existing Board Bylaw 9323.1, modifying Administrative Regulation 1270 and bring it back for first reading at the October meeting.

Superintendent McKinney indicated that whatever changes are made on the ADF's policy, we would get something in writing from them that they are in agreement with our changes to defend us in the event this is challenged

Board Member Bentley requested that research be done on the ADF such as how many school districts have adopted ADF's policy and other statistical data on what the Alliance Defense Fund does because some of their cases are pretty well known. ADF states that they funded U.S. Supreme Court victories such as *Rosenberger v. Rector* and the other was *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston*. He would like some data to see how the ADF funded these things and their connection to them. If the District is going to engage in a relationship with this law firm, having some kind of statistical data other than general phone calls, would certainly help in making a decision.

Alice Waters, legal counsel, Wagner & Pelayes, appreciated the Board's decision to adopt an invocation policy. She indicated that the legal opinion that Wagner & Pelayes wrote was not just based on abundance of caution and conservatism; it was based on law and case law decision. She cited a case wherein students wanted to hold a prayer before a football game. They used the school's PA system and it was before the game began. A suit was brought and the district lost. Why? Because they were using public grounds, it was a public facility it was a public PA system and they were invoking a sectarian prayer and that was held to be unconstitutional because it's a use of public funds. She did not see any difference on that scenario and what the Board is proposing to do. If the Board has a sectarian prayer in this building on these grounds using this PA system, you are going to be violating the constitution if they are invoking a sectarian

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&  
16.19  
DISCUSSION/ACTION –  
FIRST READING  
AND ADOPTION OF  
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TO BOARD BYLAW  
9323.1 BYLAWS OF  
THE BOARD;  
INVOCATIONS:  
(Continued)**

prayer. This is a public school, public facility, public equipment, so she does not see a difference between the case cited and what could happen here. So, out of abundance of caution, the Board might want to revisit that issue of a sectarian prayer and that's why they stated in their opinion that it has to be non-sectarian prayer. Board Member Bentley was correct that the public can come up and use their five (5) minutes at the podium and say whatever they want. It can be a sectarian prayer, they can invoke whatever sectarian names they want to use, and when you move it to the beginning of a meeting, it's a misnomer, it's a mistake to believe that it's not part of the meeting because it is, in fact, part of the meeting. She advised against the use of a sectarian prayer at the start of the meeting as it is no different than the case law previously mentioned.

Following considerable discussion, Board Member Riley restated the motion as follows: To exchange the Alliance Defense Fund Policy for our pending Invocation Board Bylaw 9323.1, modifying the Administrative Regulation 1270 according to this revision and bring back for first reading in October. This would give the public an opportunity to comment on this issue. Board Member Kirk seconded the motion. The motion carried on a vote of 3-2 (Ayes: Black, Kirk, Riley; Noes: Bentley, Rogers).

Vice President Rogers stated that she voted no because the Board needs to follow legal counsel and thinks there is another way this can be done. She also stipulated for the record that she has been in favor of invocations since day one. She has researched this to the best of her ability what would be the best for this District and the legal aspect the Board should follow. This will be brought back and hopefully, we can come up with a scenario that will work for this District, Board and community.

Board Member Kirk requested that Superintendent McKinney contact the Alliance Defense Fund to ask in writing, answers to some of the questions that were raised here today as well as the issues mentioned by Attorney Waters. There obviously is a conflict on this and even though it is locality based, it is a national question. Whatever help the Board can get and utilizing Wagner & Pelayes for clarification would help.

Board Member Riley also asked of Superintendent McKinney that he possibly come up with scenarios that would help to alleviate the issue that may be at hand and the possibility of different options that can be presented.

**16.20**  
**BOARD BYLAW**  
**9121 – PRESIDENT:**

Vice President Rogers indicated that Board Member Black requested that this item be placed on the agenda, however, the Board has not had the opportunity to read any changes he is proposing today. This policy was changed on April 7, 2008. The suggested changes are as follows:

*6. Restrict discussion to the question when an item is before the Board. During a Board discussion, each member will be given an opportunity to talk twice on each approved item before the Board. Each member will be given the opportunity to speak before another member speaks twice. Each Board member may speak up to 6 minutes on each item before the Board; three minutes maximum for each of the two turns to speak. Board members may not give unused time to another Board member. The President will keep track of the time for each Board member and inform them when their time is up. At the end of the Board discussion time, a motion with a second will be made by the Board for a vote. (An additional 10 minutes for discussion may be allotted by a majority vote of the Board on any motion once the motion is made and receives a second. This would allow each Board member a third opportunity to speak with a 2 minute time limit.) At the end of the discussion time, the President will call for the vote.*

*Board members are to use the agendized time allotted to them for their discussions. Board members are not to use the “Public Comment” time for their personal or other use.*

*7. Utilize parliamentary procedure to conduct the Board meeting. Board members will be allowed to discuss agendized items, adhering to time limits specified in paragraph 6 above without a formal motion being made and seconded. During or after Board discussion of the agendized topic, a motion/second for action can be made by a Board member.*

Board Member Black explained the reasons for the suggested changes. He also stated that in the last few months, Mr. Bentley has used the process in the law to delay our meetings. The proposal he is suggesting, allows for 40 minutes; 30 minutes on each individual item of business. If the Board can't get an item of business completed in that time, then it has internal problems that need to be addressed and that's what he's proposing to accomplish here. He is outlining a process of what was unnecessary in the past but in the present it is very necessary so we can move forward and get items of business done in an expeditious time.

Board Member Black made a motion to approve revised Board Bylaw 9121. Board Member Kirk seconded the motion.

**DEPARTURE OF  
BOARD MEMBER  
KIRK:**

Board Member Kirk left the meeting at 8:53 a.m.

**RETURN OF  
BOARD MEMBER  
KIRK:**

Board Member Kirk returned to the meeting at 8:55 a.m.

**RECESS:**

The Board took a recess at 9:03 a.m.

**RECONVENE:**

The Board reconvened the meeting at 9:14 a.m.

**16.20  
BOARD BYLAW  
9121 – PRESIDENT:  
(Continued)**

Vice President Rogers stated that the agenda item states that “the Board will discuss and may consider amending Board Bylaw 9121. Any revisions made to the Bylaw will be brought back to the next meeting for First Reading.” She indicated that the Board has not had the opportunity to review the proposed changes nor has staff.

Board Member Riley stated that the Board is not attempting to limit a board member or community members freedom of speech. What they are trying to do is to conduct the meetings with better efficiency. He asked to hear legal counsel’s opinion on this.

According to Ms. Waters, legal counsel, the president has the authority to conduct a timely and efficient meeting and if part of that requires time limits, that is permissible. It is not a first amendment free speech right violation if it is not based on the content of what the person is speaking about. If we are talking about time limits, it is permissible to the Board members and also to the public because it goes back to conducting a timely and efficient meeting. The Board also can add language in the policy to waive the time limits if the Board is in a meaningful discussion on an issue that requires more time. There is no violation for limiting time but if you limit content of what is being said, there is a violation. She was not clear as to whether a Board member can change hats during his or her Board comments and then go to the podium and talk as a public citizen due to the fact that during the meeting, they are a public official serving in that capacity.

Following considerable discussion, Board Member Kirk called for the question.

**16.20  
BOARD BYLAW  
9121 – PRESIDENT:  
(Continued)**

Board Member Black restated the motion as follows: To approve revised Board Bylaw 9121 as proposed, foregoing the first reading. Board Member Kirk seconded the motion. The motion carried 3-2 (Ayes: Black, Kirk, Riley; Noes: Bentley, Rogers).

Vice President Rogers stated that she voted no and the reason is not so we can't have an effective meeting but because we need to handle this in a more proper manner that's her personal opinion. Her wish is that when we have things like this, that we can pass them on to the Superintendent so the Board can look at them and hopefully have very limited discussion on these situations.

Alice Waters, legal counsel, clarified for the Board that the policy is now in effect.

**11.1.2  
MAXIMUM OF TWO  
BOARD ITEMS AND  
INFORMATION  
REQUESTS PER  
AGENDA (BOARD  
BYLAW 9120  
BOARD MEMBERS):**

Vice President Rogers stated that Board Bylaw 9120 – Board Members, #3, addresses the issue of placing items on the agenda with no limits. Should the Board wish to revise the Bylaw, the changes would be brought back to the next meeting for first reading.

Board Member Riley made a motion to revise Board Bylaw 9120 Board Members.

**AMENDMENT OF  
STATEMENT MADE  
BY LEGAL COUNSEL  
REGARDING BOARD  
BYLAW 9121 –  
PRESIDENT:**

Alice Waters, legal counsel, stated that she would like to amend her comment on the prior policy as she was not aware that the Proposed Amended Board Policy 9121 was not published in the printed agenda. She has some concern only to the effect that the public had knowledge that there was going to be an amendment/discussion but the public did not have an opportunity to see what the amendments were and so to have effective comment from the public, they need to be informed on what the information is. She would recommend that this come back for first reading because the public has not had an opportunity to see what the amendments are.

**11.1.2  
MAXIMUM OF TWO  
BOARD ITEMS AND  
INFORMATION  
REQUESTS PER  
AGENDA (BOARD  
BYLAW 9120  
BOARD MEMBERS):  
(Continued)**

Board Member Riley amended his motion that Revised Board Bylaw 9120 – Board Members be brought back to the October meeting for Second Reading, at which point, he would like it to be voted on.

Board Member Bentley indicated that the Board Bylaw allows for the Board to submit agenda items in one of two ways: 1) The Board can submit the item in writing 9 days prior to the meeting

**11.1.2  
MAXIMUM OF TWO  
BOARD ITEMS AND  
INFORMATION  
REQUESTS PER  
AGENDA (BOARD  
BYLAW 9120  
BOARD MEMBERS):  
(Continued)**

to the Secretary of the Governing Board or it can be brought up during items for future meetings report. As a suggestion, if you are submitting your agenda item 9 days prior, the backup can be attached to the request.

Vice President Rogers cautioned the Board that if limits are placed on the Board, you must also limit the public. Alice Waters, legal counsel, was asked to clarify this issue. She indicated that this is a discrimination issue. If limitations are created on the number of items that can be placed on the agenda and the board is limited to two (2), you must limit the public to two (2). The limiting is not on the number of requests that can be submitted but the number to be placed onto the agenda. She suggested that when a person submits a listing of multiple items, it would be best for the board to put the onus on the person to identify the ones that are important rather than the Board deciding.

Board Member Kirk suggested that a procedure needs to be written by staff because the policy says if this was approved, the agenda items will be placed on the agenda calendar in an orderly, equitable, and timely fashion considering all other Board member requests and staff's ability to fulfill support information. It's not just the Superintendent's and President's discretion here because that would be inequitable. It needs to be a policy that puts them into the cue and staff is working with the Superintendent and president. Board Member Black asked whether this would be done in the form of an administrative regulation outlining the process as to how this is done.

Board Member Kirk indicated that what he would like to see is that when items are requested, they go into a cue, get date stamped and depending on staff's ability to fulfill the background information and the timeliness of the request, that there is a flow and they rise to the top and go on the agenda. They don't sit at the bottom for six months and not move but they're worked up and this provides fairness and equity to board members who make these requests. Board Member Bentley indicated that he is in favor of a process but other issues that need to be addressed are whether a member of the public can request items verbally through the public comment and we need to incorporate how we're doing it as well.

**11.1.2  
MAXIMUM OF TWO  
BOARD ITEMS AND  
INFORMATION  
REQUESTS PER  
AGENDA (BOARD  
BYLAW 9120  
BOARD MEMBERS):  
(Continued)**

Following considerable discussion, the motion was re-stated as follows: Board Member Riley amended his motion that Revised Board Bylaw 9120 – Board Members be brought back to the October meeting for Second Reading, at which point, he would like it to be voted on. Board Member Kirk seconded the motion. The motion carried on a vote of 4-1 (Ayes: Black, Kirk Riley, Rogers; Noes: Bentley).

**REQUEST TO  
REVISIT ITEM #16.20  
BOARD BYLAW  
9121 – PRESIDENT:**

Vice President Rogers indicated that she would like the Board to reconsider bringing back Board Bylaw 9121 for First Reading in October and rescind what was voted on earlier. You may recall that legal counsel's recommendation was that Board Bylaw 9121 come back for First Reading because the public has not had an opportunity to see what the amendments are. Board Member Black declined the request.

Vice President Rogers stated for the record that she disagrees not taking the advice from our attorneys giving the public the opportunity see and comment on this policy.

Board Member Riley made a motion to take Item #16.20 Board Bylaw 9121 – President and place back on the October agenda to give the public an opportunity to review and as a Second Reading to vote, was approved as amended. Vice President Rogers seconded the motion. The motion carried on a vote of 4-1 (Ayes: Bentley, Kirk, Riley, Rogers; Noes: Black).

**RECESS:**

The Board took a recess at 10:36 a.m.

**RECONVENE:**

The Board reconvened the meeting at 10:48 a.m. Vice President Rogers stated that today is 9/11. She had planned on attending the ceremony at Hesperia Lakes. Most of you know that her nephew was at the Pentagon when this attack occurred and its important to her and her family personally that we remember what occurred on 9/11.

**16.8  
DISCUSSION/ACTION –  
APPROVAL OF  
PROVISIONAL  
INTERNSHIP PERMIT  
(PIP):**

On MSC (Kirk, Riley) Vote: 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley), The subsequent Provisional Internship Permit (PIP) for Erica Carlson (formerly Chisholm) to work as an Anatomy/Physiology Teacher at Hesperia HS for the period September 1, 2009 to September 1, 2010, whose assignment would be Anatomy/Physiology Teacher, Grades 9-12 at Hesperia High School, was approved as submitted.

**16.6  
DISCUSSION/ACTION –  
ACCEPTANCE OF  
SUCCESS INDICATORS  
SUPPORTIVE OF THE  
BOARD GOALS &  
OBJECTIVES:**

Board Member Kirk made a motion to approve the Success Indicators supportive of the Board Goals & Objectives (approved July 13, 2009) with the following amendments:

- Goal #1, Board Objective “A” – eliminate first bullet
- Goal #1, Board Objective “A” – eliminate third bullet
- Goal #1, Board Objective “A” – modify second bullet to read “To establish or purchase “pre year/post”\*ELA and math assessment tools for Grades 3, 4, 5, 6, 7 and 8 to document student achievement. Grade level assessments will begin in May 2010. Grade level assessment results will be reported to the Board by June of each year. (Math test to include basic math facts of multiplication, division, percentages, fractions and decimals). \*Post-test of one year may be used for the pre-test for the beginning of the next year.
- Goal #1, Board Objective “B,” second and third bullets’ language revised to reflect trimesters rather than quarters.

Board member Bentley suggested replacing the bullets with a numbering system to assist the board as to what reference point is being talked about.

Board Member Kirk also commented on Goal #3, bullet 1, “Develop a Superintendent’s “blog” on the District website.” His suggestion was that when this is done, that we have IP addresses and tracking mechanisms for accountability so that we know this is legitimate.

Board Member Black requested that Goal #2, start the sentence with “Using the Dashboard monitor, closely monitor..... Superintendent McKinney referenced Board Objective B, bullet 2, reads “Utilize Dashboard program to monitor ADA at a minimum of once a week. He suggested replacing the word “monitor” with “display.” Board Member Black referenced Goal #2 “Develop and implement a District plan to increase ADA.” The Board requested a copy of the plan/timeline.

Board Member Bentley requested a final copy of the changes, and amendments as quickly as possible so that the Board understands what they are because some of these are to be done in September.

**16.6**

**DISCUSSION/ACTION –  
ACCEPTANCE OF  
SUCCESS INDICATORS  
SUPPORTIVE OF THE  
BOARD GOALS &  
OBJECTIVES:  
(Continued)**

According to Board Member Kirk, Larry Bird is heading a committee on Dashboard to work on the parameters, etc. The Board expressed their desire to receive a report and implementation costs.

Following considerable discussion, the motion by Board Member Kirk, seconded by Board Member Riley to adopt the Success Indicators Supportive of the \*Board Goals & Objectives was approved as amended. \*Note: The Board Goals & Objectives were approved on July 13, 2009. The motion carried on a vote of 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley).

**16.7**

**APPROVAL OF  
SUPERINTENDENT'S  
& CABINET'S  
GOALS:**

Superintendent McKinney indicated that the intent behind this was taking everything that we have as success indicators and narrowing that field down for evaluation purposes.

Board Member Kirk made a motion to approve the Superintendent and Cabinet Goals for 2009/10 as amended. The purpose of these approved Superintendent and Cabinet Goals will be the basis for the Board's evaluation of the Superintendent and the Superintendent's evaluation of Cabinet. Vice President Rogers seconded the motion.

Superintendent McKinney, as a point of clarification, stated that the changes made in Item #16.6 becomes applicable in Item #16.7.

Following considerable discussion, a vote was taken. The motion carried on a vote of: 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley).

**16.16**

**STUDENT ASSESSMENT  
& ACCOUNTABILITY  
PLAN:**

Board Member Kirk requested that this item be placed on the agenda.

Board Member Kirk read the following statement. Board Bylaw 9000(a) reads "The Governing Board is elected by the community to provide leadership and citizen oversight of the district's schools. The Board shall work with the Superintendent to fulfill its major roles, which include:

1. Setting direction for the district
2. Ensuring accountability

**16.16**

**STUDENT ASSESSMENT  
& ACCOUNTABILITY  
PLAN:  
(Continued)**

To fulfill these basic responsibilities, the Board shall:

3. Maintain accountability for student learning by adopting the district curriculum and monitoring student progress.”

Board Bylaw 9005(a) states: “Each individual board member shall:

1. Keep learning and achievement for all students as the primary focus.”

STUDENT ASSESSMENT AND ACCOUNTABILITY PLAN

I am requesting that a “Student Assessment and Accountability Plan” be developed by the curriculum and Instruction staff and presented to the Board for approval. I believe that we have highly competent people who can develop and implement such a plan. The Board will look forward to staff’s plan with input from all stakeholders including individual school sites and district professionals.

This plan would include at least each of the following:

A student assessment instrument be developed, or purchased, that would assess each student’s reading comprehension and mathematics abilities at grades 3, 4, 5, 6, 7 and 8. It is understood that student assessment takes time and a balance is needed between instruction and assessment. The grade level assessment results given at the end of each grade would serve an extremely important dual role as both the post-test instructional assessment for the current year and a pre-test instructional assessment for the new year.

1. The plan will include “creative” student remediation plans with the goal of all students reading at grade level and performing mathematics operations at grade level. The goal would be for all regular education students to master the multiplication facts, fractions, decimals, and percent operations prior to the 9<sup>th</sup> grade. The academic requirements listed above will work in concert with the STAR tests but their goals and possible content might very well be somewhat different at each grade level. Student progress, both individual and by school site will be tracked, and where appropriate, placed on Dashboard.

**16.16**  
**STUDENT ASSESSMENT**  
**& ACCOUNTABILITY**  
**PLAN:**  
**(Continued)**

2. Strengthen the academic requirements in the core subjects (English, math, science, and social science) in grades 7 and 8 to include the requirement that these subjects will be “passed” before the students are allowed to move on to the high school. In response to the above requirement an “Alternative” school option will be developed and made available to assist academically needy regular education students to meet the requirements.
3. In response to the state API requirement of 800 by 2010 and the NCLB requirement of “proficient” (875 API) by 2014, the district develop a written, accelerated, realistic plan to bring the majority of schools into compliance within 2 years of both the state and federal deadlines. Dashboard will be used to track the progress of each school on a monthly basis. Passwords will be utilized on Dashboard to protect sensitive information.
4. The number of students scoring Below and Far Below Basic on Benchmark and STAR tests need to be reduced to a level no greater than 16 percent considering the Normal Bell Curve and the special education population.
5. I am requesting that an overview plan be placed on the October Board meeting agenda with the completed plan placed on the November Board meeting for discussion/action by the Board.

Board Member Kirk indicated that he has talked to Mr. Bird and he has recommended these dates as doable. Given the nature of our STAR tests which will be out this month, Mr. Bird requested that this overview plan be placed on the October agenda.

Vice President Rogers requested to go on record that she’s had a problem with being on grade level with the determination that all students learn the same. She’s also had a problem with NCLB since the inception of this.

Board Member Kirk indicated that the rationale for this is that there have been a number of students going into high school who have not mastered basic math and can’t read above the 4<sup>th</sup>-5<sup>th</sup> level. He’s been very impressed with C&I and others that they

**16.16**  
**STUDENT ASSESSMENT**  
**& ACCOUNTABILITY**  
**PLAN:**  
**(Continued)**

understand this need and they need board support to get direction going so we can solve some of these issues. His vision here is that we all work together (C&I and the Board) to look at what needs to be done so that our students don't get to the high school not able to read and not know their math facts. He brings this forward not to assign blame but to find a solution to what needs to be done. Finally, his point is that C&I needs the blessing of the Board to put together the best plan that they can put together for the Board's review and ultimately give them the resources and the approval to move forward.

Board Member Bentley stated that what we also need to look other than the specifics that have been enumerated by one board member here is that we need to look at what are the costs involved and we need to specifically sit down and include the other stakeholders. He would like to see a secondary approach to this also because in his mind this is elementary focused. He would like to see the impacts of the expanding the continuation/alternative schools as well.

Vice President Rogers suggested that should the Board have any input they would like to see, please submit it in writing to Superintendent McKinney who will forward to C&I.

Following discussion, Board Member Kirk made a motion to request a full overview "Student Assessment and Accountability Plan" to be developed by the C&I staff followed by a completed plan Discussion/Action. The Board gives the C&I staff the flexibility of determining the date to bring back to the Board. The motion was seconded by Board Member Black. The motion carried unanimously.

**16.21**  
**CONSIDERATION**  
**OF AN RFP FOR**  
**LEGAL SERVICES**  
**(PRIMARY LAW**  
**FIRM):**

Board Member Black requested that this item be placed on the agenda.

Following discussion, a motion was made. Board Member Black made a motion to give direction to staff to develop an RFP for Legal Services and bring it back to consider for approval. Board Member Kirk seconded the motion. The motion carried on a vote of 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley).

**MOTION TO  
ADJOURN MEETING:**

Board Member Riley made a motion to adjourn the meeting to our next meeting on October 5, 2009. Board member Kirk seconded the motion.

**ITEMS FOR FUTURE  
BOARD MEETINGS:**

Vice President Rogers indicated that she had two requests for future meetings that she would like to request prior to adjourning the meeting. She requested the following items:

- Speed of Trust
- Report on placing a First 5 preschool on the east side of town

**MOTION TO  
ADJOURN MEETING:  
(Continued)**

On MSC (Riley, Kirk) Vote: 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley) The Board adjourned the meeting to the next meeting on October 5, 2009.

The meeting adjourned at 12:35 p.m.

APPROVED AS AMENDED: October 5, 2009