

BOARD OF TRUSTEES
HESPERIA UNIFIED SCHOOL DISTRICT
MINUTES

**Board Meeting
February 8, 2010**

Hesperia Administration & Educational Support Center (Annex)

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

MEMBERS ABSENT: None

OTHERS IN ATTENDANCE: Valerie Turpen, Coordinator, AESC
Dick Gary, Director, M&O
Roman Aguilar, Tech/Media, D.O./OHHS
Juanita Garcia, Instructor, SJVC
Raul Garcia, Driver
Darby Chaffin, First Student, Transportation
David Lillehaug, Driver
Tom Kerman, Teacher, HJHS
James Fogo, Teacher
Anthony Jacobs, Rep, Mojave/Sunset Point
Bill Pittsford, Principal, Canyon Ridge/Shadow Ridge
Dennis Reams, ASB, SLAHD
Connie Moore, Teacher, HHS
Alyx Yankaskas, Student, SHS
Christin Yankaskas, Student Rep, SHS
Hunter Schneider, Student, SHS
Kristi Sedlak, Teacher, SHS
Phoebe Gutierrez, Teacher, Eucalyptus
Deborah Barbour, Teacher, Eucalyptus
Pamela Laybhen, Teacher, LEPA
Craig Gunter, Principal, Eucalyptus
Michelle Murphy, Principal, Mission Crest
Cindy Costa, Principal, RMS
Corrie Myers, Teacher, HHS
Stacy Barnes, Teacher, HHS
Siobhan Weston, AP, Carmel

**OTHERS IN
ATTENDANCE:
(Continued):**

Brianna Richardson, Teacher, HJH
Nate Lambdin, Principal, MHS
Myriam Bravo, ELAC, SHS
Janet Brawner, AP, JC
Amanda Elias, AVID student, SHS
Courtney Rigney, AVID student, SHS
Ivana Mayoral, AVID student, SHS
Jessica St. Laurent, student, SHS
Crystal Espat, student, SHS
Isabel Ibarra, student, SHS
Nicole Owens, parent, LEPA
Dulce Zepeda, parent, LEPA
Alejandro Zepeda, parent, LEPA
Yolanda Reyes, parent, LEPA
Ellen Stephan, Teacher, HHS
Peter Dippell, Teacher, HJH
Steve Trudeau, Teacher, OHHS
Miriam Aguilar, parent, LEPA
Fabiola Cintron, parent/campus asst., LEPA/HHS
Sue Knuth, Principal, Cottonwood
Kathy Miller, AP, Lime Street
Karen Prestwood, Principal, Topaz
Maria D. Licea, parent, SHS
Juanita Lamp, parent/employee, SHS
Stephanie Engleman, teacher, LEPA
Margarita Garcia, parent, SHS
Julie Bramblett, parent, LEPA
Linda Chibb, grandparent, LEPA
Jim Garrett, Teacher, OHHS
Olga Olivas, parent, SHS
Paola Olivas, student, SHS
Michelle Ha, student, SHS
Shayna Robinson, student, SHS
Betsy Patridge, Teacher, HJH
Rosie Elizondo, Parent/employee, LEPA
Michelle Rhodes, Teacher, LEPA
Kathy Tolliver, employee, LEPA
Jennifer Mann, employee, LEPA
Bob Sprague, Teacher, Cypress Performing Arts School
Todd O'Neal, Teacher, Kingston
Vicki Kirk, Community Member
Edith Jimenez, Parent, LEPA
Cesar Betancourt, AVID student, SHS

**OTHERS IN
ATTENDANCE:
(Continued)**

Mayala Ramos, AVID student, SHS
Claudia Avila, AVID student, SHS
Emilio Avila, Parent
Kity Herrera, Parent, SHS
Luis Herrera, AVID student, SHS
Deanna Hopkins, Special Ed Asst., HHS
Lesly Hess, Teacher, SHS
Ashley Gutierrez, AVID student, SHS
Andrea Y. Gutierrez, AVID parent, SHS
Sandra Gutierrez, parent, SHS
Jasmine Cuevas, AVID student, SHS
Mary Porras, AP, CR/SR
Tatiana Garcia, AVID student, SHS
Maribel Sanchez, AVID parent, SHS
Tony McGuyer, Teacher, HHS
Ryan Plescia, AP, Kingston
Teri Green, Principal, Kingston
Stacey Chavies, Parent, SHS
Tina Viayra, Teacher, HHS
Gordon Williamson, Teacher, Maple
Debbie Graydon, Parent, LEPA
Monica Tolliver, Parent, LEPA
Tracy Burnett, Teacher, LEPA
Shameka Walker, Parent, LEPA
Kristi Holt, Parent, LEPA
Shawn Holt, Parent, LEPA
Elizabeth Licea, student, SHS
Ariana Aparicio, AVID student, SHS
Irma Garcia, Parent, SHS
Jisela Vargas Garcia, AVID Student, SHS
Martha Torres, Pupil Support Sys Spec., SHS
Pam Seeger, Principal, Mesa Grande
Gabriel Ludi, Teacher, HJH
David Ludi, Teacher, Cedar
Shane Halderman, Teacher, SHS
Ivette Barajas, LEPA
Bob Schnebeck, Principal, HHS
Sophia LaBrosse, Spirit Commissioner, OHHS
Yolette Rios, Teacher, Cypress/HTA Director-at-Large
Shannon Ward, Teacher, Cypress
Jennifer Andrade, student, SHS

**OTHERS IN
ATTENDANCE:
(Continued)**

Perla Real, student, SHS
Ydalia Ramirez, Student, SHS
Gabe Hernandez, Parent, SHS
Jose Ramirez, Student, SHS
Gabe Hernandez, Student, SHS
Tracy Marsh, Principal, SHS
Francis Morales, Teacher, LEPA
Sophia Glaze, Teacher, LEPA
Patti Hill, Teacher, LEPA
Jeremy Topete, Teacher, HHS
Addison Alvarado, Student, SHS
Christine Pichinte, Parent, LEPA
Wanda Sue Lambdin, Teacher/Parent, SHS
Cheyenne Falcon, AVID student, SHS
Nelida Pacheco, AVID student, SHS
Luz Maria Pacheco, Parent
Victor Manuel Pacheco, Parent
Alfred Carrillo, Counselor
Myra Gutierrez, AVID student, SHS
Heather Knight, AVID student, SHS
Ruben Pastrano, AVID student, SHS
Jennifer Wilson, Parent, HHS
Mayrilia Mendoza, Parent
Larry Bird, Director, D.O.
Jamie Van Hill, Teacher, Cedar MS
Tom Kirk, Principal, Kingston
Jodi Consten, Coordinator, AESC
Sandra Bahena, AVID Tutor, SHS
Leonard Lamp, AVID Tutor, SHS
Katie Aragon, ASB President, OHHS
Jennifer Shafer, Speaker, LEPA
Allison Shafer, Speaker, LEPA
Jennifer Ramos, AVID student, SHS
Semaj Walker, Speaker/Student, LEPA
Emma Page, Speaker/Student, LEPA
Oscar Aguilar, Student, LEPA
Levi Rodriguez, Student, LEPA
Mark Spaulding, Teacher, Elem Music
Cindy Fortin, Asst. Director, Personnel, AESC
Blanca Remijo, Parent, Cottonwood/Cedar MS/Hesperia HS
Debbie Baker, Exec. Asst., Admin Services
Cathy Gomez, Exec. Asst., Admin Services

**OTHERS IN
ATTENDANCE:
(Continued)**

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

CALL TO ORDER:

President Black called the meeting to order at 4:02 p.m. All Board members were present.

**HEARING FROM
THE AUDIENCE:**

President Black read the statement inviting the general public to address the Board on any closed session item.

The following addressed the Board:

1. Darlene Soto, resident. Topic: Unfairness of son's suspension
2. Thomas Vargas, resident. Topic: Unfairness of son's suspension

**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 4:08 p.m. to discuss the following:

- 3.1 Public Employee Appointment*
- 3.2 Public Employee Performance Evaluation ~ Superintendent*
- 3.3 Employee Resignation/Retirement*
- 3.4 Public Employee Discipline/Dismissal/Release/Reassignment/Transfer*
- 3.5 Conference with Labor Negotiator*
- 3.6 Pupil Personnel*

**RECONVENE IN
OPEN SESSION:**

The Board reconvened in open session at 6:50 p.m. All Board members were present.

**PLEDGE OF
ALLEGIANCE:**

The Summit Leadership Cadet Corps 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 (Riley, Kirk) Vote: 5-0, Certificated Personnel Report 09/10-8 was approved as presented.

On MSC (Rogers, Riley) Vote: 5-0, Classified Personnel Report 09/10-8 was approved as amended.

On MSC (Rogers, Riley) Vote: 5-0, Pupil Personnel Report 09/10-4 was approved as amended.

**STUDENT
REPRESENTATIVES:**

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

**SUPERINTENDENT'S
REPORT:**

Mrs. Yankaskas, Asst. Supt., Educational Services reported that a Daily Press Spelling Bee, sponsored by the Scripts Foundation, was held on February 6 at the Victor Valley College Performing Arts Center. This event was open to all schools in the area. Each school could send up to two (2) students each. She was pleased to announce that Cedar Middle School was the overall winner. Zachary Ocab, 8th grader, received \$4,000 and an all-expense paid trip to Washington, DC to compete in the National Spelling Bee which will be held May 31st through June 6. Zachary also received an on-line subscription to Encyclopedia Britannica, gift certificates for Amazon.com and a dictionary. Congratulations to Zachary Ocab from Cedar Middle School!

Superintendent McKinney reported that he had the opportunity to share at Sultana HS a State of the District address which he is sharing tonight and also this Thursday at Hesperia HS. He thanked David McLaughlin, Laura Carevic and Deb Baker for their assistance in putting the presentation together. He then presented a State of the District PowerPoint to the Board and audience.

**BOARD MEMBER'S
REPORT:**

Individual Board members were asked to share information on school visitations, comments and other activities they attended.

**APPROVAL
OF AGENDA:**

Consent List Items #1 Ratify the Accounts Payable Warrant Register Report No. 09/10-8; #13.4 Approval of Off Campus Activities; #13.6 Approval of Revised 2009/10 Single Plan for Student Achievement (SPSA) for Various School Sites; #13.8 Approval of Student Teaching Agreement between Western Governors University and the Hesperia Unified School District; #13.12 Approval of Letter of Engagement for Non-Auditing Services with Eric Hall & Associates, LLC were pulled from the agenda.

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

APPROVAL OF MINUTES:

On MSC (Riley, Kirk) Vote: 5-0, The Minutes of January 11, 2010 were approved as submitted.

HEARING FROM THE AUDIENCE:

President Black 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. Al Vogler, resident. Topic: Campaign Finance Reform
2. Cheyenne Falcon, resident. Topic: SHS AVID
3. Nadya Chavies, resident. Topic: SHS AVID
4. Stacy Chavies, resident. Topic: SHS AVID
5. Desiree Chavies, resident. Topic: SHS AVID
6. Heather Knight, resident. Topic: AVID being cut
7. Gabe Hernandez, resident. Topic: AVID
8. Gordon Williamson, resident. Topic: Long term focus on adequate funding for education
9. Betsy Patridge, teacher. Topic: Reductions and Board Leadership and ADA numbers
10. Thomas Kerman, Oak Hills. Topic: Budget/Action
11. Rick Maschek, Oak Hills. Topic: Financial condition
12. Rosie Elizondo, resident. Topic: LEPA
13. Pamela Laybhen, Victorville. Topic: La Verne Elementary (LEPA)
14. Shameka Walker, Victorville. Topic: LEPA 7th & 8th grade
15. Patti Hill, Adelanto. Topic: Approval of LEPA 7th & 8th grades
16. Steve Holguin, Riverside. Topic: LEPA Amendment
17. Debbie Graydon, resident. Topic: LEPA grades – school
18. Kristi Holt, resident. Topic: LEPA 7th & 8th grades
19. Allison Shafer, resident. Topic: LEPA
20. Jennifer Shafer, resident. Topic: LEPA

RECESS:

The Board called for a recess at 9:10 p.m.

RECONVENE:

The Board reconvened the meeting at 9:25 p.m.

**HEARING FROM THE AUDIENCE:
(Continued)**

21. Mary Paolini, resident. Topic: Classified employees
22. Ruth TerKeurst. Topic: CSEA Sunshine and budget

CONSENT LIST:

(Consent Items approved in one motion)

On MSC (Kirk, Rogers) Vote: 5-0, The Board approved the following items on the Consent list excluding Items #13.1; 13.4; 13.6; 13.8; 13.12.

- 13.2 *Approved Conference Report 09/10-7*
- 13.3 *Accepted Gifts to the District*

CONSENT LIST:

*(Consent Items approved
in one motion)*
(Continued)

- 13.5 *Approved Gold Coast Charter Bus Company to Transport Students to Off-Campus Activities*
- 13.7 *Approved the 2009/10 Application for Funding Consolidated Categorical Aid Programs, Part II*
- 13.9 *Approved the Surplus of District Property with an estimated value under \$2,500 & Authorized Carmen Becker and/or Dick Gary to dispose of said items*
- 13.10 *Approved the SBCSS Ground Lease Agreement for Transitional Classroom at Mojave HS State Preschool Program*
- 13.11 *Approved the Application for Funding for the After School Education & Safety Program (ASES)*

13.1

**RATIFY THE ACCOUNTS
PAYABLE WARRANT
REGISTER REPORT
NO. 09/10-8:**

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

Board Member Bentley referenced payment to Ammermon, Michael W., (Batch 1850) that he cannot approve on this pay warrant. He indicated that the contract with this individual calls for some scrutiny. His concern is that he has not seen a scope of the work that was done to see whether it falls within or outside the realm of the contract language. He also commented on Thomas Dorow site inspector for Oak Hills and Krystal. He requested a listing of when the inspections took place and what specifically he was inspecting on both sites for the pay warrants listed on page 23 amounting to \$27,455. Mr. McLaughlin, Asst. Superintendent, Business responded that he would provide the information requested.

Board Member Ella "Lee" Rogers also indicated that she spoke with staff because of several questions she had on the situation (Ammermon) which all goes back to the RFPs. She wasn't sure as to how this can be handled but she wasn't in favor of this or a couple of others that have continued on. She doesn't think the District has any recourse on it. That's the problem that she has on this.

Mr. McLaughlin, Asst. Superintendent, Business clarified that Ammermon is an auditor who was asked to do some forensic work for us at Hesperia HS last year. He just completed the work at Sultana HS in the fall of this year. The discrepancy is over whether he exceeded the scope of his work on some of his

**13.1
RATIFY THE ACCOUNTS
PAYABLE WARRANT
REGISTER REPORT
NO. 09/10-8:
(Continued)**

activities. He can look at the scope of work in the contract but for this particular invoice (in the warrant register report); it is probably a valid invoice. In terms of the other issue, we will need to deal with that as we go into the future. At this point, there is no other work with Ammermon.

Following discussion, a motion was made. On MSC (Bentley, Riley) Vote: 5-0, The Board ratified the Accounts Payable Warrant Register Report 09/10-8 as submitted.

**13.4
APPROVAL OF
OFF-CAMPUS
ACTIVITIES:**

Staff requested that this be pulled due to an add-on activity. Mrs. Yankaskas, Asst. Supt., Educational Services indicated the add-on was due to a wrestling championship on February 18-20 at Pacifica HS in Oxnard for varsity wrestlers at Hesperia HS which we just learned about. The Board is asked to approve the off-campus activities list as amended.

On MSC (Rogers, Riley) Vote: 5-0, The off-campus activities on February 11, 2010 – CBS Studio Center, Studio City – Air Force JROTC, Hesperia HS; February 13, 2010 – UCLA – AVID Students, Cedar Middle School; February 18, 2010 – Davy’s Locker, Newport Beach – Science Students, Mojave HS; February 18-20, 2010 (OVERNIGHT) – C.I.F. Individual Wrestling Championship at Pacifica HS, Oxnard – Varsity Wrestlers, Hesperia HS; February 19, 2010 – Pizza Factory, Hesperia – Top Fundraising Students, Maple Elementary School; February 19, 2010 – Disneyland (Leadership Conf) – Leadership/ASB, Cedar Middle School; February 19-20, 2010 (OVERNIGHT) – C.I.F. Individuals, Citrus HS, Perris – Varsity Wrestling, Oak Hills HS; February 26-27, 2010 (OVERNIGHT) – C.I.F. Masters, Temecula Valley HS – Varsity Wrestling, Oak Hills HS; February 26-27, 2010 (OVERNIGHT) – C.I.F. Master, Temecula Valley HS – Varsity Wrestling, Hesperia HS; March 3-6, 2010 (OVERNIGHT) – C.I.F. State Wrestling Individual Finals, Robobank Arena, Bakersfield – Varsity Wrestling, Oak Hills HS; March 4-6, 2010 (OVERNIGHT) – C.I.F. State Wrestling Individual Finals, Robobank Arena, Bakersfield – Varsity Wrestling, Hesperia HS; March 6,27, April 17, 2010 – Pacific Crest Trail, Hesperia – Outdoors Club, Hesperia HS; March 11-14, 2010 (OVERNIGHT) – Cal-HOSA State Leadership Conf, Ontario – Cal-HOSA, Sultana HS; March 26-29, 2010 (OVERNIGHT) – JROTC Cadet Leadership Camp Challenge, Fort Irwin – JROTC, Oak Hills HS; April 24, 2010 – Senior Prom, Universal Studios – Senior Class, Hesperia HS; April 29, 2010 – Aquarium of the Pacific, Long Beach – First Grade Students, Carmel Elementary School; May 7, 2010 –

13.4

**APPROVAL OF
OFF-CAMPUS
ACTIVITIES:
(Continued)**

Aquarium of the Pacific, Long Beach – Second Grade Students, Eucalyptus Elementary School; May 10, 2010 – Leadership/Teambuilding Activities, Corona Del Mar State Beach – ASB/Green Club, Rancho MS; May 21, 2010 – Catalina Island – Latin Culture & French Club, Hesperia HS; May 27-28, 2010 (OVERNIGHT) – Disneyland, Senior Grad Nite – Senior Class, Hesperia HS, were approved as amended.

13.6

**APPROVAL OF
REVISED 2009/10
SINGLE PLAN FOR
STUDENT ACHIEVE-
MENT (SPSA) FOR
VARIOUS SCHOOL
SITES:**

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

Board Member Bentley thanked Ms. Turpen for her work on the SPSA's. He indicated that the SPSA's are referenced on the Student Assessment Accountability Plan and the District Accountability Plan. His concern is that this has generally been pro forma. These things are compiled by the school site council as Ed Code requires which is a concern on the site based management piece. He questioned that if these are going to be a part of a grander plan, then it is no longer really pro forma because these are the specific roadmaps of what it is that we are doing and where our categorical dollars are being spent. We also need to recognize that school site councils are empowered by Ed Code to be making these kinds of decisions.

On MSC (Bentley, Riley) Vote: 5-0, The 2009/10 Single Plan for Student Achievement (SPSA) revisions for Canyon Ridge, Carmel, Cedar, Cypress, Eucalyptus, Hesperia Community Day, Hesperia High, Hesperia Junior, Hollyvale, Juniper, Kingston, Krystal, Maple, Mesa Grande, Mesquite Trails, Mission Crest, Mojave, Oak Hills, Rancho Middle, Shadow Ridge and Sultana High School, were approved as submitted.

13.8

**APPROVAL OF
STUDENT TEACHING
AGREEMENT
BETWEEN WESTERN
GOVERNORS
UNIVERSITY AND THE
HESPERIA UNIFIED
SCHOOL DISTRICT:**

Staff requested that this item be pulled from the agenda. Mrs. Yankaskas, Asst. Superintendent, Educational Services stated that this was pulled due to a typographical error in the recommended action. She would request that the recommended action be changed to reflect the term of March 8, 2010 through March 8, 2015 rather than 2012.

On MSC (Rogers, Riley) Vote: 5-0, The Student Teaching Agreement between Western Governors University and the Hesperia Unified School District for the term of March 8, 2010 through March 8, 2015, was approved as amended.

13.12

**APPROVAL OF
LETTER OF ENGAGE-
MENT FOR NON-
AUDITING SERVICES
WITH ERIC HALL &
ASSOCIATES, LLC:**

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

He commented on this last month when this was on the Consent List that it doesn't belong here. He also expressed caution with these types of things.

Board member Bentley also appreciated the scope of work that was provided but would add that the scopes of work do not list which facility projects specifically we are talking about. He asked Mr. McLaughlin if it would be too limiting to list for future projects and whether there is any validity in doing that.

Mr. McLaughlin, Asst. Superintendent, Business replied that there are 16 of them. He believes we could certainly for future limit the scope to the 16 projects.

Board Member Bentley asked when we might be seeing some of the deliverables even in the preliminary stages to get a heads up particularly on the COPs and CFDs. Mr. McLaughlin replied that in his preliminary discussion, we are looking at the mid-March for the first deliverables. The goal is to work with Eric Hall & Associates in putting a plan together that we can submit to the Board because of the extent of the audit and the deliverables necessary to get us ready for the State. In addition, we are expecting some information from the State on which ones will go into closeout first and that will be provided for the Board as well.

On MSC (Bentley, Riley) Vote: 5-0, The Letter of Engagement for Non-Auditing Services with Eric Hall & Associates, LLC, beginning January 12, 2010 through June 30, 2010, funding from Facilities, was approved as submitted.

14. SPECIAL REPORTS

**LAVERNE
PREPARATORY
ACADEMY CHARTER
AMENDMENT:**

Ms. Debra Tarver, Director, accompanied by Ms. Burnett and Mrs. Rhodes, presented a PowerPoint presentation regarding the request to amend the LaVerne Preparatory Academy Charter Agreement to include 7th and 8th graders.

**DISTRICT ACCOUNT-
ABILITY AND THE
STUDENT ASSESSMENT
AND ACCOUNTABILITY
PLAN:**

Mr. Larry Bird, Director, gave a PowerPoint update regarding the District Accountability and the Student Assessment and Accountability Plan.

**MOTION TO
RECESS MEETING
TO TUESDAY,
FEBRUARY 9, 2010
AT 8:30 A.M.:**

Board Member Ella “Lee” Rogers stated that everyone on the Board knows what tumultuous times are ahead of us but these situations have come up before and the Board is trying to work through them. The Board had two meetings a month in order to do so. She felt that the Board had two more hours to get through the remainder of the meeting. She would like to have another meeting and go back to two board meetings a month so we can get through this.

Superintendent McKinney clarified that if the Board adjourns its meeting, postings would have to be done again to meet the Brown Act requirement. If the Board decides to recess this meeting to another day, there is no reposting requirement.

Board Member Ella “Lee” Rogers made a motion to recess the Board meeting and reconvene on Wednesday right where we left off.

Board Member Riley made a motion to extend the meeting to midnight to finish up and get the people’s business done. The motion failed for lack of a second.

Board Member Ella “Lee” Rogers amended her motion to reconvene on Tuesday evening. The motion was amended to recess to Tuesday morning at 8:30 a.m. Board Member Kirk seconded the motion.

On MSC (Rogers, Kirk) Vote: 4-1 (Ayes: Bentley, Black, Kirk, Rogers; Noes: Riley) The meeting of February 8, 2010 was recessed to Tuesday, February 9, 2010 at 8:30 a.m.

RECESS:

The Board recessed at 10:40 p.m.

**RECONVENE ~
TUESDAY, 2/9/10
AT 8:30 A.M.:**

The Board reconvened at 8:30 a.m. on Tuesday, February 9, 2010.

MEMBERS PRESENT:

Hardy Black, President
Chris Bentley, Member
Ella “Lee” Rogers, Member

Mark McKinney, Superintendent

MEMBERS ABSENT:

Anthony Riley, Vice President
Dr. Robert Kirk, Clerk

**OTHERS IN
ATTENDANCE:**

Tracy Burnett, Teacher, LEPA
Jennifer Angle, Parent, LEPA
Michael Angle, Parent, LEPA
Deb Baker, Exec. Assistant
Cathy Gomez, Exec. Assistant
Laura Carevic, Director, AESC
Phoebe Gutierrez, Teacher, Eucalyptus
Maria Serrata, Parent, LEPA
Michelle Rhodes, Employee, LEPA
Jennifer Shafer, Parent, LEPA
Linda Clubb, Grandparent, LEPA
Louis Serrata, Parent, LEPA
Dick Gary, Director, M&O
Jodi Consten, Coordinator, AESC
Darrel Nickolaisen, Coordinator, AESC

President Black stated that the Board left off last evening with Action Item #15.1.

POINT OF ORDER:

As a point of order, Board Member Bentley stated that the Board left off at Item #14.2 District Accountability and Student Assessment and Accountability Plan Update from Mr. Bird. Mr. Bird had asked for questions. There are many questions in relationship to this as to its legality as it involves Ed Code and our Board policies. Mr. Bird was provided an opportunity to give a presentation which is a promotion/retention plan and that is where the meeting left off last night. He would like to know how it is going to be dealt with all Board members as they all should be provided an opportunity to comment on the Student Assessment and Accountability Plan.

**ARRIVAL OF
BOARD MEMBER
KIRK:**

Board member Kirk arrived in the meeting at 8:35 a.m.

**POINT OF ORDER:
(Continued)**

Following discussion, President Black indicated that this item would be brought back to the next meeting so that Mr. Bird could pick up where he left off, in essence, and respond to questions of the Board.

15. ACTION

**15.1 DISCUSSION/
ACTION – ADOPTION
OF RESOLUTION NO.
2009/10-23 RESOLUTION
AUTHORIZING THE
REDUCTION AND/OR
DISCONTINUANCE OF
PARTICULAR KINDS
OF SERVICE AND A
REDUCTION OF
CERTIFICATED STAFF
IN ACCORDANCE
WITH E.C. SECTIONS
44949 AND 44955
COMMENCING IN THE
2010/11 SCHOOL YEAR:**

The Board is being asked to adopt Resolution No. 2009/10-23 authorizing the reduction and/or discontinuance of particular kinds of service and a reduction of certificated staff in accordance with E.C. Sections 44949 and 44955.

Total Certificated Employees: Discontinue/Reduce 94.0 F.T.E.

Board Member Bentley recognized that last year the District did the exact same thing except the reductions were for 181.5 F.T.Es. He stated that he cannot support the Resolution as it stands due to the third clause which reads "*WHEREAS, the State budget crisis has forced the District to implement cost saving measures*" because it negates local control and accountability and the buck stops here. He cited three areas that impacted our budget and the challenges that face us: 1) The 2007 Collective Bargaining Agreement and the AB 1200 document which clearly stated if this was passed forward, it would have an impact of \$12 million dollars in salaries and about \$4-5 million in benefits. 2) Certificates of Participation. We have huge non-voter approved long-term debt obligations that were passed by this Board which do need to be repaid and do impact our General Fund; 3) Aging infrastructure. We built new facilities and when those kinds of decisions are made, it costs money to operate schools and run them. Local decisions made do have as grand an impact on our current budget situation as does what is being done in Sacramento. These things need to be recognized and the Resolution does not do it.

Board Member Rogers stated that she disagreed with some of the FTEs that have been listed primarily because they are detrimental to our educational process. The Board has a huge task ahead but they are required by law to do this.

Board Member Kirk thanked staff. He agreed with Mrs. Rogers that there are positions that he would not want to see happen but he will support this because it is a recommendation from Cabinet. He disagreed with Board member Bentley that local control bought us to this moment, citing other reasons that such as declining enrollment, housing bubble, financial crisis with the Federal government and all the ramifications that have impacted upon us. He is very hopeful that the unions will make concessions to help us as HUSD family so the reality of this motion will not happen because it would hurt us severely because of our students but by law we have to put something in place as the last option.

**15.1 DISCUSSION/
ACTION – ADOPTION
OF RESOLUTION NO.
2009/10-23 RESOLUTION
AUTHORIZING THE
REDUCTION AND/OR
DISCONTINUANCE OF
PARTICULAR KINDS
OF SERVICE AND A
REDUCTION OF
CERTIFICATED STAFF
IN ACCORDANCE
WITH E.C. SECTIONS
44949 AND 44955
COMMENCING IN THE
2010/11 SCHOOL YEAR:
(Continued)**

President Black felt that we have reached the baseline on cuts. He believes we are at the bottom of what we can do at least class size wise, reducing teachers and staff but the matter of fact is that the Governor in his wisdom produced a budget proposal that requires us to do more because he's cutting more from us unilaterally. So, the statement on the Resolution really does infringe upon the school district because of what the Governor has done which we have no control over. This proposal on the table was put together in November-December-January, culminating in January which addresses the \$8 million dollar hole in our General Fund only that was existent then. The additional \$5 million dollars that the Governor's budget proposal dumps on us is not addressed by this proposal. If we were to address that fully, we would need to cut even more staff which is totally ludicrous, ridiculous and impossible to do and survive. The baseline has been established and he would encourage staff if we do have concessions to spread this misery around equally. He too will support staff's recommendation.

Board member Kirk made a motion to approve Resolution No. 2009/10-23 Authorizing the Reduction and/or Discontinuance of Particular Kinds of Service and a Reduction of Certificated Staff in Accordance with E.C. Sections 44949 and 44955. The motion was seconded by President Black.

**ARRIVAL OF BOARD
MEMBER RILEY:**

Board member Riley arrived in the meeting at 8:47 a.m.

**15.1 DISCUSSION/
ACTION – ADOPTION
OF RESOLUTION NO.
2009/10-23 RESOLUTION
AUTHORIZING THE
REDUCTION AND/OR
DISCONTINUANCE OF
PARTICULAR KINDS
OF SERVICE AND A
REDUCTION OF
CERTIFICATED STAFF
IN ACCORDANCE
WITH E.C. SECTIONS
44949 AND 44955
COMMENCING IN THE
2010/11 SCHOOL YEAR:
(Continued)**

Following considerable discussion, a motion was made. On MSC (Kirk, Black) Vote: 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley), Resolution No. 2009/10-23 Authorizing the Reduction and/or Discontinuance of Particular Kinds of Service and a Reduction of Certificated staff in accordance with E.C. Sections 44949 and 44955, was approved as submitted.

**15.2 DISCUSSION/
ACTION – ADOPTION
OF RESOLUTION
NO. 2009/10-24 –
RESOLUTION TO SET
CRITERIA FOR
WORKFORCE
REDUCTION:**

The Board is being asked to adopt Resolution No. 2009/10-24 Resolution to set criteria for workforce reduction in the event of a tie between certificated employees to be reduced.

President Black stated that this precisely corresponds to what is outlined in the HTA Collective Bargaining Agreement.

On MSC (Kirk, Riley) Vote: 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley) Resolution No. 2009/10-24, Resolution to Set Criteria for Workforce Reduction in the Event of a Tie between Certificated Employees to be Reduced, was approved as submitted.

**15.3 DISCUSSION/
ACTION – TO CONSIDER
AMENDING LA VERNE
PREPARATORY
ACADEMY CHARTER
AGREEMENT TO
INCLUDE 7TH & 8TH
GRADERS:**

The Board will discuss and may take action on the proposal from La Verne Preparatory academy to amend their charter to include grades 7th and 8th.

President Black stated that the Board has been given financial documentation that was requested last evening.

Mr. Holguin explained the copies given to the Board specifically copies of documents from the State Board, LA Unified, and San Bernardino City Unified on how they handle material revisions. Additionally, he forwarded an e-mail to Mr. Bird from the CDE interpreting E.C. 47607 and 47605. Generally, almost every district throughout the state handles material revisions in one of two ways: 1) They want specific sections updated in the petition. In this case, it would be the sections of students to be served and they require sometimes depending on the school updated areas for student outcomes and methods of assessment for the new grades and finally a new budget on how it will impact revenues and costs for the new students. 2) Some districts will require an entire petition with all the revisions clearly labeled or lined through. Any methods that are for the establishment of a petition do not apply to material revisions. Signatures, public hearings, etc. pertain to the establishment of a charter and not a material revision.

Board member Bentley stated that HUSD has a policy which outlines a process for applying for approvals and it points to Ed Code 47605. He has absolutely nothing against LaVerne Preparatory Academy but the process is the problem. Ms. Tarver provided a simple letter that only contained a paragraph to address the fiscal.

**15.3 DISCUSSION/
ACTION – TO CONSIDER
AMENDING LA VERNE
PREPARATORY
ACADEMY CHARTER
AGREEMENT TO
INCLUDE 7TH & 8TH
GRADERS:
(Continued)**

Board member Rogers felt that she also needed to look at the financials. We do have a policy in place regardless of whether or not it needs to be revisited; it is there and we must follow it.

Board member Kirk felt sorry for what Ms. Tarver and her staff have been put through in the last day or two because of this. If she had a marginal program that might be different but she doesn't. She has an excellent program and we're hanging her up on technicalities and differences of view not on substance known quality not on her ability to perform. He has no doubt about her abilities to do this. He would like us to move forward.

Board member Riley asked whether or legal counsel had provided an opinion on this matter. Superintendent McKinney responded that we did receive a letter indicating that it passed a muster but the challenge is he doesn't know they actually looked at our Board Policy. Our Board Policy doesn't match the process that we're using here. Superintendent McKinney was asked to contact our legal counsel to ask whether they reviewed the policy on file.

Mr. McLaughlin would like to work with Ms. Tarver on the following: As he reviewed the financial information provided today, this information does not include the additional reduction of \$191 per ADA in the out years 2010/2011 and 2012/13. Another concern is based on current enrollment on just the numbers; the ADA projection of 268 is high. He suggested working with Ms. Tarver on the Second Interim to deal with these issues.

After contacting legal counsel, Superintendent McKinney stated that it was legal counsel's opinion that adding two grade levels was not a material revision; therefore, the Board Policy does not apply. Board member Rogers requested this statement in writing from legal counsel.

President Black requested that staff review the Board Policy to bring us in line with what is occurring around the state with other boards.

Following considerable discussion, a motion was made. Board member Kirk made a motion to approve The Amendment to La Verne Preparatory Academy Charter Agreement to include 7th and 8th graders was approved with the understanding from the District's legal counsel that the amendment was not a material revision. The motion was seconded by Board member Rogers.

**15.3 DISCUSSION/
ACTION – TO CONSIDER
AMENDING LA VERNE
PREPARATORY
ACADEMY CHARTER
AGREEMENT TO
INCLUDE 7TH & 8TH
GRADERS:
(Continued)**

Board member Bentley asked that this be recognized and pointed out to legal counsel that simply moving the facility and not changing a single program according to Ed Code is a material revision and that is 47605 explicitly. The second thing is that there is a full disclosure that we've been provided for and the only petition before us is the original charter school petition in which Anthony Riley is a signatory thereof so Mr. Riley is a petitioner for this program and that has not been declared up to this point. We do have a legal opinion on conflicts of interest regarding this and how it's supposed to be handled. That is an issue that does need to be addressed. As far as the disagreement of the policies, had he been provided these numbers in sufficient time to address the deficiencies that do exist, then he could have evaluated the fiscal health of LaVerne Prep. Academy but it wasn't provided to him. That's the concern that he has and that's why the policy is in place.

Board member Riley thanked Board member Bentley for his due diligence and research in looking into this matter. Because of that and, of course, being a supporter of the program he would also like to add that his mother works for the program as a registrar and airing on the side of caution, he intended on abstaining from this particular vote today, however, he is glad that Wagner & Pelayes has provided a legal opinion and look to the Board to continue its support to Ms. Tarver's program. He believes that it is something that the families of her program need. She sets the standard in this community and if he could vote on this, he absolutely would.

Board member Rogers urged Ms. Tarver to work with Mr. McLaughlin on the matters he brought up earlier.

On MSC (Kirk, Rogers) Vote 3-1-1, (Ayes: Black, Kirk, Rogers; Noes: Bentley; Abstain: Riley) The Amendment to La Verne Preparatory Academy Charter Agreement to include 7th and 8th graders was approved with the understanding from the District's legal counsel that the amendment was not a material revision.

RECESS:

The Board recessed at 9:32 a.m.

RECONVENE:

The Board reconvened at 9:40 a.m.

**15.4 DISCUSSION/
ACTION – AWARD OF
RFP#10-102 FOR
WIRELESS WAN
(E-RATE):**

Board Member Rogers thanked Mr. McLaughlin for all the work he has done in the past and will do in the future with e-rate. Hesperia USD is the only district in the high desert that has received huge amounts of e-rate funding thanks to Mr. McLaughlin.

**15.4 DISCUSSION/
ACTION – AWARD OF
RFP#10-102 FOR
WIRELESS WAN
(E-RATE):
(Continued)**

On MSC (Rogers, Riley) Vote: 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley) RFP #10-102 Federal E-Rate, Fixed Wireless Broadband Services was awarded to Verizon Business. This recommendation was based on the lowest responsive, responsible bidder.

**15.5 DISCUSSION/
ACTION – ACCEPTANCE
OF ANNUAL AUDIT
REPORT FROM
NIGRO, NIGRO &
WHITE, AUDITORS:**

The Board was presented the District's Audit Report for the fiscal year ended June 30, 2009. Board member Bentley indicated that this item should have been placed under Special Reports so that the Board could ask questions of the auditors. Board member Bentley expressed concern that there is \$1 million dollars in inventory that is not being properly watched. ASB funds are a problem. He had a question regarding a restatement of net assets to the tune of \$3.5 million less and he doesn't know why.

Board member Riley thanked Mr. McLaughlin and Mrs. Carevic for bringing an auditor yesterday who sat through the duration of this meeting. We couldn't get to the business in a timely manner; therefore, that individual had to go home. Unfortunately, that person is not here today to answer some of these questions. It should be known that both David and Laura did due diligence in bringing someone here to answer questions and quite frankly, we couldn't just progress yesterday in a timely manner. Mr. McLaughlin responded that he will provide responses to the questions that Board member Bentley asked in writing within the next several days.

Board member Rogers indicated that in the future, she would like to have this item as a one board meeting item for the Board to go through and discuss because our financial condition which is not going to go away. Because it is the Board's responsibility to make sure we are fiscally sound, she would like the Board to sit together, discuss and tear this apart even if it means having a one item board meeting.

Mr. McLaughlin, Asst. Supt., Business clarified that what he thought the Board is requesting is a Board Financial Workshop. As you know, the annual audit is presented in January. Because his staff is working on the 2nd interim report and final budget which is due in June, he would suggest having a workshop sooner than later. He suggested the week after the 2nd interim is presented so that we have the latest numbers at that time.

**15.5 DISCUSSION/
ACTION – ACCEPTANCE
OF ANNUAL AUDIT
REPORT FROM
NIGRO, NIGRO &
WHITE, AUDITORS:
(Continued)**

Consensus of the Board was to have a Board Financial Workshop. President Black suggested that we review our Inventory policy to possibly tighten it up or have more oversight. On the ASB policy, one of the suggestions the auditor gave was to have a preliminary meeting at the beginning of the year to start or project a budget. He thinks that needs to be done.

Board member Bentley would add that if we are going to bring people in to address the item to put this at the beginning of the meeting to respect their time so the other things don't get put on hold and we're not wasting people's time.

President Black stated that he would take credit for leaving the audit report off as a special report. The assumption was that the Board had the audit report, they had time to read it and ask questions of staff then if staff perceived there was a need to have a special report, we would do that and that didn't happen. We do have problems with our agenda and he will be asking Supt. McKinney to poll the Board on some proposals to streamline the agenda to make it more manageable so we can get the business of the Board done.

Following discussion, a motion was made. On MSC (Kirk, Riley) Vote: 5-0, The District's Audit Report for the fiscal year ended June 30, 2009 prepared by Nigro, Nigro & White, Auditors, was accepted as presented.

**15.6 DISCUSSION/
ACTION – ACCEPTANCE
OF BOND #8216-89-16
TO RELEASE MONEY
WITHHELD ON
STOP NOTICE FROM
ASR CONSTRUCTORS
(MODULAR
STRUCTURES, INT.,
INC.):**

The Board is being asked to accept the Bond to release money withheld on Stop Notice #8216-89-16 from ASR Constructors, Inc., in the amount of \$1,219,072.33.

Board member Bentley asked has there or has there not been an extraordinary large number of Stop Notices with ASR Constructors on this project or is it relative and this is the normal amount? Mr. David McLaughlin, Asst. Supt., Business replied that there has been a lot of Stop Notices and ASR's practice is to bond around the Stop Notice to keep their cash flow. He doesn't know about the last large project which was Sultana HS to be able to compare. He could not disclose what is going on in particular with Modular Structures because this is an issue for the courts eventually. He will say that we have looked into these two particular Stop Notices and it would be his recommendation to approve the recommendation to approve both of these based on that.

**15.6 DISCUSSION/
ACTION – ACCEPTANCE
OF BOND #8216-89-16
TO RELEASE MONEY
WITHHELD ON
STOP NOTICE FROM
ASR CONSTRUCTORS
(MODULAR
STRUCTURES, INT.,
INC.):
(Continued)**

Board member Bentley believes that since this could quite possibly be potential litigation, he believes we need to address it as such and see where our culpability lies because if two dogs are getting in a fight and there is a third dog that has the desire to get into it or not get into it, sometimes they just end up getting into it anyway and he would like to assess our risk in this dog fight.

Board member Rogers indicated that she too has concerns. She does believe that this Board needs to be apprised of what the situation is and where we are with this and it is appropriate that this be agendized as a closed session item because it is potential litigation.

Mr. McLaughlin was asked to keep aware of this and if things progress, look at the parameters of that and see what makes sense for re-agendizing.

Following considerable discussion, a motion was made. On MSC (Kirk, Riley) Vote: 5-0, The Bond to release money withheld on Stop Notice #8216-89-16 from ASR Constructors, Inc., in the amount of \$1,219,072.33 was accepted as presented.

**15.7 DISCUSSION/
ACTION – ACCEPTANCE
OF BOND #8216-89-17
TO RELEASE MONEY
WITHHELD ON STOP
NOTICE FROM ASR
CONSTRUCTORS
(MCKINLEY ELEVATOR
CORPORATION):**

The Board is being asked to accept the Bond to release money withheld on Stop Notice #8216-89-17 from ASR Constructors, Inc., in the amount of \$17,125.00.

On MSC (Kirk, Riley) Vote: 5-0, The Bond to release money withheld on Stop Notice #8216-89-17 from ASR Constructors, Inc., in the amount of \$17,125.00 was accepted as presented.

**15.8 PUBLIC HEARING:
CSEA CHAPTER #684
COLLECTIVE
BARGAINING
SUCCESSOR
AGREEMENT 2010/2013
SUNSHINE LIST FOR
NEGOTIATIONS WITH
THE HESPERIA
UNIFIED SCHOOL
DISTRICT:**

Pursuant to Government Code Section 3547 et seq., the Governing Board will conduct a public hearing on the CSEA Chapter #684 Collective Bargaining Successor Agreement 2010/2013 Sunshine List for negotiations with the Hesperia Unified School District.

President Black declared the public hearing open at 10:03 a.m.

He asked is anyone had comments. There were no comments.

President Black declared the public hearing closed at 10:04 a.m.

**15.9 DISCUSSION/
ACTION – APPROVAL
OF MIDYEAR TRANS
CASH RESERVE
PROGRAM FOR 2009/10:**

The Board is being asked to adopt the Resolution to participate in the Midyear TRAN (Tax and Revenue Anticipation Notes) offering from the California School Cash Reserve Program sponsored by the California School Boards Association Finance Corporation.

Mr. McLaughlin, Asst. Superintendent, Business indicated that this is a cash flow instrument. This differs from previous TRAN we have approved in that a normal TRAN is issued in a fiscal year and paid back in a fiscal year. This TRAN will be issued in May thereabouts and we'll get the cash in June. It will cross the fiscal year and be paid back in July/August/September period. As a reminder, this is because of the \$14 million in deferrals of appropriations we will receive between April-June which we will receive a portion of in July and the balance in October. This is to help us make our payroll between those periods of time.

On MSC (Rogers, Riley) Vote: 5-0, The Resolution to participate in the Midyear TRAN (Tax and Revenue Anticipation Notes) offering from the California School Cash Reserve Program sponsored by the California School Boards Association Finance Corporation, was approved as submitted.

**15.10 DISCUSSION/
ACTION – ELECTION
OF VOTING REPRESENTATIVE AT
ANNUAL ELECTION
OF MEMBERS TO THE
COUNTY COMMITTEE
ON SCHOOL DISTRICT
ORGANIZATION:**

Board member Kirk made a motion to elect Anthony Riley as Board Representative (elector at annual election of County Committee members to the County Committee on School District Organization) through November 2010. The motion was seconded by Board member Ella "Lee" Rogers. The motion carried on a vote of 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley).

16. INFORMATION

**16.1 ENROLLMENT
UPDATE:**

The Board received a Projection Compared to Actual Enrollment as of January 25, 2010. We're holding our own on enrollment. The elementary numbers are going up slightly. The decline in the secondary is probably less than what we've experienced in years past.

The Board also discussed Charter School enrollment.

**ADJOURN TO
CLOSED SESSION:**

The Board adjourned to Closed Session at 10:24 a.m. to discuss the following:

- 3.2 Public Employee Performance Evaluation ~ Superintendent*
- 3.5 Conference with Labor Negotiator*

**RECONVENE IN
OPEN SESSION:**

The Board reconvened in Open Session at 11:58 a.m.

All Board members were present with the exception of Board Member Kirk who had to leave because of pain on his hip.

**REPORTING OUT
OF CLOSED SESSION
ACTION:**

The Board had nothing to report.

**16. INFORMATION
(Continued)**

**16.2 LETTER FROM
SAN BERNARDINO
COUNTY SUPT. OF
SCHOOLS DATED
1/13/10 REGARDING
THE DISTRICT'S
2009/10 FIRST INTERIM
FINANCIAL REPORT:**

Mr. McLaughlin, Asst. Supt., Business indicated that Mrs. Carevic, Director of Fiscal Services worked with the County Supt. Of Schools office on the facts of this letter. She was available to respond to Board member Bentley's questions concerning Salary Settlements (page 357) and Revenue and Expenditure Projections (deficit spending) (page 355).

Board member Bentley highlighted the statement on Charter Schools (page 359) which reads "*As the chartering authority of the Crosswalk, Encore High School for the Performing Arts, LaVerne Elementary Preparatory Academy, Mirus Secondary School, Pathways to College and Summit Leadership Academy Charter Schools, E.C. Section 47604.32 requires that each charter school under its authority complies with all reports required of charter schools by law and use these reports to monitor the fiscal condition.*" The review noted that the district has not submitted copies of any of the charter interim report documents, fiscal review analysis documents, and copies of correspondence to the charters reflecting the district's oversight review of each of the charter's First Interim Financial report documents.

ITEMS FOR FUTURE BOARD MEETINGS:

The Board requested the following item(s) for future Board meetings:

- CAMPAIGN FINANCE REFORM BROUGHT UP BY MR. VOGLER (Board members Bentley and Rogers) Suggested that Supt. McKinney ask Mr. Vogler what is he looking for or request a meeting with Supt., President Black and Mr. Vogler on this issue. Board member Riley concurred with his fellow board members that transparent government obviously is important especially at the local and regional level all the way through the federal level. One of the things that we've attempted to do through some of the processes would be the ability to offer the Form 460 and Form 700 to be available on-line to the public. This is done at the county level and once again, it is part of the process for transparent government. This is something that especially this day in age and the time we live in that would be of great concern and a tremendous asset for our community.

NEXT MEETING DATE: The next meeting of the Hesperia Unified School District Board of Trustees will be held on March 1, 2010 (Special Meeting); March 8, 2010 (Regular Meeting) at the Hesperia Administration & Educational Support Center (AESC) Annex, 15576 Main Street, Hesperia.

ADJOURNMENT: The Board adjourned at 12:13 p.m.

APPROVED AS AMENDED: 3/8/10