



## KERN HIGH SCHOOL DISTRICT

5801 Sundale Avenue  
Bakersfield, CA 93309-2924  
(661) 827-3154 FAX: (661) 827-3301

# BOARD OF TRUSTEES

Regular Meeting  
February 2, 2009

## OFFICIAL MINUTES

### PRELIMINARY

#### Call to Order

The February 2, 2009 Regular Meeting of the Board of Trustees of the Kern High School District was called to order at 6:15 p.m. by Board President, Joel Heinrichs, in Conference Room 'A' of the Administrative and Support Services Office, Kern High School District, 5801 Sundale Avenue, Bakersfield.

#### Members Present:

Joel Heinrichs, President  
Ken Mettler, Vice President  
J. Bryan Batey, Clerk  
Bill Perry, Member  
Chad Vegas, Member

#### Member(s) Absent:

*None*

#### Administrative Staff Member(s) Present:

Donald E. Carter, Superintendent  
Dennis Scott, Associate Superintendent, Business  
William R. Jones, Assistant Superintendent, Personnel  
Joe Thompson, Associate Superintendent, Instruction  
Rebecca A. Shipley, Administrative Assistant to the Board of Trustees and Superintendent

#### Administrative Staff Member(s) Absent:

*None*

#### Adoption of Agenda For Closed Session

Superintendent Carter announced no changes to the Closed Session agenda and asked for Board action to adopt. It was moved by Trustee Batey, seconded by Trustee Vegas and carried that the agenda for Closed Session be adopted.

#### Hearing of Citizens on Closed Session Agenda

President Batey asked if any citizen was present who wished to address the Board of Trustees on any item to be considered in Closed Session. Hearing no request to make comments, the Board adjourned to Closed Session at 6:10 p.m.

**ADJOURNMENT TO CLOSED SESSION**

**Adjournment to  
Closed Session**

The following Closed Session agenda items were considered by the Board of Trustees:

Discussion of Student Matters

A. Student Expulsions and/or Reinstatement Report

Conference with Agency Labor Negotiator, William R. Jones, Regarding Collective Bargaining Agreement(s) with Employee Group(s)

**ADJOURNMENT FROM CLOSED SESSION**

**Adjournment from  
Closed Session**

The Board of Trustees adjourned Closed Session at 6:55 p.m.

**RECONVENING IN OPEN SESSION**

**Reconvening in  
Open Session**

The Board of Trustees reconvened in Regular Session at 7:12 p.m. in the Board Room of the Kern High School District Administrative and Support Services Office.

**Flag Salute**

Trustee Batey led the Board of Trustees and members of the audience in the flag salute.

**Adoption of  
Final Agenda**

It was moved by Trustee Batey, seconded by Trustee Vegas and carried that the Final Agenda be approved with changes as announced by Superintendent Carter.

**Approval of Minutes  
from Regular Board  
Meeting of January  
5, 2009, Board  
Workshops of  
January 12, 2009  
and January 16,  
2009, and Special  
Board  
Meeting/Board  
Study Session of  
January 23, 2009**

It was moved by Trustee Vegas, seconded by Trustee Perry and carried that the minutes from the Regular Meeting of January 5, 2009, the Board Workshops of January 12, 2009 and January 16, 2009, and the Special Board Meeting and Board Study Session of January 23, 2009 be approved as mailed.

**REPORT FROM CLOSED SESSION**

**Report from  
Closed Session**

No action was taken by the Board of Trustees in Closed Session. Two Special Board of Trustees meetings have been schedule in the month of February. The first will be held this Friday, February 6, 2009 at 8:00 a.m. The Special Board meeting will include continued discussion of the Kern High School District budget for 2009-10. The second Special Board meeting has been scheduled for Friday, February 20, 2009, also at 8:00 a.m. The next Regular Board of Trustees meeting is scheduled for Monday, March 2, 2009.

**Student Expulsions  
and/or  
Reinstatements  
Report**

It was moved by Trustee Mettler, seconded by Trustee Perry and carried with a unanimous vote that all recommendations included in the Student Expulsions and/or Reinstatements Report be approved as presented to the Board of Trustees in Closed Session.

**SUPERINTENDENT'S REPORT**

**State of California  
and Kern High  
School District  
Budget Updates**

Superintendent Carter review the brief history of what has transpired as the K addresses the shortfall in the finances of the State of California, to what has been determined to be a \$41.6 billion shortfall. To-date there has not been an agreement in Sacramento among legislators on how to deal with the shortfall. There has been a further decline in the State's fiscal conditions, the January revenues have deteriorated and late estimates are that the shortfall could be \$45.0 to \$48.0 billion. The State Controllers Office is proposing IOU's due to the cash crisis on payments from the State of California, include State Franchise Tax Board tax refunds. The Governor's budget proposal of December 31, 2008 included \$14.4 billion in new revenues, \$9.9 billion in borrowing, \$17.3 billion in expenditure reductions, full categorical flexibility and no funded COLA for 2009-10.

The Kern High School District administration is building the 2009-10 budget with several assumptions, including positive certification, the Governor's December 2008 proposal, and no categorical flexibility. Other considerations include the fact that the Kern High School District will be entering declining enrollment over the next year(s). Another assumption is the maintenance of sufficient reserves to weather economic uncertainties and state apportionment deferrals, including the deferral from February's apportionment payment until July (\$10.0 million for Kern High School District) and deferral of the August and September apportionment payment until October (\$20.0 million for Kern High School District).

Another assumption is the Board's commitment to fund the liability for health benefits for retirees to age 65. Lastly, there is the assumption to honor all contracts with the employee bargaining groups.

Superintendent Carter reported that a list of potential areas where budget reductions could be made was reviewed by the Board of Trustees on January 23, 2009, and a copy of the list was available for guests at this Board meeting. He reported this list excludes items which are subject to the collective bargaining process and also excludes potential revenue enhancement and ADA recovery. While members of the public will have an opportunity to address the governing board at this meeting, time for public input on the proposed budget reductions will also be provided at the February 6, 2009 Board Study Session, the Special Board of Trustees Meeting on February 20, 2009 and the Regular Board of Trustees Meeting on March 2, 2009.

Superintendent Carter continued to reported that one recent development has to do with the federal stimulus package and what potential impact it might have with the current budget situation in California. Associate Superintendent Scott reported the federal stimulus package has received a great deal of coverage by the media. The entire discussion has contributed to the paralysis in the California legislature recently that the stimulus package would send \$9.9 billion to education; however the Senate has yet to pass their version of this stimulus package. "District staff are watching both the Federal legislature and California's legislature on a daily basis. One concern is we don't know when the funds would actually be made available and it is not clear what that final package would look like. We do know there is allocation for Title I funds and construction funds; however, neither category can be used to

backfill general budgets. There is also funding for IDEA, while beneficial, the funding would only be used to fund that encroachment. There is also a construction component, and it is believed that those funds will be managed by the Office of School Construction within California.” Associate Superintendent Scott also reported on a concern that the federal stimulus package does not include some sort of reference for the revenue limit, and there is nothing to prevent the State of California from lowering its contributions to education. It is important to note that the stimulus package is only good for two years. “While we can hope that the State of California will provide for flexibility and we hope that the federal funds will come in time, both are just hopes at this point. Regrettably this Board will have to make tough decisions in the next couple of months. Important deadlines are looming in the near future, include the March 15<sup>th</sup> deadline for noticing certificated staff.”

### **Superintendent’s Comments on District Activities**

#### **Superintendent’s Comments on District Activities**

Superintendent Carter’s comments to the Board of Trustees are listed in the above item.

### **COMMUNICATIONS**

#### **Communications**

No communications were shared with Trustees at the Board meeting. Superintendent Carter reported that all communications received for the Board of Trustees have been forwarded to the Trustees under separate cover. This also includes any communications received for the Board of Trustees with regards to the proposed Strategic Priorities, the proposed change in Graduation Requirements and the discussions regarding potential budget reductions for 2009-10.

### **HEARING OF CITIZENS**

#### **Hearing of Citizens**

Several requests to address the Board of Trustees were presented to Board President Heinrichs.

Larry Peake addressed the Board of Trustees regarding sexual harassment, Dr Rollin Rodriguez. They jointly wanted the Board to consider and clarify a situation. He reported he was an attorney but was at the Board meeting as a concerned parent of a 13-year-old. Dr. Rodriguez was reportedly present at the Board meeting as a concerned parent also. Mr. Peake offered several questions to the Board of Trustees regarding alleged sexual harassment and how complaints are handled.

Danette Baker reported her son is a junior at Ridgeview High School and has had a very positive experience in the athletic programs. She reported her concerns were that some athletic programs may be cut at the frosh-soph and JV levels. She asked Trustees not to cut the frosh-soph and JV level athletic teams, stating that other students would not have the same opportunity as her son has had.

Blaine Hawkins talked to Trustees as a representative of the Grizzly Outdoor Club of Arvin High School. He reported he was faced with talking with 30 of his students that, after raising funds for over six years, the field trip would not be approved due to budget concerns. “The explanations I’ve received so far have not meant a lot of sense to me.” Superintendent Carter

responded that all out-of-area trips do need to be approved by the school and district administration, and that often times the fund raising takes place before the permission. There has been a decision at the District level to cut back on trips as a cost saving measure. “In those instances where plane tickets were purchased or the Board has already approved the trip, then the trip will take place.” Associate Superintendent Thompson reported this is an item related very directly to the costs against the Principal’s Budget, and the transportation of school vans is paid through the Principal’s Budget. There may also be indirect costs to the school or District. Mr. Hawkins was directed to speak with Dr. Thompson and Ms. Cavazos about the denial of the trip.

Ray Rebeles, a bus driver, chief job steward and a member of the District negotiating team, talked to Trustees. He talked about issues relating to the current bargaining which concluded last year, and the number of new employees added within the Transportation Department. He talked about rollover routes and how bus drivers are the first point of contact with students in the morning. He also reported on the many student athletic trips where he has served as the bus driver and learned how the coaches emphasize the need to keep grades up in order to participate in the District’s athletic programs. “We can’t let our students down. Sports are another alternate way for students to enter college.”

Jan Graves talked about the recent Career Technical Education working group and concern of the Teachers’ Association because teachers, counselors and classified staff were not included in the planning group for this proposal. “The names of all of your committee were all administrators. In incoming months, we teachers are facing a lot of adversity – bargaining, larger class sizes, jobs being eliminated, programs being slashed due to program constraints, yet the Board is progressing on with this project.” Mrs. Graves reported on the last change to graduation requirements where the process took almost a full year and included lots of committee meetings and meetings with teachers to make sure they were fully informed and to educate them on the proposal. “But the teachers knew about the adjustments, what was being recommended and why. Without teacher and counselor buy-in, this program will not do as well as it should.” Mrs. Graves also referred to the Santa Rosa High School model, which has been a model of focus in the pathway development for graduation requirements, and reported that program is currently have problems. “One high school has over 200 plans that were created by the counselors.” She also talked about how a 14-year-old student does not fully know what they want to do after graduating from high school and how their plans will change throughout high school. She asked Trustees to follow advice from fellow Trustee to hold off on this decision. In closing she told Trustees how the budget reductions are paramount in the minds of teachers this Spring, and again asked for a delay in the approval of the changes of graduation requirements to add pathways.

Thomas Jones referred to the January 12<sup>th</sup> discussion regarding the new pathway requirements, which were based on Santa Rosa School District’s CTE pathways. He asked if specific information was available regarding the scheduling impact and fiscal impact this proposal will have. He also asked if anyone has actually visited Santa Rosa School District to see their layout and schools? Board President Heinrichs responded, “The short answer is we’ve seen a presentation about it, it’s a model we’ve heard a lot about, but we are not going to do a Q&A thing here. Give your testimony and then we’ll proceed.” Mr. Jones shared information from his personal contact with various high schools in the Santa Rosa School District regarding the fine arts offerings. He talked about the Year 2015 phase-in which adds sections in the Career Technical Education program and the available of funding to pay for those additional teachers. He asked Trustees to seriously consider the financial impact of this new proposal and to please take more time on this issue to have more shareholders involved.

Matt Kidzierski talked to Trustees as a parent of a student at Golden Valley High School. He thanked Trustees for the opportunity to address them. He talked about the difficulty in finding the Career Technical Education proposal on the District's web site. He reported that the proposed new pathway program does appear to have merit, but there are still a lot of questions. "This numerous questions and concerns are the reason I ask the Board to postpone their vote on this program." He reported his first concern was the fact that the planning committee did not include teachers, which would insure a successful implementation. Another concern was distribution of the information to the middle school administrators and teachers so they are aware of the pathway requirements. Another concern related to the implementation of this new program at a time when extensive budget reductions will have to be made.

**REPORTS**

**Reports of District Organizations**

**Kern High Faculty Association** No report.

**Counselors' Association** No report.

**California School Employees Assoc., Chapter #81** Absent.

**California School Employees Assoc., Chapter #747** No report.

**Management Advisory Council** Absent.

**Skilled Trades Union** Absent.

**Supervisory Union** Absent.

**BOARD OF TRUSTEE REPORTS, INQUIRIES AND/OR ITEMS FOR ACTION**

**Board of Trustee Reports and/or Inquiries** No comments.

**Updates on Selection of Strategic Priorities** The Board of Trustees desires to establish a process for updating the strategic priorities (Priority Goals) to guide the Superintendent and staff in the designing of programs and allocation of resources. In March of 2008, the Board adopted Priority Goals for 2008-2011 as recommended by the administration, staff and parents. At that time, the Board expressed

the desire to establish a process of Board involvement in the establishment of strategic priorities. This proposed process would use these Board-adopted goals and additional strategic initiatives of interest to the Board and public.

A letter dated January 26, 2009 from Board President Heinrichs was included with this Board agenda item, which indicated, that, consistent with the process approved by the Board of Trustees on January 5, 2009 for the selection of Strategic Priorities, a status report would be presented. Two Board Workshops were held on January 12, 2009 and January 16, 2009 with substantial progress during the discussions on the 16<sup>th</sup>. The general consensus appears to exist that:

1. Current “Priority Goals” document should be re-titled “Strategic Priorities” as the document does not include measurable goals.
2. The over-arching priority, “to maximize student success” should be supplemented with a fundamental commitment to fiscal stability.
3. The bulk of the existing, ongoing priorities should be retained, but supplemented with several additional near term initiatives as identified by the Board of Trustees.
4. The list of ongoing priorities should include a “commitment to improve graduation rates.

Board President Heinrichs reported in his letter that the January 16<sup>th</sup> discussion points were captured in a draft document, which was included with the Board packet for this meeting. He further reported that several items we discussed were deemed important, but not “strategic priorities”. Board President Heinrichs reviewed the proposed Strategic Priorities draft document with Trustees, a copy of which is on file with these official minutes.

This item will be on the March 2, 2009 Board agenda for action to approve.

**Approval of  
Proposed Change to  
District  
Administrative  
Code, Section 303P,  
“Graduation  
Requirements”**

Trustee Heinrichs presented a proposal to change language to the Administrative Code, which would change the graduation requirements for the Kern High School District. A report was submitted to the Board of Trustees on December 15, 2008 by Scott Cole, Director of Career Technical Education, as a spokesperson for the Career Technical Education Working Group established by the Board in June, 2008. Mr. Cole presented a brief overview at this meeting through a PowerPoint presentation of the same review presented in December.

A proposal would add to existing graduation requirements to require that each student in the Kern High School District complete one or more of the following pathways was presented to the Board of Trustees on December 15, 2008:

- An approved college preparatory course of study, or
- An approved career education pathway that is consistent with the student’s interests, needs and aspirations, or
- An approved individual pathway designed to meet the student’s academic and career needs/interests.

A copy of the proposed Administrative Code language for Section 303P, “Graduation Requirements”, was included as additional information. Trustee Heinrichs made a motion that the proposed change in Graduation Requirements be approved. The motion was seconded by Trustee Vegas. Trustee Heinrichs reported in support of the motion that a survey was taken from students and parents alike, and the overwhelming majority were in

support of having access to these types of classes. He also reported that, during the 2007-08 school year in meetings with teachers at various school sites, the faculty was overwhelmingly "...in support of these types of courses to enhance student learning." He acknowledged that the process could have been different, however, "...it has been surveyed and processed for two years....the big fear is how can we possibly pay for this. There is no additional cost, the only change is to have 60 additional sections in six years that would replace existing courses."

Trustee Mettler agreed with Trustee Heinrichs and stated the proposal is based on a lot of previous venues and research. "Staff has done an incredible amount of research. We do need to get buy in by the feeder schools and middle schools, and use it as a tool to reach down and motivate these 7<sup>th</sup> and 8<sup>th</sup> graders to do better so they have an interest in going to school. It is a good marketing tool. It is going to make our education delivery more exciting."

Trustee Batey asked if there was a particular reason why this couldn't be delayed for another 30 days to give time for receipt of written comments. Trustee Heinrichs reported he was willing to wait 30 days.

Trustee Vegas reported he was not compelled to hear the same ten people give the same critique. Trustee Mettler reported he felt it was imperative to give directions to staff in planning for the Fall of 2009. "As a courtesy to our staff, if we are going to do it, let's just do it."

Trustee Perry reported he didn't see a reason why not to wait. "Why burden ourselves with another issue, when people feel they haven't been included." Trustee Vegas stated that only three people give critiques and the message is the same.

Board President Heinrichs called for the motion. The motion passed with a four (4) yes, one (1) no (Trustee Perry) vote.

### SUPERINTENDENT'S OFFICE

**Acceptance of  
Donation of Disaster  
Preparedness Triage  
Kits and Training  
Modules to Kern  
High School District  
by the County of  
Kern Emergency  
Medical Services  
Department**

The County of Kern Emergency Medical Services (EMS) Department led a collaborative disaster preparedness group that conducted a series of planning meetings, training sessions and exercise. Among thirty-eight participating organizations, South High School Assistant Principal Kathy Waterman and Kern High School District's Chief of Police, Steve Alvidrez, represented the Kern High School District. They, along with Hall Ambulance Service, facilitate Simple Triage and Rapid Treatment (START) triage training for the test site, South High School.

South High School tested a new concept employed to augment disaster resources in a catastrophic earthquake scenario. Working with paramedics and emergency medical technicians, school participants conducted a full-scale exercise. Using the START triage system, South High School faculty and staff demonstrated proficiency in sorting and prioritizing injured victims.

The success of this exercise at South High School was used to justify expanding the concept to other campuses. Disaster preparedness grant funds administered by the Department were used to procure additional triage equipment for the Kern High School District.

Ross Elliott, Director of the Kern County EMS Department was at the Board meeting to share information about the disaster preparedness program. He recognized the leadership and service of Chief Alvidrez and now-retired Assistant Principal Waterman for their work on the training. Also present at the Board meeting was Tony Pallitto, EMS Coordinator, and John Surface, Manager from Hall Ambulance Service, Inc.

It was moved by Trustee Batey, seconded by Trustee Mettler and carried with a unanimous vote.

*(Trustee Vegas left the Board meeting at this point for a short period of time.)*

**PUBLIC HEARING  
Regarding Proposed  
Revision to Kern  
High School District  
Conflict of Interest  
Code Gift  
Limitations**

The Fair Political Practices Commission (FPPC) increased the gift limit from \$390.00 to \$420.00 effective January 1, 2009. This recommended change will bring the Kern High School District's Conflict of Interest Code in line with the current legal requirements.

According to the Political Reform Act, local public agencies are required to adopt a Conflict of Interest Code. Whenever changes are recommended to the Code language, members of the public must also be given a fair opportunity to present their views prior to adoption by the governing board.

A Public Hearing was declared open at 8:14 p.m. by Board President Heinrichs. Hearing no requests to address the Board of Trustees regarding this proposed change, the Public Hearing was declared closed at 8:15 p.m.

**Approval of  
Revision to Kern  
High School District  
Conflict of Interest  
Code Gift  
Limitations**

The Fair Political Practices Commission (FPPC) increased the gift limit from \$390.00 to \$420.00 effective January 1, 2009. This recommended change will bring the Kern High School District's Conflict of Interest Code in line with the current legal requirements. A copy of Page 9 of the District's Conflict of Interest Code showing the recommended changes in red was attached to this agenda page for additional information.

It was moved by Trustee Vegas, seconded by Trustee Mettler and carried with a unanimous vote that the revision to the Kern High School District Conflict of Interest Code be approved as presented, and that all designated employees be notified of the change.

**INSTRUCTIONAL SERVICES**

**Courses of Study**

Courses of Study for Independence High School and the Bakersfield Adult School were presented to the Board of Trustees for information only. The courses of study will be on file in the Division of Instruction and available for public inspection until the next regular Board of Trustees meeting, when they will be presented for action to approve.

**PERSONNEL SERVICES**

**2009-2010 Student  
Attendance  
Calendar**

The proposed 2009-2010 Student Attendance Calendar was presented as an informational item by Assistant Superintendent Jones at the January 5, 2009 Regular Meeting, and a copy is on file with these official minutes. Assistant Superintendent Jones reported the Kern County committee, which studies student attendance calendars, has been reviewing all issues, and attendance patterns is one of the issues considered. Trustee Batey requested additional information on the potential of adding the Monday after Easter as a non-instructional day

when the Kern High School District is not in operation. It has been proposed as the day to use the in-lieu of Admission Day, which is now taken in conjunction with the Christmas holidays.

It was moved by Trustee Batey, seconded by Trustee Mettler and carried with a unanimous vote that the 2009-2010 Student Attendance Calendar be approved. Assistant Superintendent Jones reported he would look into the possibility of a Student Attendance Calendar with the day after Easter Sunday as a vacation day. If warranted, the information will be presented for consideration at a future Board meeting.

**PUBLIC HEARING  
on Submission of  
Application for  
Provisional  
Internship Permit(s)  
to California  
Department of  
Education for  
Certain Public  
Certificated  
Employee(s)**

The California Commission on Credentialing discontinued the issuance of multiple subject, single subject and education specialist emergency permits, and implemented the provisional internship permits as of June 6, 2006. The Office of Administrative Law approved the addition of Title 5 Section 80021.1, Pertaining to Provisional Staff Permits on June 4, 2005. This permit is available when the employing agency knows that there will be a teacher vacancy, yet is unable to recruit a suitable candidate.

A Public Hearing was declared open at 8:22 p.m. to receive public comments on the submission of an application for Provisional Internship Permit(s) to the California Department of Education for certain public certificated employees. No comments were received and President Batey declared the Public Hearing closed at 8:23 p.m.

**Approval of  
Resolution on  
Submission of  
Application for  
Provisional  
Internship Permit(s)  
to California  
Department of  
Education for  
Certain Public  
Certificated  
Employee(s)**

It was moved by Trustee Vegas, seconded by Trustee Mettler and carried that the Resolution approving the submission of the application for Provisional Internship Permit(s) to the California Department of Education for certain public certificated employees be approved. A complete list of the certificated employee(s) is on file with these official minutes.

**Approval of  
Resolution on  
Submission of  
Application to  
Public Agency  
Retirement Services  
(PARS) Regarding  
Supplementary  
Retirement Plan for  
Certificated, Non-  
management  
Personnel**

A Resolution regarding the submission of an application to the Public Agency Retirement Services (PARS) regarding supplementary retirement plans for certificated, non-management personnel in the Kern High School District was presented by Assistant Superintendent Jones. The primary objective of this retirement incentive is to increase and accelerate the retirement rate over and above natural attrition in order to facilitate specific Kern High School District objectives such as personnel restructuring, fiscal savings, etc. Fiscal savings are achieved by replacing the retiring employee, who is typically at the top of the salary schedule, with a replacement employee at the bottom of the salary schedule. With retirement incentives involving teachers, the resulting salary differential is sufficient to pay for the costs of the plan and generate additional savings over and above natural attrition.

In order for the incentive to go into effect, the plan must have sufficient plan participation to meet the District's fiscal and operational objectives by the enrollment deadline of March 24, 2009. Participating employees shall submit all required enrollment materials and District Letter of Resignation to PARS on or before this deadline. As of the enrollment deadline,

resignations (retirements) of participants are irrevocable and may not be rescinded unless the District withdraws the PARS incentive and notifies enrolled employees of the withdrawal no later than March 31, 2009. If the District withdraws the incentive, resignations will be automatically rescinded.

A complete description of the plan and incentive payments was included with this agenda item for additional information. Assistant Superintendent Jones reported health coverage would continue to be provided for retirees to age 65 and this new retirement incentive program would replace the current post retirement consultant program.

It was moved by Trustee Vegas, seconded by Trustee Mettler and carried with a four (4) yes, one (1) No (Trustee Batey) vote to approve the Resolution on Submission of Application to Public Agency Retirement Services (PARS) Regarding Supplementary Retirement Plan for Certificated, Non-Management Personnel.

### **BUSINESS SERVICES**

**Adoption of  
Resolution  
Approving Kern  
High School District  
to Sell Real Property  
Located at 730 E.  
Lerdo Highway,  
Shafter, California  
to Private Entities**

A Resolution to sell real property located in Shafter, California was presented to the Board of Trustees for approval. This property is the former location of Central Valley Continuation High School, and was recently appraised with a value of \$350,000.00. Associate Superintendent Scott reported the sale of this property would be handled pursuant to the requirement of Education Codes §17455 et seq. It was moved by Trustee Vegas, seconded by Trustee Mettler and carried unanimously to approve the Resolution approving the sale of real property located at 730 E. Lerdo Highway, Shafter, California, by the Kern High School District to private entities. Bids will be solicited formally and the Board of Trustees will formally open the bids at the March 2, 2009 Regular Meeting, which begins at 7:00 p.m.

**Adoption of  
Resolution  
Approving the  
Behavioral  
Intervention Plans  
(Hughes Bill)  
Mandated Cost  
Claim Settlement  
and Authorization  
to Waive Rights to  
File Any Claim  
Regarding the  
Hughes Bill Statute  
and Regulations in  
the Future for the  
Kern High School  
District**

The Commission of State Mandates, in a test claim known as the Behavioral Intervention Plans (Hughes Bill) Mandated Cost Claim has determined that, since 1993, there are unfunded State mandates exceeding the federal requirements in several components of the Hughes Bill Statute and Regulations. The State Department of Finance disputes that any of the identified Behavioral Intervention Plans Mandated Cost Claim mandates qualify for state reimbursement because it contends they are required by federal law; and, therefore, the State has filed a lawsuit with the Sacramento Superior Court, Case No. 03CS01432 to contest the Commission's decision.

This litigation could thwart resolution of these matters for a number of years and, to avoid the cost and uncertainty of further litigation, the State and Test Claimants have determined to compromise and settle the claims. A settlement agreement has been negotiated which provides \$520 million as general fund reimbursement for past costs associated with the Hughes Bill Statute and Regulations.

It was moved by Trustee Vegas, seconded by Trustee Batey and unanimously carried to adopt the Resolution Approving the Behavioral Intervention Plans (Hughes Bill) Mandated Cost Claim Settlement and Authorization to Waive Rights to File Any Claim Regarding the Hughes Bill Statute and Regulations in the Future for the Kern High School District. Manager of Special Education, Dr. Steve Moyer, reported approval of this Resolution will provide approximately \$3,004,071.00 in discretionary funding for retroactive reimbursement, which would be paid out over six years in equal installments of \$500,679.00 (unless the State accelerates payment of such reimbursement).

**Adoption of  
Resolution  
Approving the  
Behavioral  
Intervention Plans  
(Hughes Bill)  
Mandated Cost  
Claim Settlement  
and Authorization  
to Waive Rights to  
File Any Claim  
Regarding the  
Hughes Bill Statute  
and Regulations in  
the Future for the  
Kern High School  
District Special  
Education Local  
Plan Area (SELPA)**

The Commission of State Mandates, in a test claim known as the Behavioral Intervention Plans (Hughes Bill) Mandated Cost Claim has determined that, since 1993, there are unfunded State mandates exceeding the federal requirements in several components of the Hughes Bill Statute and Regulations. The State Department of Finance disputes that any of the identified Behavioral Intervention Plans Mandated Cost Claim mandates qualify for state reimbursement because it contends they are required by federal law; and, therefore, the State has filed a lawsuit with the Sacramento Superior Court, Case No. 03CS01432 to contest the Commission's decision.

This litigation could thwart resolution of these matters for a number of years and, to avoid the cost and uncertainty of further litigation, the State and Test Claimants have determined to compromise and settle the claims. A settlement agreement has been negotiated which provides \$520 million as general fund reimbursement for past costs associated with the Hughes Bill Statute and Regulations.

It was moved by Trustee Vegas, seconded by Trustee Batey and unanimously carried to adopt the Resolution Approving the Behavioral Intervention Plans (Hughes Bill) Mandated Cost Claim Settlement and Authorization to Waive Rights to File Any Claim Regarding the Hughes Bill Statute and Regulations in the Future for the Kern High School District Special Education Local Plan Area (SELPA). Manager of Special Education, Dr. Steve Moyer, reported approval of this Resolution will provide approximately \$26,435.00 (total) in funding for retroactive reimbursement and \$370,842.00 per year as a permanent increase to the AB 602 funding base.

**Report on the  
Membership of the  
Kern High School  
District's 2004  
General Obligation  
Bond Oversight  
Committee**

Following the passage of the Kern High School District's Bond Measure "N" in 2004, the Board of Trustees established and appointed an independent Citizens' Oversight Committee. The Committee consists of seven members who have served for up to four years. The members were initially appointed for a term of two years. In March 2007, the Board of Trustees reappointed members for either two- or one-year terms.

Current Committee members include:

<u>Member Name</u>	<u>Representing</u>	<u>Term</u>
<u>Ends</u>		
Tony Marion	Community Member	2010
Gary Sheetz	Kern Taxpayers' Association	2009
Dawn Silberberg	Parent/Parent-Teacher Organization	2009
Brian Todd, Chairman	Business Community	2009
Ken Vetter	Community Member	2009
Grover Waldon, Vice Chairman	Parent/Guardian	2009

The Board of Trustees will need to appoint new members in designated categories for one or two year terms, especially with consideration that some of the Oversight Committee members have already served a two-year term and a one-year term. Associate Superintendent Scott asked Trustees to funnel names of prospective new members to the Committee to him. The next meeting of the Bond Oversight Committee is scheduled for February 12, 2009 at 12 Noon.

## ADMINISTRATIVE REPORT

*Items required by law and/or items in accordance with the District Administrative Code and/or the Education Code*

### Administrative Report

Board President Heinrichs called for the motion to adopt the Administrative Report as presented. It was moved by Trustee Vegas, seconded by Trustee Mettler and carried with a unanimous vote that all items on the Administrative Report be approved as presented.

### Superintendent's Office

*No Items*

### Instructional Services

1. Approval of the courses of study on the attached list. These courses of study have been on file in the Office of Instruction and available for public inspection since the last board meeting.
2. Approval of the following short term consultants:
  - **Ron Rohac of Rohac ED Solutions** to provide a follow-up day of training for Specially Designed Academic Instruction in English (SDAIE) strategies. This training will be for Science, Math, Social Studies and English teachers. *Funding Source: Categorical/Title I*
  - **The Arts Council of Kern** to provide instruction in Language and Fine Arts through a Percussion class. The class is part of the after school program which offers academic and enrichment activities for students during after school hours which enhance student's learning environment and provides a safe and healthy environment for students after school. *Funding Source: Categorical/After School Safety and Enrichment for Teens Program (ASSETS)/Arvin High School*
  - **Mr. Louis Mangione/Innovations in Education** to provide a one day in-service at Arvin High School which will focus on effective lesson planning for the block schedule. *Funding Source: Categorical/Quality Education Investment Act/QEIA*
3. Approval of the following out of area trips:
  - **South High School Army Junior Reserve Officer Training Corps (JROTC) Drill Team** to travel to Las Vegas, Nevada, to compete in the Regional Color Guard and Physical Training Competition to be held on March 6-8, 2009.

All of the necessary information (itinerary, travel arrangements, cost, etc.) have been provided in accordance with District Extra-Trip guidelines.

### Personnel Services

1. Approval of the personnel transactions as indicated in the Personnel Report for February 2, 2009, a copy of which is on file with these official minutes.

**Business Services**

1. Authorization to enter into an agreement between Kern High School District/Bakersfield Adult School and Westchester Gardens South West. The proposed agreement will provide off-site facilities to conduct Adult Education classes. Term of agreement is December 1, 2008 to June 30, 2010.
2. Authorization to enter into an agreement between Kern High School District/Bakersfield Adult School and Kern Women’s Health Group, Inc. The proposed agreement will provide off-site training for the Medical Assistant program. The term of agreement is December 2008 to June 30, 2011.
3. Approval for Short Term Consultant Agreement for John Gibson to provide input on school modernization, WASC Accreditation, potential staffing reductions, and other projects as assigned by the Associate Superintendent of Business.
4. Approval of Professional Services Supplemental Authorization (PSSA) No. 5 for RFQ No. 1421 – Architectural Services for East Bakersfield High School Modernization 2005 to add Terracom Communications Upgrade:

Architect:	Renfro & Cuningham
This <u>Increase</u> :	\$ 13,500.00

5. Approval of Change Order No. 5 for East Bakersfield High School Modernization 2005 for a total of \$17,388.00, as follows:

- a. Bid No. 1928-01 (Modernization) – Plumbing and Site Utilities

Contractor:	Taft Plumbing Co., Inc.
Original Contract Amount:	\$ 406,203.00
Adjusted Contract Amount:	\$ 0.00
This <u>Increase</u> :	\$ 12,864.00
New Total:	\$ 419,067.00

- b. Bid No. 1928-02 (Growth) – Plumbing and Site Utilities

Contractor:	Taft Plumbing Co., Inc.
Original Contract Amount:	\$ 359,194.00
Adjusted Contract Amount:	\$ 387,632.00
This <u>Increase</u> :	\$ 4,524.00
New Total:	\$ 392,156.00

6. Award of Bid No. 1942 – East Bakersfield High School Modernization 2005: Lead Abatement and Demolition of Overhang to Specialized Environmental, Inc. in the total base bid amount of \$28,888.00. The District received one other bid as follows:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Asbestos Services, Inc. dba A.S.I., Inc.	Bid found to be non-responsive

ADJOURNMENT

Adjournment

President Heinrichs adjourned the Regular Meeting of February 2, 2009 at 9:00 p.m.

---

Joel Heinrichs, President

---

J. Bryan Batey, Clerk

JBB/KM:bs