

BOARD OF TRUSTEES
HESPERIA UNIFIED SCHOOL DISTRICT
MINUTES

Regular Meeting, September 8, 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: Gordon Williamson, Teacher, Maple Elementary
Derek Castillo, Teacher, Mission Crest
Yolette Rios, Teacher, Cypress
Penny Hale, Teacher, Topaz
Darrel Nickolaisen, Coord. II, AESC
Kathy Miller, AP, Lime St.
Sue Knuth, Principal, Cottonwood
Craig Gunter, Principal, Eucalyptus
Ben Skinner, AP, Krystal/Mesa Grande
Lois Reaber, Principal, Joshua Circle
Karen Prestwood, Principal, Topaz
Tom Kirk, Principal, Krystal
Mike Graham, Chief, HUSD Police Dept.
Paulette Croft, District Literacy Coach, D.O.
Nita Fitzpatrick, SHS
Rebekah Swanson, Parent/Teacher, Cypress
Bob Sprague, Arts Connections, Hesperia
Karen Elgan, Principal, Maple
Deborah Barbour, Teacher, Eucalyptus
Phoebe Gutierrez, Teacher, Eucalyptus
Richard Spring, Parent, Kingston
Virgil Carey, Police Officer, HUSD Police Dept.
Tom Loomis, Director, HUSD
Larry Bird, Director, HUSD
Dick Gary, Director, M&O
Thom Payne, Teacher, HJH

**OTHERS IN
ATTENDANCE:
(Continued)**

Bill Pittsford, Principal, Canyon & Shadow Ridge
Paula MacDonald
Brandie Miller, Teacher
Margaret Snyder, Director, Special Services
Alyx Yankaskas, Student Rep, SHS
Christin Yankaskas, SHS
Ariel Peterson, Student Rep., Mojave HS
Siobhan Weston, AP, Carmel
Rick Maschek, Tax Payer, OHH & HUSD
Clarissa Arzate, Inst. Asst., Hollyvale
Jennifer Primrose, Teacher, Eucalyptus
Michelle Murphy, Principal, Mission Crest
Valerie Turpen, Coord. II, AESC
Jodi Consten, Coord. II, AESC
Teri Green, Principal, Kingston
Chala Salisbury, Exec. Director, Crosswalk Charter School
Lisa Groot, Business Manager, Crosswalk Charter School
Laura Carevic, Director, AESC
Vicki Kirk, Community Member
Ryan Plescia, AP, Kingston
Bob Schnebeck, Principal, HHS
Pam Seeger, Principal, Mesa
Dave Stewart, Principal, Mesquite Trails
Cecilia Flores, ASB President, HHS
Mantza Martinez, ASB Vice President, HHS
Craig Yankaskas, Parent, SHS
Nate Lambdin, Principal, MHS
Thomas Kerman, Teacher, HJH
Cathy Gomez, Exec. Asst., Admin Services

Jovy Yankaskas, Asst., Superintendent, Educational Services
David McLaughlin, Asst. Supt., Business 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.

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

The Board adjourned to closed session at 4:05 p.m. to discuss and may take action on the following:

- *Conference with Legal Counsel-Existing Litigation-CIVVS904495*
- *Conference with Legal Counsel-Anticipated Litigation-2 Cases*
- *Public Employee Appointment*
- *Public Employee Performance Evaluation-Superintendent*
- *Employee Resignation/Retirement*
- *Public Employee Discipline/Dismissal/Release/Reassignment/Transfer*
- *Conference with Labor Negotiator*
- *Pupil Personnel*

**RECONVENE IN
OPEN SESSION:**

The Board reconvened in open session at 6:10 p.m.

**PLEDGE OF
ALLEGIANCE:**

The Hesperia High School Junior Air Force ROTC performed the flag salute and opening ceremonies.

**REPORTING OUT OF
CLOSED SESSION
ACTION:**

Superintendent McKinney reported the following action taken in closed session:

On MSC (Black, Rogers) Vote: 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley) The Board approved the Annual Growth Plan for the Superintendent for 2009/10.

Superintendent McKinney indicated that the Board would be going back into closed session.

**STUDENT
REPRESENTATIVES:**

The student representatives from Hesperia HS, Oak Hills HS, Sultana HS, Mojave HS and Canyon Ridge HS each reported on activities and sports events being held at each of their respective schools.

**SUPERINTENDENT'S
REPORT/SWEARING
IN OF NEW POLICE
OFFICERS:**

Chief Graham administered the Oath of Office to Jerry Longnecker and Terry Scharf, new school police officers.

**ADJOURN TO
CLOSED SESSION:**

The Board adjourned to closed session at 6:40 p.m. to discuss and may take action on the following:

- *Conference with Legal Counsel-Existing Litigation*
- *Conference with Legal Counsel-Anticipated Litigation*
- *Public Employee Appointment*
- *Public Employee Performance Evaluation*
- *Employee Resignation/Retirement*
- *Public Employee Discipline/Dismissal/Release/Reassignment/Transfer*
- *Conference with Labor Negotiator*
- *Pupil Personnel*

**RECONVENE IN
OPEN SESSION:**

The Board reconvened to open session at 8:40 p.m.

**REPORTING OUT
OF CLOSED SESSION
ACTION:**

Superintendent McKinney reported the following action taken in closed session:

On MSC (Kirk, Riley) Vote: 5-0, Certificated Personnel Report 09/10-3 was approved as amended.

On MCS (Kirk, Black) Vote: 5-0, Classified Personnel Report 09/10-3 was approved as presented.

On MSC (Kirk, Rogers) Vote: 5-0, Pupil Personnel Report 09/10-3 was approved as amended.

On MSC (Black, Rogers) Vote: 5-0, The Board approved to uphold the recommendation of the Administrative Hearing Panel for Student #5408507, Expulsion #09/10-01.

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

Superintendent McKinney was pleased to announce the celebration of our new police officers.

**BOARD MEMBER'S
REPORT:**

Individual Board members shared information on school visitations and other activities they attended.

**APPROVAL OF
AGENDA:**

Vice President Rogers stated that the Board has a full agenda tonight and the Board had two closed sessions this evening. She indicated that if for some reason the Board is unable to conclude tonight's agenda, she will reconvene a special meeting for next Monday night at 6:00 p.m. to complete the Board agenda.

**APPROVAL OF
AGENDA:
(Continued)**

Vice President Rogers asked if the Board would like to pull any items from the Consent List.

Board Member Black indicated that at this time, he would like to submit an amended agenda with proposed changes. He made a motion to approve the proposed amended agenda to expedite the business at hand (i.e. changing the order of business). The motion was seconded by Board Member Kirk. Board Member Black clarified that nothing has been removed from the agenda and that things have been shifted from the discussion/action to the consent list.

Board Member Black was asked if he would be willing to amend the agenda moving Items #16.1, #16.2 and #16.14 to the front of the Action Items. Board Member Black agreed to amend his motion. Board Member Kirk seconded the motion.

According to Dennis Wagner, legal counsel, the Board has the power to move and amend items on the agenda. Consent List Items 16.3, 16.5, 16.18 and 14.21 were pulled from the agenda. The motion carried on a vote of 3-2 (Ayes: Black, Kirk, Riley; Noes: Bentley, Rogers).

**APPROVAL OF
MINUTES:**

Board Member Black called attention to the Minutes of July 13, 2009, Page 8, Item 12.2, reminding staff that Board Bylaw 9140.1 was asked to be revised and brought back to the board at the next meeting.

On MSC (Kirk, Riley) Vote: 5-0, The Minutes of June 22, 2009 Board/Facilities Meeting; July 6, 2009 Special Board Meeting; July 13, 2009 Board/Facilities Meeting; August 3, 2009 Board Meeting and August 10, 2009 Special Board Meeting were approved as submitted.

**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. Rick Maschek, Oak Hills. Topic: Oak Hills High hazards
2. Gordon Williamson. Topic: Ratifying; not renegotiating agreements
3. Rick Maschek, resident. Topic: Student Safety

CONSENT LIST:
*(Consent Items
Approved in one
Motion)*

Board Vice President stated that the reason she pulled Consent Item #14.21 Approval of Renewal Agreement with Victor Elementary School District for Reimbursement of Transportation Services is that there have been questions concerning her employment. She is employed by Victor Valley Union High School District and not Victor Elementary School District, therefore, she can vote on this item. If the District were Victor Valley Union High School District, she would have to recuse herself.

Vice President Rogers asked that Item #14.21 be placed back on the Consent List for approval.

On MSC (Kirk, Black) Vote: 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley) The Board approved the following items on the Consent List excluding #16.3, #16.5 and #16.18:

- 14.1 *Ratified the A/P Warrant Register Reports No. 09/10-2 and 09/10-3*
- 14.2 *Approved the Master Off-Campus Activities List for 2009/10*
- 14.3 *Approved the Master Conference List for 2009/10*
- 14.4 *Approved the MOU with the Victor Valley Community Dental Service Program*
- 14.5 *Approved the S.M.I.L.E. Program Services for the 2009/10 S/Y*
- 14.6 *Approved Additional Members to the Administrative Hearing Panel*
- 14.7 *Approved the Discontinuance of the 20-day Bonus Stipends for Guest Teachers*
- 14.8 *Approved the Disposal of Surplus Property*
- 14.9 *Approved the 2009/10 Classified Salary Schedules*
- 14.10 *Added Hours to an Existing Classified Position – Guidance & Counseling Clerical Assistant at the Alternative Education Center*
- 14.11 *Approved the Interdistrict Attendance Agreement between the Barstow Unified School District and the Hesperia Unified School District*
- 14.12 *Approved San Manuel Pavilion as the venue for Hesperia HS and Sultana HS graduations for the 2009/10 school year and review on a year-by-year basis*
- 14.13 *Approved Off-Campus Activities*
- 14.14 *Approved the Agreement between the Hesperia Unified School District and California Baptist University for Psychology and School Counseling Final Field Experience for the term September 1, 2009 through August 31, 2015.*
- 14.15 *Approved the MOU between the Hesperia Unified School District and the CA Healthy Kids Survey Regional Center for the 2009/10 Healthy Kids Survey*
- 14.16 *Approved the 2009/10 Master List of Approved Charter Bus Companies*

CONSENT LIST:

*(Consent Items
Approved in one
Motion)*
(Continued)

- 14.17 *Approved the MOU between the Hesperia Unified School District, Apple Valley Unified School District, Snowline Jt. Unified School District and Victor Valley Union HSD to provide a High Desert Futures Fair on October 24, 2009*
- 14.18 *Approved County Signature Listing Changes for Karen Kelly*
- 14.19 *Added Days to an Existing Classified Campus Asst. position at Sunset Point*
- 14.20 *Added Hours to an Existing Classified Computer Learning Specialist position at Cypress Choice School*
- 14.21 *Approved the Renewal Agreement with Victor Elementary School District for Reimbursement of Transportation Services*
- 14.22 *Approved Conference Report No. 09/10-2*
- 16.4 *Approved the Resolution for the 2008/09 and 2009/10 FY GANN Limits*
- 16.8 *Approved the Provisional Internship Permit (PIP) for Erica Carlson (formerly Chisholm)*
- 16.9 *Created a New Senior Clerk Typist Position at the Alternative Education Center/ROP Program with a work year of 10 months, 180 days, 15 hours per week.*
- 16.10 *Created a New Proctor Position at Topaz Preparatory Academy with a work year of 180 days/10 months, .25 hours.*
- 16.11 *Created a New Family Resource Specialist Replacing Parent Community Liaison at Cypress School of the Arts*
- 16.12 *Ratified the MOU by and between the Hesperia Unified School District and CSEA Chapter #684 regarding HUSD Staffing Guides*
- 16.13 *Approved the Proposed Board Meeting Dates for the Period February 2010 through June 2010*
- 16.15 *Approved the Crosswalk: Higher Education Learning Pathways 9-12 Benchmark Agreement*
- 16.17 *Approved the Independent Contractor Agreement for Surplus with Dennis Ebert*

16.3

**DISCUSSION/ACTION –
APPROVAL OF
RESOLUTION FOR
TEMPORARY
INTERFUND
BORROWING:**

Board Member Bentley requested that this item be pulled from the agenda.

On MSC (Kirk, Riley) Vote: 5-0, Resolution No. 2009/10-16 Authorizing Temporary Borrowing Between Funds of the District, was approved as submitted.

16.5

**DISCUSSION/ACTION –
TO RATIFY AMEND-
MENT OF EMPLOYMENT
CONTRACTS OF
ASST. SUPERINTENDENT-
EDUCATIONAL SVCS
AND SUPERINTENDENT:**

Board Member Bentley requested that this item be pulled from the agenda.

Board Member Kirk gave a background update. According to Board Member Kirk, after the Board had approved the Cabinet's contracts and Superintendent's contract at which time he was President, they realized that the amounts that had been agreed upon for compensation and the stages for salary step increases was not addressed on the contract. He, Superintendent McKinney and Mr. Pelayes, our attorney, talked about this and asked what would be a solution. Mr. Pelayes said that we could add a page that tells what the salary was agreed to by the Board and what step they were on so that they would know and Personnel would know. This is exactly what is done with teachers contracts. He asked legal counsel whether this needed to go back to the Board for approval and the answer was no; it does not. This is not amending the contract in any way; it is just specifying or spelling out what the salary was agreed to and what step they are on. That was the rationale and it was done on the advice of counsel.

Board Member Bentley cited Government Code 53262 which states "*All contracts of employment with a superintendent, deputy superintendent, assistant superintendent, associate superintendent, community college president, community college vice president, community college deputy vice president, general manager, city manager, county administrator, or other similar chief administrative officer or chief executive officer of a local agency shall be ratified in an open session of the governing body which shall be reflected in the governing body's minutes. Copies of any contracts of employment, as well as copies of the settlement agreements, shall be available to the public upon request.*" According to Board Member Bentley, there is absolutely no comparative value here when comparing what is to be considered our teachers contracts and these types of contracts because these fall under the Government Code which require ratification.

Board Member Kirk made a motion that the Board approve and ratify the actions of Board President Robert Kirk in entering into the contract amendments on behalf of Jovy Yankaskas and Mark McKinney in 2008 to set forth the annual salary of Jovy Yankaskas and Mark McKinney.

**16.5
DISCUSSION/ACTION –
TO RATIFY AMEND-
MENT OF EMPLOYMENT
CONTRACTS OF
ASST. SUPERINTENDENT-
EDUCATIONAL SVCS
AND SUPERINTENDENT:
(Continued)**

Dennis Wagner, legal counsel, clarified for the Board that what they are doing tonight is ratifying Board Member Kirk's action as a signator president of the Board when the amendment was entered into. He likened the issue as that of a clerical type error; the idea being that everybody knew what the salary was going to be for Mr. McKinney and Ms. Yankaskas. It's just that it was absent from the contract. The contract amendment entered into by Dr. Kirk was not brought before the Board at the time it was signed. The Board is now being asked to approve it and ratify it. The contract amendment should have been brought to the Board but it wasn't done. It was entered into by the President presumably within the global sphere of the President. The Board is asked to ratify those actions tonight so it just closes the issue.

Board Member Riley seconded the motion. The motion made by Board Member Kirk, seconded by Board Member Riley to approve and ratify the actions of Board President Robert Kirk in entering into the contract amendments on behalf of Jovy Yankaskas and Mark McKinney in 2008 to set forth the annual salary of Jovy Yankaskas and Mark McKinney was approved 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley).

Vice President Rogers indicated that she wanted to stipulate the reason that she voted yes was that she does believe this should have been brought into open session, however, our people do need to get paid. We don't need the adverse situation that's going to occur from this if we were to throw this out.

**16.18
DISCUSSION/ACTION –
APPROVAL OF
CONTINUED USE
OF LEGAL SERVICES
BY FAGEN, FRIEDMAN
& FULFROST, LLP:**

Board Member Bentley requested this item be pulled from the agenda.

Board Member Black made a motion that the continued use of legal services of Fagen, Friedman & Fulfrost, LLP for any necessary student, charter school, administrative and public records cases, be approved as submitted. Board Member Riley seconded the motion.

Vice President Rogers indicated that she would like to make a change. After speaking with legal counsel, it seems it would be better to state that the Board approve the continued use of legal services of Fagen, Friedman & Fulfrost, LLP as necessary depending upon what the District's needs are rather than limiting them to the specific duties.

16.18

**DISCUSSION/ACTION –
APPROVAL OF
CONTINUED USE
OF LEGAL SERVICES
BY FAGEN, FRIEDMAN
& FULFROST, LLP:
(Continued)**

Board Member Black amended his motion to approve the continued use of legal services of Fagen, Friedman & Fulfrost, LLP as deemed necessary depending upon the District's needs, be approved as amended. Board Member Riley seconded the motion.

Board Member Bentley indicated that he would like to see a written confirmation from Wagner & Pelayes stating that they're handing off a particular case so we know who to call.

Following discussion, a vote was taken. On MSC (Black, Riley) Vote: 5-0, The Board approved the continued use of legal services of Fagen, Friedman & Fulfrost, LLP as deemed necessary depending upon the District's needs as amended.

SPECIAL REPORTS:

**API & DATA DIRECTOR
PRESENTATION:**

This item was pulled until State information is received.

**STIMULUS MONEY
PRESENTATION:**

This item was pulled to the October meeting.

ACTION ITEMS:

16.1

**PUBLIC HEARING/
APPROVAL –
CERTIFICATION OF
UNAUDITED ACTUALS:**

Laura Carevic, Director of Fiscal Services and David McLaughlin, Asst. Superintendent, Business Services presented a PowerPoint presentation on the Unaudited Actuals.

Pursuant to Education Code Section 43103, the Board is asked to conduct a public hearing regarding the proposed revisions and take action to certify the Unaudited Actuals for FY 2008/09.

Vice President Rogers declared the public hearing open at 10:23 p.m.

The following member of the public addressed the Board:

1. Rick Maschek

Vice President Rogers declared the public hearing closed at 10:25 p.m.

On MSC (Kirk, Riley) Vote: 5-0, The Certification of Unaudited Actuals for FY 2008/09 was approved as submitted.

16.2

**DISCUSSION/ACTION –
APPROVAL OF
RESOLUTION
AUTHORIZING THE
IMPLEMENTATION OF
REVISED BUDGET
REDUCTIONS
BEGINNING WITH THE
2009/10 BUDGET YEAR:**

Board Member Kirk made a motion to approve Resolution No. 09/10-15 Resolution Authorizing On-going Board approved Budget Reductions based on the June Enacted Revised Budget to be Implemented at the First Interim Financial Reporting period. Board Member Black seconded the motion.

Board Member Bentley wanted to make sure that the Board is approving the Resolution with the numerical value that was handed to the Board tonight. The Resolution in the printed agenda had no numerical value. According to Superintendent McKinney, the Board received a revised Resolution identifying \$6 million during 2010/11 budget year and \$9.2 million during the 2011/12 budget year in ongoing budget reductions to maintain the state required minimum reserve levels.

Board Member Kirk amended his motion to approve Resolution No. 09/10-15 Authorizing On-going Board approved Budget Reductions based on the June Enacted Revised Budget to be Implemented at the First Interim Financial Reporting period, to include the amended page given to the Board today. Board Member Black seconded the motion. The motion carried unanimously.

16.14

**PUBLIC HEARING/
APPROVAL OF
RESOLUTION
REGARDING THE
SUFFICIENCY OF
INSTRUCTIONAL
MATERIALS FOR
FISCAL YEAR 2009/10:**

Pursuant to Education Code Sections 60119 and 60422, the Governing Board shall hold a public hearing on the availability of textbooks and instructional materials in order to be eligible to receive additional funds. The Board will also take action to adopt Resolution #2009/10-14 on the sufficiency of textbooks and instructional materials for 2009/10.

Vice President Rogers declared the public hearing open at 10:29 p.m.

Vice President Rogers declared the public hearing closed at 10:30 p.m.

On MSC (Black, Riley) Vote: 5-0, Resolution #2009/10-14 Resolution Regarding the Sufficiency of Instructional Materials for FY 2009/10 (pursuant to E.C. 60119), was approved as submitted.

**10:30 P.M.
MOTION TO ADJOURN
MEETING TO FRIDAY
SEPTEMBER 11, 2009
AT 7:30 A.M.**

Board Member Kirk made a motion to adjourn the rest of this meeting to Friday, September 11, 2009 at 7:30 a.m. The motion was seconded by Board Member Riley. The motion carried 3-2 (Ayes: Black, Kirk, Riley; Noes: Bentley, Rogers).

The meeting adjourned at 10:30 p.m.

APPROVED AS AMENDED: October 5, 2009