

ADOPTED MINUTES
El Dorado Union High School District
BOARD OF TRUSTEES
Regular Board Meeting
NOVEMBER 18, 2008

A. INTRODUCTORY ITEMS

1. Call to Order

This meeting of the Board of Trustees was called to order at 5:00 p.m. by President Mary Muse in the Superintendent's office.

After letting those in attendance know the specific items to be discussed during Closed Session, and asking if anyone in attendance had any comments or questions regarding the Closed Session agenda, the Board entered Closed Session for discussion of the following items:

- a. Discuss hearing panel recommendations regarding possible order(s) to expel ten students. Any action will be taken in public session during the Student Services section of the public portion of the board meeting. All appropriate actions will be taken to preserve the confidentiality and legal rights to privacy of the students. (*EC 35146, 48918[c]*)
- b. Consider approval of two stipulations and orders in the manner of expulsion.
- c. Consider one student petition for readmission into El Dorado Union High School District.
- d. Consider one request for a California High School Exit Exam (CAHSEE) waiver.
- e. Approval of a Special Education Settlement Agreement.
- f. Discuss and take action about certificated and classified personnel listed in the consent agenda related to personnel action. (*GC 54954.5, 54957*)
- g. Conference with labor negotiators (agency negotiators for the Board are Asst. Superintendent Stevie Clark and Assoc. Superintendent Steve Luhrs) to discuss with the Board represented employees: Proposals from the **Faculty Association** regarding compensation package and other contract issues. (*GC 54957.6*)
- h. Conference with labor negotiators (agency negotiators for the Board are Asst. Superintendent Stevie Clark and Assoc. Superintendent Steve Luhrs) to discuss with the Board represented employees: Proposals from the **CSEA** regarding compensation package and other contract issues. (*GC 54957.6*)
- i. Conference with labor negotiators (agency negotiators for the Board are Asst. Superintendent Stevie Clark and Assoc. Superintendent Steve Luhrs) to discuss proposals from the El Dorado Managers Association (**EDMA**) regarding compensation package and working conditions.
- j. Discuss with the Board's negotiators (William Wright and Patty McClellan) and give direction regarding price, terms of payment, and conditions of use of Truscott Lane, south of Union Mine High School (Negotiation parties: Robyn McCann). (*Government Code Section 54956.8*)

k. Discuss Superintendent's evaluation, goals, and objectives.

The Board entered Open Session at 6:10 p.m. in the Boardroom.

2. Pledge of Allegiance was led by Don Buchheit.

3. Attendance

Board Members Present

Mary T. Muse
Lori Veerkamp
Madeline T. Restaino
Kirby L. Ehler
Timothy M. Cary

D.O. Staff Present

Sherry J. Smith, Executive Secretary
Steve Luhrs, Associate Superintendent
Chris Hoffman, Associate Superintendent
Stevie Clark, Assistant Superintendent
Patty McClellan, Facilities Director
Sylvia Torres, Asst. to Superintendent

Student Board Member

Katie Paur

Association Representatives

Marc Moehlman, Faculty Association President
Donna White, Classified Association

Others

Staff: 17

Community Members: 6

4. Requests to change the agenda and approval of agenda.

Mr. Cary moved to approve the agenda with the move of items F.1, F.2, and F.3 to be heard immediately after the consent agenda. Seconded by Mrs. Restaino. (Katie Paur, aye.) Motion unanimously carried (5-0).

5. Consent Agenda

Mr. Cary moved to pull Item 5.g. and have it brought back at the December meeting, and to approve the remaining consent agenda as presented. Mrs. Restaino seconded. (Katie Paur, aye.) The motion carried (5-0).

- a. Approval of Minutes of October 28, 2008, Board Meeting.
- b. Approval of Commercial Warrants Report (copy available at District Office).
- c. Approval of Routine Certificated Personnel Action.
- d. Approval of Routine Classified Personnel Action.
- e. Donations Received.
- f. Approval of Information Technology Project Agreement Between the Shasta Union High School District and the El Dorado Union High School District.
- h. Approval of Summer School Program.
- i. Approval for El Dorado High School Cross-Country Team to Participate in an Instructional Trip: CIF State Cross-Country Championship, Woodward Park, Fresno, November 28-29, 2008.
- j. Approve Resolution No. 2008/09-22 Certifying the Annual Accounting and Reporting Obligations of the Collection of School Facility Fees (Developer Fees).
- k. Approve Agreements with Colbi Technologies, Inc., for Account-Ability Software and Maintenance and Support Services.
- l. Approve Architectural Agreements with ANOVA Architects, Inc., for the El Dorado High School Natural Resources/Land Management Program and Union Mine High School Careers with Children Program Facilities.

- m. Approve Architectural Agreement with ANOVA Architects, Inc., for the Cosmetology Program Facility at Shenandoah High School.
- n. Approve Construction Management Services Agreement with Carter-Kelly Construction Management Services, Inc., as Construction Manager At Risk for the Track and Football Field Project at El Dorado High School.
- o. Approve Change Order No. 1 for the Independence High School Modernization Phase 3 Portable Replacement Project (DSA #02-109636).
- p. Approve Change Order No. 1 for the Ponderosa High School Parking and Traffic Circulation Improvements Project (DSA #02-109806).
- q. Approve Addendum to BTI Agreements for ShoreTel Phone System for Union Mine High School, Shenandoah High School, El Dorado High School, and Ponderosa High School.

Consent Agenda Item g. Approval for the Establishment of the Ponderosa High School Aquatics Boosters was pulled and will be returned for review at the December 9, 2008 Board Meeting.

B. RECOGNITION OF SPECIAL CONTRIBUTIONS AND ACHIEVEMENTS

1. Reports from Student Representatives
 - a. Kody Michael Quigley reported on activities at Ponderosa High School.
 - b. Erika Saxton reported on activities at Shenandoah High School.
 - c. Heather Moule reported on activities at El Dorado High School.
 - d. Katie Paur reported on activities at Oak Ridge High School.

C. ACKNOWLEDGMENT OF CORRESPONDENCE

Mrs. Muse acknowledged correspondence from an ORHS parent regarding cheerleading, and correspondence from an EDHS parent regarding the lockdown.

D. INVITATION TO BARGAINING UNIT PRESIDENTS/DESIGNEES AND/OR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD (GC54954.3)

1. Karen Jones, District Office Account Specialist, recognized and thanked Steve Luhrs for being a boss who makes a difference. Not only does Mr. Luhrs do a great job managing the District's budget, but he goes the extra mile in his personal generosity toward his employees and their children's fundraising causes.
2. Donna White, CSEA Representative, acknowledged negotiations with the District have begun. Ms. White shared that District bus drivers overwhelmingly took first place in a rodeo competition on Saturday that included bus drivers from El Dorado and Amador County school districts.
3. Mr. Moehlman, Faculty Association President, commented on the country's new president-elect, and his hopes that this president will do right by education. He also noted the troublesome state budget and uncertainties still to come out of the Governor's Office.

E. SUPERINTENDENT'S COMMENTS

Mrs. Smith did not have any comments.

F. FACILITIES SERVICES – ACTION/DISCUSSION ITEMS

1. Approve Agreement for Preliminary Services with Carter-Kelly Construction Management Services, Inc., for the El Dorado High School Culinary Arts Building Project.

Mrs. McClellan, Director of Facilities, presented this item. Mr. Bill Wright, Legal Counsel to the District, accompanied Mrs. McClellan in responding to questions from the Board.

Mrs. McClellan advised that the District is recommending the use of the lease/leaseback construction delivery method as described in Education Code Section 17406 for the El Dorado High School Culinary Arts Building project. This method allows the school district to lease real property it owns to a developer through a site lease for a minimum rent of one dollar per year. The developer subsequently constructs the capital improvement and then leases the facility back to the school district through a facility lease. Title to the facility must vest with the district upon termination of the lease. The lease must terminate before the building is occupied. The project is scheduled to begin on April 1, 2009 and be completed in January 2010.

The Agreement for Preliminary Services provides for preliminary consulting services to facilitate and manage construction of the Culinary Arts Building project, with the expectation that upon agreement of the Guaranteed Maximum Price, a formal lease agreement will be authorized with Carter-Kelly Construction Management Services, Inc., to provide for the development of the project.

Mrs. McClellan explained some of the benefits of using the lease/leaseback construction delivery method, including: guaranteed price, risk reduction for the District, cost savings, and the use of known contractors. The Board was assured that all documents would be made available upon request. Mrs. McClellan indicated that the District can still choose not to go with the lease/lease back construction method. The actual agreement will be brought back for Board approval.

Mr. Cary moved to approve the Agreement for Preliminary Services with Carter-Kelly Construction Management Services, Inc., to provide preliminary consulting services to facilitate and manage construction of the Culinary Arts Building project. Mrs. Restaino seconded. (Katie Paur, aye.) The motion unanimously carried (5-0).

2. Approve Agreement for Preliminary Services with Carter-Kelly Construction Management Services, Inc., for the Football Field Project at Oak Ridge High School.

Mrs. McClellan presented this item. Mr. Bill Wright, legal counsel, was available to respond to questions from the Board.

Mrs. McClellan recommended the lease/leaseback construction delivery method for the Football Field Project at Oak Ridge High School as described in Education Code Section 17406. The lease/leaseback construction delivery method and its benefits were explained in item F.1 above. This construction project is scheduled to begin immediately after school ends and to be completed before school begins in August.

The Agreement for Preliminary Services provides for preliminary consulting services to facilitate and manage construction of the football field project at Oak Ridge High School, with the expectation that upon agreement of the Guaranteed Maximum Price, a formal lease agreement will be authorized with Carter-Kelly Construction Management Services, Inc., to provide for the development of the project. A formal lease agreement will be submitted for Board approval.

Mr. Cary moved to approve the Agreement for Preliminary Services with Carter-Kelly Construction Management Services, Inc. to provide preliminary consulting services to facilitate and manage construction of the football field project at Oak Ridge High School. Mrs. Veerkamp seconded. (Katie Paur, aye.) The motion unanimously carried (5-0).

3. Approve Agreement for Preliminary Services with Roebbelen Construction Management Services, Inc., for the Tracks and Football Fields Projects at Ponderosa High School and Union Mine High School.

Mrs. McClellan presented this item, with Mr. Bill Wright, legal counsel, available to respond to questions from the Board.

Mrs. McClellan recommended the lease/leaseback construction delivery method for the Tracks and Football Field Projects at Ponderosa and Union Mine High Schools as described in Education Code Section 17406. The lease/leaseback construction delivery method and its benefits were explained in item F.1 above.

The Agreements for Preliminary Services provides for preliminary for Ponderosa High School and Union Mine High School provide for preliminary services to facilitate and manage construction of the tracks and football field projects, with the expectation that upon agreement of the Guaranteed Maximum Price, a formal lease agreement will be authorized with Roebbelen Construction management Services, Inc., to provide for the development of the projects. A formal lease agreement will be submitted for Board approval.

Mr. Cary moved to approve the Agreements for Preliminary Services with Roebbelen Construction management Services, inc., for Ponderosa High School and Union Mine High School to provide preliminary consulting services to facilitate and manage construction of the tracks and football fields projects.

G. EDUCATIONAL SERVICES – ACTION/DISCUSSION ITEMS

1. Information About the Alternative School “Success Criteria Matrices” Annual Progress Data Collection Process.

Mr. Buchheit, Director of Alternative Programs, presented this item. Mrs. Debby Hanson, Mountain View High School Principal; Mrs. Lara Clickner, Vista High School Principal; and Ms. Ann Curtis, Lead Teacher at Shenandoah High School; were all present to provide summaries or respond to questions from the Board regarding their individual programs.

The District’s Alternative Schools participate in the California Department of Education’s Alternative School Accountability Model (ASAM) to measure the progress achieved by schools on self-selected academic and performance criteria. ASAM schools report the annual progress achieved on each of these criteria as a measure of schoolwide achievement that may be a more appropriate evaluation of the school’s progress than the school’s Academic Performance Index.

District alternative school programs have further chosen to expand upon the ASAM accountability process, by developing an annual collection process for the “success criteria” that are deemed to be most important for each program. The Board received Success Criteria Matrices for each of the District’s alternative schools which reflect the annual progress toward the goals established for each of the “Success Criteria” using “baseline” data established in

2006. These data points include various measures of academic progress, factors which show the social and personal development of students, and other indicators that provide evidence of the school's progress in the intellectual achievement and the development of their student's interpersonal and citizenship skills.

Mr. Buchheit noted that the alternative schools have adopted the belief system of "whatever it takes" in helping students be successful. He highlighted successes in alternative programs, including increases in attendance, completers, graduates, passage of CAHSEE, and growth in ASAM reporting. Mr. Buchheit thanked the Board, Superintendent, and Cabinet Members for their leadership in engineering the foundation for students to attend alternative programs. The goals established by the Board have brought about many new ways of connecting students to school and their future. He emphasized, however, that schools can always do better and should strive to reach higher achievement, attendance, and rigor of programs that will make students more competitive. Mr. Buchheit noted that through the modernization of the IHS campus, updated technology, resources and access to community and work markets, alternative students are receiving the message that they are important.

The Board thanked the principals for the information and the great job they do to make a difference for their students. Mr. Cary acknowledged former Board Member, Lee Hughes, for her vision and direction for our alternative programs. Mr. Cary also commented that this District does not force students fit into one model. Rather, it is up to each one of us to adapt to students and provide resources for their success.

H. BUSINESS SERVICES – ACTION/DISCUSSION ITEMS

There were no items for action or discussion under this section.

I. STUDENT SERVICES – ACTION/DISCUSSION ITEMS

1. Consideration of Administrative Hearing Panel Recommendation from Expulsion Hearings.

(GC 54954.5[h]; EC 35146, 48918[c])

- a. Mr. Cary reported that the Board of Trustees adopts the Findings of Fact, Conclusions, and Recommended Order of the Administrative Panel as the Findings of Fact, Conclusions, and Order of the Board of Trustees regarding the expulsion of Student #08-09. The Board finds that Student #08-09 violated California Education Code Section 48900, parts (c), (j) and (k), as well as District Administrative Regulation 5144.1, parts C.3, C.10, C.11.

Mr. Cary moved to: (1) order the expulsion of Student #08-09, and (2) designate the term of expulsion as the first and second semesters of the 2008-2009 school year. Mr. Ehler seconded. The motion unanimously carried (5-0).

- b. Mr. Cary reported that the Board of Trustees adopts the Findings of Fact, Conclusions, and Recommended Order of the Administrative Panel as the Findings of Fact, Conclusions, and Order of the Board of Trustees regarding the expulsion of Student #08-10. The Board finds that Student #08-10 violated California Education Code Section 48900, parts (c) and (k), as well as District Administrative Regulation 5144.1, parts C.3 and C.11.

Mr. Cary moved to: (1) order the expulsion of Student #08-10, and (2) designate the term of expulsion as the first and second semesters of the 2008-2009 school year. Mr. Ehler seconded. The motion unanimously carried (5-0).

- c. Mr. Cary reported that the Board of Trustees adopts the Findings of Fact, Conclusions, and Recommended Order of the Administrative Panel as the Findings of Fact, Conclusions, and Order of the Board of Trustees regarding the expulsion of Student #08-11. The Board finds that Student #08-11 violated California Education Code Sections 48915, part (a)(3), and 48900, parts (c) and (k), as well as District Administrative Regulation 5144.1, parts F.2.c., C.3 and C.11.

Mr. Cary moved to: (1) order the expulsion of Student #08-11, and (2) designate the term of expulsion as the first and second semesters of the 2008-2009 school year. Mr. Ehler seconded. The motion unanimously carried (5-0).

- d. Mr. Ehler reported that the Board of Trustees adopts the Findings of Fact, Conclusions, and Recommended Order of the Administrative Panel as the Findings of Fact, Conclusions, and Order of the Board of Trustees regarding the expulsion of Student #08-12. The Board finds that Student #08-12 violated California Education Code Sections 48915, part (a)(3), and 48900, parts (c) and (k), as well as District Administrative Regulation 5144.1, parts F.2.c., C.3 and C.11.

Mr. Ehler moved to: (1) order the expulsion of Student #08-12, and (2) designate the term of expulsion as the first and second semesters of the 2008-2009 school year. Mrs. Restaino seconded. The motion unanimously carried (5-0).

- e. Mr. Ehler reported that the Board of Trustees adopts the Findings of Fact, Conclusions, and Recommended Order of the Administrative Panel as the Findings of Fact, Conclusions, and Order of the Board of Trustees regarding the expulsion of Student #08-13. The Board finds that Student #08-13 violated California Education Code Sections 48915, part (a)(2), and 48900, part (k), as well as District Administrative Regulation 5144.1, parts F.2.b. and C.11.

Mr. Ehler moved to: (1) order the expulsion of Student #08-13, and (2) designate the term of expulsion as the first and second semesters of the 2008-2009 school year. Mrs. Restaino seconded. The motion unanimously carried (5-0).

- f. Mr. Ehler reported that the Board of Trustees adopts the Findings of Fact, Conclusions, and Recommended Order of the Administrative Panel as the Findings of Fact, Conclusions, and Order of the Board of Trustees regarding the expulsion of Student #08-14. The Board finds that Student #08-14 violated California Education Code Section 48900, parts, (c) and (k), as well as District Administrative Regulation 5144.1, parts C.3 and C.11.

Mr. Ehler moved to: (1) order the expulsion of Student #08-14, and (2) designate the term of expulsion as the first and second semesters of the 2008-2009 school year. Mrs. Restaino seconded. The motion unanimously carried (5-0).

- g. Mrs. Restaino reported that the Board of Trustees adopts the Findings of Fact, Conclusions, and Recommended Order of the Administrative Panel as the Findings of Fact, Conclusions, and Order of the Board of Trustees regarding the expulsion of Student #08-15. The Board finds that Student #08-15 violated California Education Code Sections 48915, part (a)(3), and 48900, part (k), as well as District Administrative Regulation 5144.1, parts F.2.c. and C.11.

Mrs. Restaino moved to: (1) order the expulsion of Student #08-15, and (2) designate the term of expulsion as the first and second semesters of the 2008-2009 school year. Mrs. Veerkamp seconded. The motion unanimously carried (5-0).

- h. Mrs. Veerkamp reported that the Board of Trustees adopts the Findings of Fact, Conclusions, and Recommended Order of the Administrative Panel as the Findings of Fact, Conclusions, and Order of the Board of Trustees regarding the expulsion of Student #08-18. The Board finds that Student #08-18 violated California Education Code Section 48900, parts (a)(1) and (k), as well as District Administrative Regulation 5144.1, parts C.1.a. and C.11.

Mrs. Veerkamp moved to: (1) order the expulsion of Student #08-18, and (2) designate the term of expulsion as the first and second semesters of the 2008-2009 school year. Mrs. Restaino seconded. The motion unanimously carried (5-0).

- i. Mrs. Veerkamp reported that the Board of Trustees adopts the Findings of Fact, Conclusions, and Recommended Order of the Administrative Panel as the Findings of Fact, Conclusions, and Order of the Board of Trustees regarding the expulsion of Student #08-19. The Board finds that Student #08-19 violated California Education Code Section 48900, parts (c) and (k), as well as District Administrative Regulation 5144.1, parts C.3 and C.11.

Mrs. Veerkamp moved to: (1) order the expulsion of Student #08-19, (2) designate the term of expulsion as the first and second semesters of the 2008-2009 school year, (3) further suspend the expulsion for the second semester of the 2008-2009 school year, and (4) grant probationary student status at Union Mine High School. Mrs. Restaino seconded. The motion unanimously carried (5-0).

- j. Mrs. Veerkamp reported that the Board of Trustees adopts the Findings of Fact, Conclusions, and Recommended Order of the Administrative Panel as the Findings of Fact, Conclusions, and Order of the Board of Trustees regarding the expulsion of Student #08-20. The Board finds that Student #08-20 violated California Education Code Sections 48915, part (a)(3), and 48900, parts (c) and (k), as well as District Administrative Regulation 5144.1, parts F.2.c., C.3 and C.11.

Mrs. Veerkamp moved to: (1) order the expulsion of Student #08-20, (2) designate the term of expulsion as the first and second semesters of the 2008-2009 school year, (3) suspend the expulsion for the second semester of the 2008-2009 school year, and (4) grant probationary student status at Oak Ridge High School. Mrs. Restaino seconded. The motion unanimously carried (5-0).

2. Consideration of stipulations and orders in the manner of expulsion.

- a. Mrs. Restaino reported that the Board of Trustees adopts the Stipulation to Expulsion and Settlement Agreement as the Findings of Fact, Conclusions, and Order of the Board of Trustees regarding the expulsion of Student #08-16. The Board finds that Student #08-16 violated California Education Code Section 48900, parts (c) and (k), as well as District Administrative Regulation 5144.1, parts C.3 and C.11.

Mrs. Restaino moved to: (1) order the expulsion of Student #08-16, and (2) designate the term of expulsion through the last day of the second semester of the 2008-2009 school year. Mrs. Veerkamp seconded. The motion unanimously carried (5-0).

- b. Mrs. Restaino reported that the Board of Trustees adopts the Stipulation to Expulsion and Settlement Agreement as the Findings of Fact, Conclusions, and Order of the Board of Trustees regarding the expulsion of Student #08-17. The Board finds that Student #08-17

violated California Education Code Section 48900.2, as well as District Administrative Regulation 5144.1, part C.19.

Mrs. Restaino moved to: (1) order the expulsion of Student #08-17, (2) designate the term of expulsion through the last day of the second semester of the 2008-2009 school year, (3) to suspend the expulsion, and (4) grant probationary student status at Ponderosa High School. Mrs. Veerkamp seconded. The motion unanimously carried (5-0).

3. Consideration of petition for readmission into El Dorado Union High School District.

- a. Mrs. Veerkamp reported that the Board of Trustees adopts the Findings and Recommendations for the full readmission of Student #08-G to the schools of the District.

Mrs. Veerkamp moved to readmit Student #08-G. Mrs. Restaino seconded. The motion unanimously carried (5-0).

4. Consideration of Recommendations for CAHSEE Waiver Requests

- a. Mrs. Veerkamp moved to adopt the waiver request for the 2006/2007 California High School Exit Exam of Student #CEEW06707-25. Mrs. Restaino seconded. The motion unanimously carried (5-0).

J. HUMAN RESOURCES – ACTION/DISCUSSION ITEMS

1. Resolution 2008/09-23 Reducing 0.4688 Classified FTE.

Mrs. Clark, Assistant Superintendent of Human Resources, reported that services within the classification of Food Service Worker II no longer meet the needs of the District. Due to the reduction of this particular kind of service, she asked the Board to approve Resolution 2008/09-23 calling for the reduction of classified staff by 0.4688 FTE within the Food Service Worker II classification. The reduction will not result in a layoff or displace a current employee due to a resignation.

Mrs. Restaino moved to approve Resolution 2008/09-23 to reduce classified service within the Food Service Worker II classification effective November 19, 2008. Mr. Ehler seconded. The motion unanimously carried (5-0).

K. OTHER – ACTION/DISCUSSION ITEMS

1. Board Approval of Annual Organizational Meeting Date.

Education Code Section 35143 provides that, unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to December 1.

The Board of Trustees approved December 9 as the date to hold its annual organizational meeting. Open Session will begin at 6:00 p.m.

L. ANNOUNCEMENTS BY BOARD AND CABINET, IF NEEDED.

Mrs. Clark congratulated Mr. Luhrs on the well-deserved recognition from Ms. Jones during the Recognition section of this meeting.

Mr. Luhrs commented on the troubling state budget. The budget contains the most uncertainties he has ever seen in all his years working with the state. Mid-year cuts are anticipated, but no one seems to know what to expect.

Mr. Cary noted that the only good news is the good shape the District is in.

Mr. Ehler and Mrs. Restaino wished everyone a happy Thanksgiving.

Mr. Veerkamp congratulated Mr. Moehlman and Mrs. Smith on their respective grandchildren, and congratulated Mr. Luhrs on his recognition. She also wished everyone a Happy Thanksgiving. Mrs. Veerkamp further shared that there is an ROP Board meeting in Lake Tahoe on December 10, to which she extended an invitation for one other District Board member to attend.

Mrs. Smith noted that she, Mr. Ehler and Mr. Cary will be attending the CSBA Conference on December 4 and 5.

Mrs. Muse congratulated Mr. Luhrs on his recognition and the job he does so well.

M. CLOSED SESSION

This session was not needed.

N. OPEN SESSION

1. Report Closed Session Action

- a. Mrs. Muse reported that the Board of Trustees approved a Special Education Settlement.

O. ADJOURNMENT

There being no further action, the meeting was adjourned at 7:18 p.m.

Sherry J. Smith
Executive Secretary