

BOARD OF TRUSTEES
HESPERIA UNIFIED SCHOOL DISTRICT
MINUTES

Board Meeting

July 12, 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: Vicki Kirk, Community Member
Kim Walker, Teacher-ROP, Alternative Ed Ctr.
Roman Aguilar, Tech
Pat Cook, Resident
Dick Gary, Director, M&O
Larry Porras, Principal, OHHS
Genevieve Johnston, Teacher, OHHS
Kelly Nunes, Coach, AESC
Collin Rowe, Teacher, APU
Irma Crespino, Parent, Encore School
Jim Resvaloso, Teacher, RMS
Ron Chapman, Teacher, RMS
Matthew Johnson, College Student, APU
Ventura Herrera, College Student, APU
Denise Griffin, Admin., Encore
Ruth Prince Gabriel, Ed Specialist, Cypress
Nate Lambdin, Principal, Mojave HS
Thomas Kerman, Teacher, HJH
Christine Chisholm, Admin Secty, SHS
Erica Carlson, Teacher, HHS
Bob Schnebeck, Principal, HHS
Renee Getchel, Teacher, Mesa Grande
Debra Tarver, Admin., LEPA
Evlyn Puentes, Teacher, MHS
Penny Castillo, Teacher, Cedar MS
Cindy Walker, Teacher, HJH
Jonna St. John, Teacher, HJH
Cheryl Mack, Teacher, Mesa Grande
Nita Fitzpatrick, Spec. Ed. Asst., SHS
Cheryl Franks, Teacher, Cottonwood
Rebekah Swanson, Parent/Teacher, Eucalyptus

Ellen Stephan, Teacher, HHS
Peter Dippell, Teacher, HJH
Sandy Zazueta, Teacher, Cypress
Robin Hill, Teacher, Topaz
Russell & Theresa Reinhardt, Teacher, Cypress
Sandi Ross, Teacher, Hollyvale
Kristi Townsend, Teacher, Maple
Julie Salaz, Teacher, Maple
Maureen Livermore, Teacher, Maple
Jim Kutch, Teacher
Andersen Family, Parents, SHS
Kathy Lecocq, Teacher, Juniper
Steve Dellany, Admin, Encore
Tracy Dellany, Admin, Encore
Karrie Burke, Parent/Paraprofessional, Encore/RMS
Mary Porras, AP, CR/SR
Marjorie Malone, Teacher, 8th Grade, RMS
Kristina Holmes, Teacher, Eucalyptus
Darrel Nickolaisen, Coordinator, AESC
Catherine Castro, Teacher, JC
Debra Hoggatt, Teacher, Lime St.
Jennifer Lundemo, Teacher, Lime St.
Elsa Villela, Teacher, Eucalyptus
Wendy Lopez, Teacher, Topaz
Richard Spears
Valerie Turpen, Coordinator, AESC
Jennifer Callahan, Teacher, HJH
Cheryl Ferrato, Teacher, CMS
Rusty Caldwell
Grace Woodruff
Bev Ingram, Teacher, RMS
Laura Krause, Teacher, Cypress
Amber Derrick, RIF Teacher
Kathy Forbes, Teacher, SHS
Mike Forbes, Teacher, SHS
Chris Pierce, Teacher, MC
Jeff Pierce, Parent
Tina Viayra, Teacher, HHS
Virginia Gutierrez, Accountant, AESC
Carmen Becker, Director
Cpt. Sarah McKay
Kadi Turner, Teacher, Juniper
Robert Sprague, Teacher, Cypress Performing Arts School
Jennifer, John, Theresa, Gregg Ricess, Students/Parent, Encore
Maryanne Servizio, Teacher, Euc
Pam Zabala, Teacher, Encore
Seta Ghazarian, Teacher, SHS

Gordon Williamson, Teacher, Maple
Yolette Rios, Teacher, Cypress
Connie Lasky, Parent, Encore
Pat Crawford, Teacher, Encore
Shane Holdemon, Teacher, SHS
April McCue, Teacher/Parent, Encore
Aldora Thackergy, Teacher/Parent, Encore
Rebecca Rudolph, Parent, Encore
Amanda Rudolph, Student, Encore
Jim Hoffman, Teacher, SRLC
Rina Nevarez, Parent, Encore
Autumn Nevarez, Student, Encore
Christy Bottom, Teacher, HJH
Geoff Bottom
Patricia Scrivner, Teacher, Juniper
Kathleen Bird, Teacher, AESC
Dori Harding, Teacher, Lime St.
Cathie Perry, Teacher/Parent, HJH/HHS
Rebecca Faler, Encore
Steven S., Parent
Chris Lindsay, Parent/Businessman
LaTresha Gaynair, Parent, Encore
Cynthia Greenlee, Teacher, Juniper
Deanna Bibler, Student, VVC
Leah Bibler, Student, Encore
Lorelei Bibler, Teacher/Parent, JC/Encore
Wm. Hairston, Teacher, Encore
Rosa Maneri, Parent, Encore
Brian Maneri, Parent, Encore
Desarie Spies, Teacher/Parent, HJH
Jennifer Capps, Teacher, HJH
Libby Biskeborn, Teacher, HJH
Nikki McPherson, Teacher, RMS
Pauline Vergara, Sub Teacher
Kim Fenante, Teacher, Encore
H. Todd O'Neal, Teacher, Kingston
Larry Bird, Director, AESC
Tony McGuyer, Teacher, HHS
Tina Gallagher
Tom Kirk, Principal, Krystal
Michael Aguilar, Teacher, RMS
Pauline Aguiar, Parent, Encore
Leticia Farrell, Teacher, Cypress
Jazmyne Farrell, Student, HHS
Kazandra Farrell, Student, HJH
Carrie Kirk, Teacher, Carmel
Michelle Harriger, Teacher, Kingston

Selena Valente, Teacher, Hollyvale
Kelly Ford, Teacher, SRLC
Michelle Vaccari, Teacher, HJH
Jeanne Triska, Teacher, Kingston
Phoebe Gutierrez, Teacher, Euc
Karen Shaffer, Teacher, JC
Deb Baker, Exec. Asst., Admin Services
Cathy Gomez, Exec. Asst., Admin Services
David McLaughlin, Asst. Supt., Business
Jovy Yankaskas, Asst. Supt., Educational Services

CALL TO ORDER: President Black called the meeting to order at 4:03 p.m. All Board members were present.

HEARING FROM THE AUDIENCE: Due to the fact that no speakers were present to address the Board, President Black dispensed from reading the entire statement inviting the general public to address the Board on any closed session item.

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 4:04 p.m. in the Personnel Conference Room to discuss and may take action on the following closed session items:

- 3.1 Conference with Legal Counsel-Existing Litigation-Case CV10-3528*
- 3.2 Conference with Legal Counsel-Anticipated Litigation – 1 case*
- 3.3 Public Employee Appointment*
 - a. Review/Discussion/Action – Employment Contracts of Superintendent, Asst. Supt., Business; Asst. Supt., Educational Services*
- 3.4 Employee Resignation/Retirement*
- 3.5 Public Employee Discipline/Dismissal/Release/Reassignment/Transfer*
- 3.6 Conference with Labor Negotiator*
- 3.7 Pupil Personnel*

RECONVENE IN OPEN SESSION: The Board reconvened in open session at 7:40 p.m.

PLEDGE OF ALLEGIANCE: President Black led the pledge of allegiance to the flag.

**REPORTING OUT OF
CLOSED SESSION
ACTION:**

Superintendent McKinney reported the following action taken in closed session:

In separate action from the Personnel Report, On MSC (Kirk, Riley) Vote: 3-2 (Ayes: Black, Kirk, Riley; Noes: Bentley, Rogers) The Board approved the appointments of the following: Principal, Sultana HS; Principal, Cedar MS; Vice Principal, Oak Hills HS; Asst. Superintendent of Personnel. Pending notification of those that were selected, the names are being withheld with the exception of the Asst. Superintendent of Personnel. Dr. Matthew Spencer comes to us from Desert Sands Unified School District. He is currently the Director of the Classified Personnel Commission. Congratulations to all.

On MSC (Riley, Kirk) Vote: 3-2 (Ayes: Black, Kirk, Riley; Noes: Bentley, Rogers) The Board voted to not move forward with hiring a Psychologist but appointed the Assistant Principal for Joshua Circle Elementary.

On MSC (Kirk, Riley) Vote: 5-0, The Classified Personnel Report 2010/11-1 was approved as amended.

On MSC (Kirk, Riley) Vote: 3-2 (Ayes: Black, Kirk, Riley; Noes: Bentley, Rogers) The Certificated Personnel Report 2010/11-1 was approved as amended.

On MSC (Kirk, Riley) Vote: 5-0, The Pupil Personnel Report 2010/11-1 was approved as presented.

On MSC (Kirk, Riley) Vote: 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley) The Board waived the potential conflict for the firm Wagner & Pelayes to allow the firm to represent the County in Case #CV10-3528.

On MSC (Rogers, Riley) Vote: 5-0, The Board voted to not accept the Proposal for Settlement for Classified Employee #CL2017.

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

**APPROVAL
OF AGENDA:**

Consent Agenda #13.5 Renewal of California School Boards Association (CSBA) Membership Dues for 2010-11; #13.6 Renewal of 2010-11 SANDABS Membership; #13.10 Approval of 2010/11 ASB Fund-Raisers for Various Sites; #13.17 Approval of edPlan Online Agreement Between School Innovations & Advocacy (SI & A) and the Hesperia Unified School District. For Item #13.14 Approval of 2010/11 ROP Master Contract, Board member Rogers asked to see a Schedule of Charges for these courses.

President Black stated that pursuant to Board Bylaw 9323.2, the Board may take action in 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 1 of 3 circumstances. The Board is asked to add item #13.21 Approval of Notices of Completion for Mission Crest Projects #50/75044-00-024 and #50/75044-00-032 to the Consent List due to the following circumstance: *The Board determines, either by a two-thirds majority vote of the members present at the meeting or, if less than two-thirds of the members are present, by a unanimous vote of all members present, the need to take immediate action came to the District's attention after the posting of the agenda.*

On MSC (Rogers, Riley) Vote: 4-1, (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley) The Board added Consent #13.21 Approval of Notices of Completion for Mission Crest Projects #50/75044-00-024 and #50/75044-00-032 to the agenda and approved the agenda as amended.

**APPROVAL OF
MINUTES:**

President Black requested that the Minutes of June 7 be corrected on Page 22, 5th paragraph, 1st sentence, replacing Board Member Black with Board Member Bentley.

On MSC (Kirk, Rogers) Vote: 5-0, The Minutes of June 3, 10th Special Meeting and June 7, 2010 Regular Meeting were approved as amended.

**HEARING FROM THE
AUDIENCE:**

President Black 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. Cathie Perry, Hesperia. Topic: District Goals
2. Gordon Williamson, Hesperia. Topic: #15.17: Asst. Supt for Assessment & Accountability
3. Connie Lasky, Apple Valley. Topic: Encore 6th Grade

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

4. Robin Hill, Victorville. Topic: Teacher Contracts
5. E.T. Snell, Apple Valley. Topic: Public Comment
6. Cpt. Sarah McKay for Kadi Turner. Topic: Negotiations
7. Chris Lindsay, Hesperia. Topic: Public Comment

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

On MSC (Kirk, Riley) Vote: 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley, The Board approved the following items on the Consent list excluding Items #13.5, #13.6, #13.10, #13.17.

- 13.1 *Ratified the Accounts Payable Warrant Register Report No. 2010/11-1*
- 13.2 *Approved the 2010/11 Master Conference List*
- 13.3 *Approved Conference Report 2010/11-1*
- 13.4 *Approved the Off-Campus activities*
- 13.5 *Renewed the San Bernardino County School Boards Association (SBCSBA) Membership Dues for 2010/11*
- 13.8 *Renewed Audit Services with Nigro, Nigro & White*
- 13.9 *Renewed the Letter of Engagement for Non-Auditing Services with Eric Hall & Associates, LLC*
- 13.11 *Approved Surplus Property Disposal*
- 13.12 *Approved the Administrative Hearing Panel for the 2010/11 School Year*
- 13.13 *Accepted the Summary and Disposition of the Williams' Uniform Complaints for the Quarter Ending June 30, 2010*
- 13.14 *Approved the 2010/11 ROP Master Contract*
- 13.15 *Approved the 2009/10 Local Education Agency Plan Addendum*
- 13.16 *Approved the Title I Schoolwide Program request for Krystal School of Science, Mathematics & Technology*
- 13.18 *Approved the 2010/11 Application for Funding Consolidated Categorical Aid Programs, Part I*
- 13.19 *Approved IMF Funding for purchase of Calculus: Graphical, Numerical, Algebraic; Third Edition by Ross Finney c 2010 Pearson Prentice Hall for use at Oak Hills HS, Sultana HS and Hesperia HS*
- 13.20 *Renewed the Student Teacher Agreement between CSU San Bernardino and the Hesperia Unified School District for the term 7/1/10 through 6/30/13.*
- 13.21 *Approved the Notices of Completion and its filing for Mission Crest Projects #50/75044-00-24 and #50/75044-00-032*

**13.5
RENEWAL OF
CALIFORNIA SCHOOL
BOARDS ASSOCIATION
(CSBA) MEMBERSHIP
DUES FOR 2010-11:**

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

In reference to Page 84 of the agenda, Legal Alliance Membership, he is aware that we have not participated in the Legal Alliance in the past, however, it is the principle funding source for Robles-Wong vs State of California. CSBAs participation in that lawsuit has changed his perspective on

**13.5
RENEWAL OF
CALIFORNIA SCHOOL
BOARDS ASSOCIATION
(CSBA) MEMBERSHIP
DUES FOR 2010-11:
(Continued)**

drawing some of our local dollars into the ring in a lawsuit that is challenging the way the State hinders our operations these days. He understands that it is political, it is \$3,000 dollars and we need to be fiscally responsible but they are challenging the way we fundamentally get funded from Sacramento which everyone can agree is slightly flawed.

Mr. McLaughlin responded that CSBA in cooperation with many of the statewide organizations (i.e. CASBO, ACSA, etc.) are challenging for the first time the funding mechanism. He certainly supports CSBA and the other organizations in their desire to have the state take an honest look at how they fund education.

Following discussion, a motion was made. On MSC (Riley, Rogers) Vote: 5-0, The renewal of CSBA membership dues for 2010-11 in the amount of \$12,475.00 was approved as submitted.

**13.6
RENEWAL OF
2010-11 SANDABS
MEMBERSHIP:**

Board member Rogers requested that this item be pulled from the agenda.

According to Board member Rogers, this Board has not utilized this membership. As Board member Bentley pointed out in #13.5, we have a lawsuit going with the State to help us in the way schools are funded. Most people do not approve the way this money is handed down to the local districts. She does not feel that we need this membership.

Superintendent McKinney understood Board member Rogers's concerns. He highlighted the fact that this is San Bernardino County fighting from a local level on some of the legislative things that are occurring at the State level.

Vice President Riley thought it was interesting when we talk about budgetary issues and looking at the potential renewal of certain membership dues, in order to be an active part in a greater association. In terms of what the SANDABS is attempting to do, he thinks it is crucial that we continue to have a vested interest or vested stake in knowing what's going on in the statewide level (CSBA). In terms with the local county level, there are so many

13.6
RENEWAL OF
2010-11 SANDABS
MEMBERSHIP:
(Continued)

things that are happening in terms of statewide appropriations that are coming down to the county that we need to be absolutely made aware of what is going on in our own backyard including the fact that our County Superintendent who was recently re-elected for the San Bernardino County Superintendent of Schools has a \$300 million dollar budget. His recommendation would be that we continue this membership.

Board member Rogers would rather see the \$2,000 spent to help in the efforts to get the money down to our District in a better way than spend it this way.

Board member Rogers made a motion that we not renew the 2010/11 SANDABS Membership.

Board member Kirk asked whether the County Superintendent was an active member of this Board (SANDABS) and don't we interact with them? Superintendent McKinney responded that Dr. Thomas, County Supt., is an active member of the Board. Board member Kirk asked whether Board member Rogers was more concerned about not being a member of SANDABS or about getting updated reports so that we can become a part of that, that we haven't gotten those in a timely fashion in the past. Board member Rogers replied that was correct, we have not been active in SANDABS, we spend the money every year and we've not received anything from it or heard about anything. We have not seen any action applied to it from this Board's perspective that she knows of. She thinks it is a waste of money.

Following considerable discussion, the motion made by Board member Rogers to not renew the 2010/11 SANDABS membership in the amount of \$2,000 failed for lack of a second.

Board member Rogers asked that if this item were to be approved that we at least 1) have representation and 2) receive timely information on what is going on with the situations within our county.

Supt. McKinney stated that he receives quarterly updates at his Superintendent's meeting and he would be happy to share the information to the Board. His recommendation is that there is value in continuing the membership and making sure the information comes to the Board which he will attempt to do.

**13.6
RENEWAL OF
2010-11 SANDABS
MEMBERSHIP:
(Continued)**

Following considerable discussion, Board member Riley made a motion to approve the renewal of the SANDABS membership dues for 2010/11 in the amount of \$2,000 as submitted. Board member Kirk seconded the motion with the understanding that we get reports and updates on legislation from Superintendent McKinney and from our elected representative. The motion carried unanimously 5-0.

**13.10
APPROVAL OF 2010/11
ASB FUND-RAISERS
FOR VARIOUS SITES:**

Board member Kirk requested that this item be pulled from the agenda. He indicated that it really didn't have much to do with the fund-raisers as it has to do with the process. When he was in the classroom at secondary level, all activities that required a student to be out of class had to be ok'd by that particular teacher. Some of the complaints he's been hearing over the last couple of years is that students are being taken out of class for activities (i.e. washing cars, etc.) which has value. He asked Superintendent McKinney if we have a policy or administrative regulation and if not, he would like to bring one forward that would require that when a student misses for one of these fundraiser activities (primarily from the secondary level) that the teacher's class they are missing be given the responsibility and authority to excuse them from the class and they have a minimum grade of "C" or say no, this student needs to stay in my class if they don't have a grade of "C" and they should not be out.

Superintendent McKinney stated that we have no policy but we have a practice. He would see how effectively that practice is being implemented and take a look and see how we enforce it and make sure it is being done.

Board member Kirk asked that a policy and form be drafted if there was not one and to work with HTA and all vested parties so that we have a permission sheet to use at the secondary level.

Board member Rogers agreed with Board member Kirk.

Following discussion, a motion was made. On MSC (Kirk, Rogers) Vote: 5-0, The projected list of 2010/11 fund raising activities presented by the ASB offices at Canyon Ridge HS, Cedar MS, Hesperia HS, Hesperia Jr. HS, Mojave HS, Ranchero MS and Sultana HS be approved with the stipulation that a policy,

13.10

**APPROVAL OF 2010/11
ASB FUND-RAISERS
FOR VARIOUS SITES:
(Continued)**

administrative regulation be brought forward that would require that when a student misses for one of these fundraiser activities (primarily from the secondary level) that the teacher's class they are missing be given the responsibility and authority to excuse them from the class and they have a minimum grade of "C" or say no this student needs to stay in my class if they don't have a grade of "C" and they should not be out.

13.17

**APPROVAL OF EDPLAN
ONLINE AGREEMENT
BETWEEN SCHOOL
INNOVATIONS &
ADVOCACY (SI & A)
AND THE HESPERIA
UNIFIED SCHOOL
DISTRICT:**

Board member Rogers requested that this item be pulled from the agenda. She didn't know whether to pull or table this item as she is certainly not familiar with this item.

Asst. Superintendent Yankaskas explained that this item had to do with our Single Plan for Student Achievement (SPSA). Training is done for this and to make sure that we do it correctly. There is a new format so that we can do better monitoring of our school plan and ways to add the data to the school plan. All school sites will be trained including administration and teachers so that they are aware of how to re-write the school plan and how to monitor and follow up and add assessments. The cost of the training will be \$10,000 for all 26 school sites.

Board member Rogers asked whether anyone in-house was trained to do this rather than our paying out \$10,000. Mrs. Yankaskas replied that we have people that are familiar with the training (Ms. Turpen) but she is not a trainer of this program at this time. She indicated that she does try to look for trainer of trainers as much as possible because it does save us money in the long run.

Board member Rogers suggested that if we are going to provide this training year after year that Mrs. Yankaskas look into whether the company provides trainer of training service.

On MSC (Rogers, Riley) Vote: 5-0, The edPlan Online Agreement between School Innovations & Advocacy (SI & A) and the Hesperia Unified School District to conduct 4 days of onsite edPlan Online Single Plan for Student Achievement (SPSA) training for each of the District's 26 schools to monitor and analyze the effectiveness of the strategies outlined in the Single Plan for Student Achievement, was approved as submitted.

**REQUEST TO MOVE
ACTION ITEMS
15.5, 15.6, 15.9 AND
15.16 AHEAD ON
AGENDA:**

Board member Rogers asked whether it would be appropriate to move up Action Item 15.5, 15.6, 15.9 and 15.16 as they are tied together. They must be covered tonight and it would be appropriate if we could move these forward.

President Black asked that she hold off until after Item 14 Special Reports.

14. SPECIAL REPORTS

14.1

DISTRICT GOALS:

Superintendent McKinney presented a PowerPoint presentation on the District Goals.

14.2

**UPDATE ON
FINANCIALS OF
ALL CHARTER
SCHOOLS:**

Mrs. Laura Carevic, Director of Fiscal Services presented a brief PowerPoint presentation on the financials of all charter schools, her analysis of the budgets and recommendations.

15. ACTION

**REQUEST TO MOVE
ACTION ITEMS
15.5, 15.6, 15.9 AND
15.16 AHEAD ON
AGENDA:**

Board member Rogers made a motion that Action Items 15.5, 15.6, 15.9 and 15.16 be moved ahead on the agenda. President Black indicated that if they are going to be done in that order, he suggested that we also move 15.8. Board member Rogers agreed to add 15.8 to the list. President Black seconded the motion. The motion to move Action Items 15.5, 15.6, 15.8, 15.9 and 15.16 ahead on the agenda carried on a vote of 3-2 (Ayes: Bentley, Black, Rogers; Noes: Kirk, Riley).

15.5

**DISCUSSION/ACTION –
APPROVAL OF PARS
POST ANALYSIS AND
IMPLEMENTATION OF
SUPPLEMENTARY
RETIREMENT PLAN
THAT PUBLIC AGENCY
RETIREMENT SERVICE
(PARS) WILL ADMINI-
STER FOR ALL
ELIGIBLE MEMBERS
OF CSEA CHAPTER
#684, CLASSIFIED MGMT,
CERTIFICATED MGMT
AND CONFIDENTIAL
MGMT:**

Asst. Superintendent McLaughlin indicated that on the dais earlier and in a fax this afternoon, the Board received the latest Supplemental Retirement List which lists 11 classified employees and 3 classified management employees. There were no certificated management employees. Page 3 of the handout material shows the costs related to providing the SRP program with the assumption that there are 3 classified positions and 2 classified management positions that are not going to be filled. Asst. Superintendent McLaughlin added that the combination of those 5 positions provides enough income for the Cabinet to recommend to the Board that we certify this Early Retirement Program for those who have enrolled in the program. It would provide \$71,000 of savings the first year and \$375,000 of savings over the 5 year period.

15.5

**DISCUSSION/ACTION –
APPROVAL OF PARS
POST ANALYSIS AND
IMPLEMENTATION OF
SUPPLEMENTARY
RETIREMENT PLAN
THAT PUBLIC AGENCY
RETIREMENT SERVICE
(PARS) WILL ADMINI-
STER FOR ALL
ELIGIBLE MEMBERS
OF CSEA CHAPTER
#684, CLASSIFIED MGMT,
CERTIFICATED MGMT
AND CONFIDENTIAL
MGMT:
(Continued)**

Board member Rogers made a motion the Post Analysis Findings and implementation of the Supplementary Retirement plan that Public Agency Retirement Services (PARS) will administer for all eligible unit members of CSEA, Classified Management, Certificated Management and Confidential Management, be approved as submitted. Board member Kirk seconded the motion.

Board member Bentley indicated that in the Board packet (Page 164) from the last meeting, it read *“In order to implement this plan, at least 27 unit members and managers must commit to participate.”* He understands there is flexibility. He got dumped a bunch of information late today when he was going down a path that he had been told and sold regarding the viability. We said one thing but it is extremely difficult to understand how this shift, substantial shift, plays out and that is his concern.

Asst. Superintendent McLaughlin apologized for the lateness. He reviewed the window for application and timelines. He received the Post Analysis late Friday night by e-mail but he did try to get it to the Board as soon as he could, today in as much time as possible. He understands that it was definitely late in the game and he apologizes for that. The difference in the number of positions is that when PARS does their preliminary analysis which we then present the Board as to the viability of the program, they try to come up with a number that works based on a predetermined amount of attrition which they do not figure in the savings and then the amount of people that would be required from the top end of the scale to the bottom to come up with the savings necessary and they came up with 27. What we have been saying all along was that his goal was to not replace positions. As a general rule, there is not enough savings on non-teacher early retirements unless there is a certain amount of non filled positions. So, the ability to not fill the 2 classified management positions is what provided most of the savings necessary to make this happen.

Board member Bentley had concerns with not filling positions because they are either serving a function or they are not serving a function and is the cost savings worth the reduction of the function that is being served. His second comment is that sometimes it is difficult to keep track of what we’re not filling

15.5

**DISCUSSION/ACTION –
APPROVAL OF PARS
POST ANALYSIS AND
IMPLEMENTATION OF
SUPPLEMENTARY
RETIREMENT PLAN
THAT PUBLIC AGENCY
RETIREMENT SERVICE
(PARS) WILL ADMINI-
STER FOR ALL
ELIGIBLE MEMBERS
OF CSEA CHAPTER
#684, CLASSIFIED MGMT,
CERTIFICATED MGMT
AND CONFIDENTIAL
MGMT:
(Continued)**

and all of the sudden we say yeah, we do need that. As an example, he used the Facilities Department. We used to have something and then we do without it and then we're approving large contracts for Facilities consultants to come in and help us through the sticky wicked stuff of Facilities. He is not quite as comfortable as not filling these positions in some form or another and the dilution of responsibilities when you are taking existing people who are serving other functions and adding new functions onto their other functions and then taking furlough days on top of that off their work years, how far are we going to stretch the rubber band?

Asst. Superintendent McLaughlin responded that it was a fair concern, the stretching of the rubber band throughout the Business Division which has seen a lot of reorganization and other methods of covering unfilled positions already. There is no doubt that we're getting stretched. Staff does feel that at least for this period of time that we're facing financial crisis that they can make this work but it is certainly something that we need to watch very closely.

Following considerable discussion, a vote was taken. The motion made by Board member Rogers on the Post Analysis findings and implementation of the Supplementary Retirement plan that Public Agency Retirement Services (PARS) will administer for all eligible unit members of CSEA, Classified Management, Certificated Management and Confidential Management, seconded by Board member Kirk, was approved as submitted on a vote of 4-1 (Ayes: Black, Kirk, Riley, Rogers; Noes: Bentley).

15.6

**DISCUSSION/ACTION –
AWARD OF RFP #10-100
FOR LEGAL SERVICES:**

The Board is being asked to accept staff's recommendation to award RFP #10-100 for Legal Services to Fagan Friedman and Fulfroost; Atkinson, Andelson, Loya, Ruud and Romo; and Bowie Arneson, Wiles & Giannone. Two (2) of the three (3) law firms were present tonight to respond to questions of the Board.

According to Superintendent McKinney, the Board requested to do an RFP; we did the RFP some time ago and went through the process. In terms of providing legal services to the District, expanding what we're currently doing and moving to potentially these firms and that's really for the Board's discussion tonight.

15.6

**DISCUSSION/ACTION –
AWARD OF RFP #10-100
FOR LEGAL SERVICES:
(Continued)**

Board member Riley asked whether Superintendent McKinney recalled that any members of the Board had made a request of an interview process with some of these law firms. He thinks this was put on the table a while back. Superintendent McKinney replied that there was a discussion, we talked about doing that but then the direction was just bring it forward. These are the recommendations from the RFP and not doing an interview but saying simply these are the recommendations.

Board member Kirk asked where this fits in the process of where we are right now and would we still retain our current legal firm for everyday things and add these for specialties? Where does that fit in all of this?

Superintendent McKinney replied that we did the RFP process; these firms came out on top in relation to the RFP. The recommendation is using these two firms, the Board can choose to do what they want to do but the recommendation coming forward is these two firms. Of these two firms, Atkinson, Andelson, et al and Fagen, Friedman and Fulfroft, the Board can select one of those as the Board counsel, and the other we would give staff the flexibility to use based on their expertise or select both and staff would use whatever firm that's listed. Bowie, Arneson, Wiles and Giannone are doing our Facilities side. Whatever firm the Board feels comfortable with, that would be a Board decision.

Board member Bentley directed a question to Superintendent McKinney in regards to interviewing. Originally, the Board majority wanted to interview in closed session, is that correct? Superintendent McKinney responded that was brought up but legally, it can't be done. Board member Bentley mentioned that there were several opinions that said we could not do that. Staff is obviously recommending this and the rationale is firms were evaluated in three areas: 1) Experience and qualifications; proof of meeting requirements and demonstration of skills in the seven (7) areas of law and finally, 3) cost. Staff has worked extremely long and hard to make a recommendation. The rankings are pretty clear. Our experiences with our current law firm, we had to go to a waiver tonight for conflicts. The experience of these other law firms just shines far and above what it is that we're currently using and he firmly supports staff's recommendation to award the RFP to Fagen, Friedman & Fulfroft; Atkinson, Andelson, Loya, Ruud & Romo and Bowie, Arneson, Wiles and Giannone.

15.6

**DISCUSSION/ACTION –
AWARD OF RFP #10-100
FOR LEGAL SERVICES:
(Continued)**

President Black asked if anyone wished to entertain a motion. Board member Bentley made a motion that staff's recommendation to award RFP #10-100 for Legal Services to Fagan Friedman and Fulfroost; Atkinson, Andelson, Loya, Ruud and Romo; and Bowie Arneson, Wiles & Giannone, be approved as submitted. The motion was seconded by Board member Rogers.

Board member Rogers stated that she was familiar with the law firm that does our Facilities and she is quite pleased with them.

Board member Riley asked if any of the listed law firms were currently on retainer with the District. Superintendent McKinney responded that the only firm on retainer would be Fagen, Friedman & Fulfroost. They are more or less just standing in line in the event that we need them for a specific issue. What we are actually talking about here is trying to add an additional law firm to a list of potential law firms that we could pull from for specialized needs.

Superintendent McKinney agreed with that statement. He reminded the Board that Mr. Wagner, the District's legal counsel was also present as he mentioned in closed session. Whatever the Board's decision, there would be a transition plan but this is moving to different law firms; not adding more but moving to a different law firm to be the face of legal counsel for the Board.

Board member Riley asked if there were any staff recommendations in terms of a timeline for implementation. That's going to be under Board direction, is that correct? Superintendent McKinney said he could certainly do that but he would like to touch base with Mr. Wagner as far as transition. Board member Riley indicated that we have numerous lawsuits/actions pending that we need to have the current law firm see through completion.

Board member Rogers indicated that it does not say the law firm for the Board and that is a major concern that she has because we have a situation that the firm that is now employed for the Board and we certainly need to be cognizant of that. She does agree that we need to have these 3 law firms and the fact that there is also pending litigation.

15.6

**DISCUSSION/ACTION –
AWARD OF RFP #10-100
FOR LEGAL SERVICES:
(Continued)**

Superintendent McKinney indicated that there was a discussion on pending litigation tonight in closed session, there is another matter being handled by another law firm.

Board member Kirk agreed with Board member Rogers that we could add these law firms to our list of expertise in our law firm pool but he would agree with her that we ought to stay with our Board firm in particular until we get all the other things taken care of.

President Black called on the law firms of Atkinson, Andelson, et al and Fagen, Friedman & Fulfroost to introduce themselves and explain who would be the face of their firm for HUSD representation. For Atkinson, Andelson it would be Mr. Mark Thompson and for Fagen, Friedman & Fulfroost, it would be Jay Fernow.

President Black indicated that there is a motion on the floor made by Board member Bentley, seconded by Board member Rogers, to accept staff's recommendation to award RFP #10-100 for Legal Services to Fagan Friedman and Fulfroost; Atkinson Andelson, Loya, Ruud and Romo; and Bowie Arneson, Wiles & Giannone.

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

The Board clarified that in awarding the RFP, District staff would be able to utilize these firms based on their areas of expertise. Staff no longer is required to seek initial consultation with Wagner & Pelayes before utilizing these attorneys.

RECESS:

The Board took a recess at 9:27 p.m.

RECONVENE:

The Board reconvened the meeting at 9:39 p.m.

15.8

**PUBLIC HEARING:
ENCORE JR./SR. HIGH
SCHOOL FOR THE
PERFORMING &
VISUAL ARTS CHARTER
SCHOOL MATERIAL
REVISION TO ADD A
6TH GRADE CLASS:**

In accordance with E.C. Section 47605, the Board shall hold a public hearing to determine the level of support for the material revision by teachers, other employees of the district and parent/guardians.

President Black declared the public hearing open at 9:40 p.m.

15.8

**PUBLIC HEARING:
ENCORE JR./SR. HIGH
SCHOOL FOR THE
PERFORMING &
VISUAL ARTS CHARTER
SCHOOL MATERIAL
REVISION TO ADD A
6TH GRADE CLASS:
(Continued)**

The following made public comments to the Board:

1. Denise Griffin, Director
2. Catherine Crawford, Teacher
3. Tom Steed, Teacher

President Black declared the public hearing closed at 9:51 p.m.

Superintendent McKinney indicated that this will come back to the Board in August for discussion/action.

15.9

**DISCUSSION/ACTION –
ACCEPTANCE OF AND
CONTRACT RENEWAL
WITH FIRST 5 CALIF
FOR HESPERIA UNIFIED
SCHOOL DISTRICT
SCHOOL READINESS
PROGRAM FOR YEARS
2010-2013:**

Board member Rogers indicated that our staff has done wonderful in working this out. She thanked Laura Carevic and Jovy Yankaskas. We have 3 schools and we're hoping for a 4th.

Board member Rogers made a motion that the funding and 3 year contract (2010-2013) from First 5 California to renew the Hesperia Unified School District School Readiness Program for the communities surrounding Eucalyptus, Joshua Circle Elementary and Topaz Elementary be accepted as submitted. Asst. Superintendent Yankaskas asked that a correction be made. Originally, it was Topaz; it is now Cottonwood Elementary. Board member Rogers amended her motion. Board member Riley seconded the amended motion.

Following questions from the Board, a vote was taken. The motion made by Board member Rogers, seconded by Board member Riley that the funding and 3 year contract (2010-2013) from First 5 California to renew the Hesperia Unified School District School Readiness Program for the communities surrounding Eucalyptus, Joshua Circle Elementary and Cottonwood Elementary be accepted as amended. The motion carried unanimously 5-0.

15.16

**CREATION OF
POSITIONS FOR FIRST
5 CALIFORNIA
PRE-SCHOOL
PROGRAM:**

Board member Rogers made a motion that the following positions for the First 5 California Preschool Program be approved as submitted: Re-creation of Three (3) New Preschool Instructor positions to work 7.5 hours per day/183 days per year (173 days deducting 10 furlough days), with a salary placement of Range 10 on the Classified Salary Schedule as before; Creation of Six (6) Bilingual Assistant positions with a work year of 182 days per year (172 days deducting 10 furlough days), 3.75 hours per day,

**15.16
CREATION OF
POSITIONS FOR FIRST
5 CALIFORNIA
PRE-SCHOOL
PROGRAM:
(Continued)**

with a salary placement of Range 4, Step D; Creation of One (1) Senior Clerk Typist position with a work year of 206 days (195 days deducting 11 furlough days)/3.75 hours per day, with a salary placement of Range 4, Step C; Re-Creation of One (1) Supervisor II, Family Center Resource Specialist/Case Manager position with a work year of 206 days (195 days deducting 11 furlough days)/8 hours per day, Funding from First 5 Grant. Board member Riley seconded the motion. The motion carried unanimously 5-0.

**ADJOURN TO
CLOSED SESSION
AND
MOTION TO
EXTEND BOARD
MEETING:**

At 9:58 p.m., President Black stated that the Board needed to adjourn to closed session.

Board member Rogers asked whether it would be prudent to extend this Board meeting before adjourning to closed session. Board member Kirk asked if she would consider amending her motion to extend the meeting until we finish action/discussion items. She agreed to do so. Board member Kirk seconded the amended motion. The motion made by Board member Rogers, seconded by Board member Kirk to extend the meeting until we finish action/discussion items carried unanimously 5-0.

The Board adjourned to closed session at 10:00 p.m.

**RECONVENE IN
OPEN SESSION:**

The Board reconvened in open session at 11:39 p.m.

15. ACTION (CON'T)

**15.1
DISCUSSION/ACTION –
APPROVAL OF
PROPOSED BOARD
MEETING DATES FOR
2010/11:**

Board member Rogers made a motion that we accept Option #1 meeting dates. The motion failed for lack of a second.

Superintendent McKinney explained the two options.

Board member Kirk made a motion to accept Option #2 meeting dates striking the 8/23 meeting. The motion was seconded by Board member Riley and carried on a vote of 3-2 (Ayes: Black, Kirk Riley; Noes: Bentley, Rogers).

**15.2
DISCUSSION/ACTION –
SECOND READING AND
ADOPTION OF PROPOSED
ADMINISTRATIVE
REGULATION AND
EXHIBIT 1270 –
COMMUNITY
RELATIONS;
INVOCATIONS:**

President Black stated that the Board had already approved the Invocation Board Bylaw (6/22/09).

Board member Riley made a motion to accept the Proposed Administrative Regulation and Exhibit 1270 – Community Relations; Invocations, submitted for second reading and adoption, be approved as submitted. Board member Kirk seconded the motion.

Board member Bentley indicated that on the Consent List tonight we approved the Con Ap. There is a page in here which is the constitutionally protected prayer LEA policy which states Protected Prayer Certification *“The LEA hereby assures and certifies to the California State Board of Education that the LEA has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in public schools as set forth in the “Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools. This document can be located at the following Web site address:*

http://www.ed.gov/policy/gen/guid/religionandschools/prayer_guidance.html. Don’t go there you can’t find it but you can find it on Ed.Gov’s policy. In looking at the Guidance on Constitutionally Protected Prayer in Public Elementary and Secondary Schools and it states Section 9524 Certification Process and it states *“In order to receive funds under the ESEA, an LEA must certify in writing to its SEA that no policy of the LEA prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary and secondary schools as set forth in this guidance”*. We need to be real careful here because the policy and the administrative regulation that are being put forth here are outside what our own legal counsel has provided as constitutionally protected and its certainly different that what this policy clearly states too. Once again, the Supreme Court decisions over the past 40 years have set forth principles that distinguish impermissible governmental religious speech from the constitutionally protected private religious speech of students. For example, teachers and other public school officials may not lead their classes in prayer, devotional readings from the Bible, or other religious activities. When it comes down to specific instances that are given in this policy, teachers, administrators and other school employees reads *“when acting in their official capacities as representatives of the State, teachers, school administrators, and other school employees are prohibited by the Establishment Clause from encouraging or discouraging prayer*

**15.2
DISCUSSION/ACTION –
SECOND READING AND
ADOPTION OF PROPOSED
ADMINISTRATIVE
REGULATION AND
EXHIBIT 1270 –
COMMUNITY
RELATIONS;
INVOCATIONS:
(Continued)**

and from actively participating in such activity with students. Teachers may, however take part in religious activities where the overall context makes clear that they are not participating in their official capacities. Before school or during lunch, for example, teachers may meet with other teachers for prayer or Bible study.” Once again, before school or during lunch. These are the keys that are there. There is constitutionally protected prayer and there is prayer which goes outside the scope and that’s precisely what this is. It is government sanctioned prayer and we’re going to get sued big time over this issue. It’s never been done and we’re in violation of this policy; we’re violating the LEA policy in the ConApp that we just did and that’s about \$8 million bucks right there. This was 2003 for those that think this is bull. Obama’s nut job stuff; Bush and his Texas Chief of the US Dept. of Education firmly in control at that particular time. So, back up that money truck Mr. Black.

According to Board member Kirk, it was his understanding from legal counsel that an original document was approved. This is just an administrative regulation that supports that and that this was also approved. Is he in error there?

Superintendent McKinney indicated that this goes back some 18 months ago. We were down a path; we had a drafted policy by Wagner & Pelayes which we felt would pass muster, nonsectarian and all those kinds of things. These are the regulations to support that. The Board adopted the Bylaw June 22, 2009 then the American Defense came up with something. The Board said chase that one down; which we did. We backed off of that one and left that one alone and are now coming back to this one. This one was crafted by Wagner & Pelayes who indicated it would pass the legal muster. Board member questioned Superintendent McKinney whether it was this one as he believes it has been amended. Board member Kirk responded that he believes it was his time. Board member Bentley responded he could care less. It’s a question. Board member Bentley cautioned Superintendent McKinney to be very careful. You’re saying this is the original Wagner & Pelayes? President Black told Board member Bentley that he (Dr. Kirk) didn’t disturb him.

15.2

**DISCUSSION/ACTION –
SECOND READING AND
ADOPTION OF PROPOSED
ADMINISTRATIVE
REGULATION AND
EXHIBIT 1270 –
COMMUNITY
RELATIONS;
INVOCATIONS:
(Continued)**

Board member Bentley then questioned Superintendent McKinney again asking if he was saying this was the original AR and policy that was written...Superintendent McKinney said this was based upon the Wagner & Pelayes policy...Board member Bentley then asked based upon or the exact? President Black intervened and said he would adjourn the meeting in one second. Board member Bentley told him to go ahead because all we have to do here is to get through so Kirk can quid pro quo one of his other friends and create an Asst. Superintendent position now that everybody's cleared the room.

President Black responded that we all have better time to do than listen to Board member Bentley rant and rave. Nobody infringed on his time; he was allowed 3 minutes without interruption. Board member Bentley responded that Mr. Black needed to recognize that he was disrespectful to Mrs. Rogers back in closed session because when they say you can put forth a motion when the reality is when its 3 folks running this show and its 3 folks that are running this show. President Black responded that's called democracy. Board member Bentley responded that it was not democracy; it's called you get Dennis Wagner to defend your sleazy stuff.

RECESS:

President Black called for a 1 minute recess at 11:49 p.m. to calm things down.

RECONVENE:

The meeting reconvened at 11:50 p.m.

15.2

**DISCUSSION/ACTION –
SECOND READING AND
ADOPTION OF PROPOSED
ADMINISTRATIVE
REGULATION AND
EXHIBIT 1270 –
COMMUNITY
RELATIONS;
INVOCATIONS:
(Continued)**

The argument continued. President Black announced that he adjourned the meeting. At this point the District's videographer shut off the cameras. The Board fighting continued. President Black again announced that the meeting had been adjourned. Board member Kirk stated that the Board needed to vote to adjourn the meeting. The videographer realized that the meeting had not adjourned and turned the cameras back on.

Board member Riley asked if President Black made a motion to adjourn. President Black responded he had. Board member Riley seconded the motion to adjourn the meeting. The motion carried on a vote of 3-1 (Ayes: Black, Riley, Rogers; Noes: Kirk). Board member Bentley did not vote.

The arguing continued. Superintendent McKinney then requested that the video camera and recording be turned off.

ADJOURNMENT: The meeting adjourned at 11:51 p.m.

APPROVED AS SUBMITTED: August 2, 2010