

Wasco Union High School District
Board of Trustees
Regular Board Meeting
Boardroom NKVTC Room 4
February 10, 2011
6:00 p.m.
Adopted Minutes

I. Call to Order – 6:00 p.m.

A regular meeting of the Wasco Union High School Board of Trustees was called to order at 6:00 p.m. in the Boardroom by President Barry Braun.

Board Members Present

Mr. Barry Braun, President
Mr., Craig Fulwyler, Clerk
Mr. Jesse Acebedo

Mrs. Patricia Sanchez
Mr. Wayne Wallace

Administrators Present

Mrs. Elizabeth McCray
Mrs. Lori Albrecht
Mr. Rob Cobb

Mr. Joseph Elwood
Mr. Martin Lonza
Mrs. Patricia Rissi

Classified Management Present

Mr. Joe Salazar

Mr. John Yanez

Secretary Present

Mrs. Gracie Saldaña

Visitors

Edith Becerra, Mrs. Chris Beelner, Mrs. Lori Castillo, Ms. Lupe Cortez, Mrs. Sandra Fisher, Mrs. Yolanda Garcia, Mrs. Gabriela Gomez, Mr. Gerardo Gomez, Mrs. Martha Gomez, Mr. Jarod Hargave, Alumni Football USA Players, Mr. David Lucas, Mrs. Mary Ann Lucas, Mr. Chris McCraw, Mr. Kenneth Moore, Mr. Michael Noland, Mrs. Martha Poe, Mrs. Alma Raya, Mrs. Carmen Ruiz, Ms. Nellie Sanchez, Mr. John Sanford, Mrs. Stephanie Santa Cruz, Mr. Jose Rios, Mrs. Diane Villagran

Flag Salute

The flag was saluted.

II. Adopt Agenda

It was moved by Acebedo and seconded by Wallace to adopt the agenda as presented. Motion carried. Ayes: 5; Noes: 0; Absent: 0.

III. Public Comments

No Public Comments

IV. Executive Session

The meeting convened in executive session at 6:04 p.m.

Regular Session

The meeting reconvened in regular session at 7:03 p.m.

Announcement of Executive Session Actions

None

V. Reading and Approval of Minutes

It was moved by Acebedo and seconded by Fulwyler to approve the minutes of the regular meeting of January 13, 2011. Motion carried. Ayes: 5; Noes: 0; Absent: 0.

VI. Public Comments

Mr. Braun shared that the time allotted to any individual speaker is three (3) minutes. When numerous individuals wish to address the same issue, time will be limited to ten (10) minutes for the subject area. In case of numerous requests to address the same item, the Board President may select representatives to speak on each side of the item. He also reminded members of the audience to please refrain from making comments or asking questions beyond the public comment opportunity. He then reminded Board Members to please direct their questions to Superintendent McCray.

Mr. Chris McCraw reported on behalf of the Ag. Department. Mr. McCraw encouraged the Board to stop by and visit the Ag Department and Farm. He also shared that the Annual State FFA Banquet will be on March 23, 2011 in Bakersfield at the Kern Ag. Pavilion.

Mr. Jarod Hargave, California State Director of the Alumni Football USA reported to the Board that his organization is interested in holding an Alumni Football game between Wasco and Shafter. He shared how the event would benefit the Wasco High Booster Clubs through the presale tickets and concession. The dates they are interested in is March on the 25th or 26th. Mr. Braun explained to Mr. Hargave the process of the Facilitates Request. Mr. Hargave thanked the Board and shared this game will be one of the greatest football games due to the rivalry.

Mrs. Sandra Fisher shared with the Board that on Saturday, February 12th from 10 AM to 12 PM there is a Cash For College workshop in the Computer Lab. This workshop is to encourage our students to submit the FASFA. She also reported that representatives of the Office of Michael Rubio may also be in attendance to discuss CalGrant.

Mr. Jose Rios thanked the Board for stopping the deductions from the paychecks.

VII. Items From Board Members

Mr. Jesse Acebedo reported to the Board regarding the Kern County Student Leadership. They visited Centennial High School for a conference with 36 Wasco High Students. He shared that the students had a very positive response and were well behaved.

Mrs. Patricia Sanchez thanked Mr. Martin Lonza for the invitation to visit Independence High School. Mrs. Sanchez reported that she was incredibly impressed with the students, staff, and administration. The students were on task, very well behaved, and polite. She shared that she also visited Wasco High School and also liked what she saw.

Mr. Wayne Wallace shared with the Board that he attended the girls basketball game on Tuesday night. Mr. Wallace then asked if the Board could hear more about the Academic Decathlon. Mrs. McCray shared that Edith was part of the Academic Decathlon and will be sharing about it during her Student Board Representative Report, but we will invite the group to come to the next meeting.

Mr. Braun reported to the Board on the Tomorrows Leaders Today, a joint effort between Wasco High and the Wasco Rotary Club. The Tomorrows Leaders Today (12

students) along with Mr. Braun and Mrs. Lori Albrecht visited the Bakersfield Californian, where the Executive Editor and other Editors decide the next day's Newspaper. He shared that it was really interesting to see the paper the following morning. Then they visited Channel 17, where they got to see a good portion of the news as it was being recorded. That was fun to see and a great experience. The students learned about ethics, integrity, and how those things are applied in those lines of work.

VIII. Reports

1. Edith Becerra reported on behalf of the Student Body. She reported on the Snowball which took place on the 29th of January at the Moorea Banquet Center. We had a lot of fun and it went really well. The Academic Decathlon was this past Saturday and we scored 6th. Wasco High's score increased by 2000 points, the most than ever before. So next year, watch out for us.
2. Mr. Fulwyler reported on behalf of the North Kern Vocational Training Center. He shared that an Aide from the Autobody Class has resigned and that position will need to be filled.
3. Mrs. McCray introduced Mrs. Lori Albrecht who reviewed with the Board a handout regarding the update on the progress with Pivot Learning Partners and the Midyear Report. Mr. Albrecht discussed highlights of the accomplishments for the District.

Mr. Barry Braun asked if the Board could get a copy of the acronyms that are used though out the State and in our District.

Mrs. McCray reported on enrollment. She stated last year's enrollment for the district was 1723 with 1532 students at Wasco High and 191 students at Independence High. Last month the district was at 1703 with 1507 students at Wasco High School and 198 students at Independence High School. This month the district is at 1685 students in the district with 1486 students at Wasco High and 199 students at Independence High.

IX. Discussion and Action

1. It was moved by Acebedo and seconded by Fulwyler to approve the personnel items. Motion carried. Ayes: 5; Noes: 0; Absent: 0.
 - a. Approval of Letter of Resignation from Susan Cheatwood, Classified Management
 - b. Approval of Letter of Resignation from Alicia Hunt, Classified Employee
 - c. Approval of the following Substitute Instructional Assistants
 1. Maria Duenas
 2. Ruben Duenas
 3. Ernestina Gonzalez
 4. Jesus Villarreal
 - d. Approval of Wanda McClain, Cafeteria Assistant – 3 hours
 - e. Approval of the following Cafeteria Assistants - 2 hours
 1. Sara Fernandez
 2. Robin Pearson
 - f. Approval of Athletic Coaches
 1. Approval of the following Softball Assistant Coaches
 - a. Gilbert Garland, Walk-On - Volunteer
 - b. Allison Jarnagan, Assistant - Volunteer
 - c. Angie Wedel, Assistant - Volunteer
 2. Approval of the following Baseball Coach

- a. Eddie Chavana, Assistant - Volunteer
 3. Approval of the following Boys Golf Assistant Coaches
 - a. Jeff Acebedo, Walk-On - Volunteer
 - b. Joel Ackernelch, Walk-On - Volunteer
 - c. Brent Paul, Walk-On - Volunteer
 - d. Leonard Ortiz, Assistant - Volunteer
 4. Approval of the following Boys Tennis Assistant Coaches
 - a. Millie Pettibone, Assistant - Volunteer
 - b. Anthony Sandoval, Assistant - Volunteer
 5. Approval of the following changes in Girls Basketball Coaches Stipend
 - a. George McClay, Assistant - ¼ paid
 - b. Jonathan Bradley, Walk-On - ¾ pay
 - c. Mike Bradley, Walk-On - Full Pay
2. It was recommended by Fulwyler and seconded by Acebedo to reject the findings and recommendations of the Fact-Finding Report and to implement the District's Last-Best-Final Proposal of Record for purposes of concluding classified negotiations under the Educational Employment Relations Act. Motion carried. Ayes: 4; Noes: 1 (Sanchez); Absent: 0.

Mr. Braun read the following statement, The Board of Trustees considered the Fact-Finding Report issued by Mr. Philip Tamoush which included the Dissenting Opinion by Panel Member Carl Lange. In addition to the report, the Board considered the District and CSEA's Last-Best-Final proposals of record for purposes of concluding negotiations with CSEA and the Wasco Chapter #166 for the 2010-2011 school year.

For the Record

The Fact-Finding Report issued by Mr. Tamoush is not binding on either the District or CSEA and its findings and recommendations are advisory only according to the Educational Employment Relations Act under Government Code Section 3548.2. The Board has the exclusive right to make a final decision to conclude classified negotiations by taking into consideration the following:

- Fact-Finder's Report – Including Concurring and Dissenting Opinions
- CSEA's Last-Best-Final Proposal of Record
- District's Last-Best-Final-Proposal of Record

Fact Finder's Report Recommendations to the School Board:

1. That the parties retain the *status quo* on all articles of the Collective Bargaining Agreement, except where they have otherwise reached agreement to change.
2. That the District pay the Health Insurance premium increases, effective July 1, 2010 to employees of the bargaining unit. (The District pay the employees the approximately \$450.00 withheld for three payment periods (Oct. Nov. Dec.).
3. By adopting the above recommendations, the parties will have a complete agreement which should close off further negotiations for the 2010-2011 school year.

Dissenting Opinion to Fact-Finder's Report

The District Panel member, Carl Lange, respectfully dissents from Recommendations #1 and #2 of the “Recommendation of the Panel or a Majority Thereof.”

Mr. Lange’s dissenting opinion response to the Panel’s recommendation #1 and #2 consists of the following:

Recommendation #1:

The Panel should not recommend that the parties “. . . retain the *status quo* on all articles of the Collective Bargaining Agreement, except where they have otherwise reached agreement . . .” Instead, the Panel should recommend that the parties accept the text of the District’s November 18, 2010 proposal to CSEA. The District’s proposal encompasses both the *status quo* as well all outstanding issues between the parties.

Recommendation #2:

The Panel should not recommend that the District “pay the employees” (reimburse) for amount withheld for health insurance. It is not a matter of equity or fairness. It is simply a matter of adherence to a negotiated contract. The 2007-2010 Contract contains the following text in Article IV, Health and Welfare Benefits, paragraph E:

“E. Any increase in premium cost for the benefits specified above for the 2010-2011 school year will be at the expense of the eligible employee through payroll deduction unless specifically agreed otherwise during the re-opening of this Agreement.”

This language has existed in prior agreements since 1982 and has been the custom and practice when negotiations did not achieve an agreement.

It is inappropriate for the Panel to base any recommendation for reimbursement on the existence of an “agreement” regarding health benefits when, at most, that “agreement” related only to the level of contribution and not the reimbursement issue. To do so would result in additional adverse effects to an already-weakened bargaining relationship. It vitiates the language of Article IV, paragraph E. Further, it insulates CSEA from any consequence if CSEA obstructs or “slow-plays” the negotiations process

CSEA’s Last-Best-Final Proposal of Record

CSEA’s Last-Best-Final Proposal of Record dated November 17, 2010, consists of the following:

- Salary - No salary adjustment or increases for 2010-2011 and 2011-2012.
- Benefits – Pay the required monthly contribution for 2010-2011 and 2011-2012 (Reimburse Employee’s for Deductions Made for Health Insurance).
- Conclusion or Duration of Agreement – 3 years (2010-2013). Either party to this agreement may re-open for negotiations two (2) articles for the 2012-2013 school year.
- Status Quo (No Change) on all other articles and sections in the current (2007-2010) or the now expired Classified Agreement.
- All disputed article or subject matters - non mandatory subjects of bargaining – statutory waivers and any other matters described in CSEA’s unfair practices will be decided by the PERB.

District's Last-Best Final Proposal of Record

District's Last-Best-Final Proposal of Record dated November 18, 2010, consists of the following:

- Salary - No salary adjustment or increases for 2010-2011 and 2011-2012.
- Benefits – Pay the required monthly contribution for insurance benefits for 2 years (2010-2011 through 2011-2012). No reimbursement for deductions made to employee's pay warrant but instead, raise the insurance cap to the level it would have paid each month to the insurance provider had the District not made the deduction in order to continue the benefits as required by the Classified Bargaining Agreement.
- Conclusion or Duration of Agreement – 3 years (2010-2013). Either party to this agreement may re-open for negotiations two (2) articles for the 2012-2013 school year.
- All disputed articles or subject matters - non mandatory subjects of bargaining - statutory waivers and any other matters described in CSEA's unfair practices will be decided by the PERB.

The Board Concurs with Panel Member's Dissenting Opinion

The Board concurs with Mr. Lange's dissenting opinion and believes that it would be inappropriate to accept Mr. Tamoush's Fact-Finding recommendation to reimburse those employees who were required to pay each month the increase cost for health insurance above the 2009-2010 benefit level for 2010-2011 school year. To do so would result in the District violating the parties' Custom and Practice and the Classified Bargaining Agreement. It also sends a message to our classified employees that we do not follow or expect to be bound by its terms.

In addition, by accepting most of the Fact-Finding report and the District's Last-Best-Final proposal of record, the Board finds that it is consistent with CSEA's initial request to conclude negotiations for 2010-2011 by agreeing to what was agreed to by the Wasco High Teachers Association on salary, health and welfare benefits and term of agreement. The Board has traditionally treated the Classified and Certificated Unions fairly and equitably by providing them with the same salary, benefits, and term of agreement for purposes of concluding negotiations in any given year. The Board desires to keep this tradition and continue its professional employer-employee relationship with its employees and the labor organizations.

THEREFORE, the Board of Trustees hereby takes action on the District's Last-Best-Final proposal dated November 18, 2010, with the effective date immediately following this Board Action. This action includes increasing the health benefits annual cap to the level it would have been had the deduction not have been made pursuant to the parties' Classified Bargaining Agreement.

As of the date of this action by the Board of Trustees of the Wasco Union High School District, this concludes negotiations between the Wasco Union High School District and the California School Employees Association and its Wasco High Chapter #166 for the 2010-2011 school year. The Board's actions in connection with the Fact-Finding process have been conducted in accordance to the California Brown Act and the Educational Employment Relations Act.

3. It was moved by Wallace and seconded by Acebedo to approve the Contract with Auditor for 2010-2011. Motion carried. Ayes: 5; Noes: 0; Absent: 0.

4. It was moved by Fulwyler and seconded by Wallace to approve the Classified Management Director-Business Services Job Description. Motion carried. Ayes: 5; Noes: 0; Absent: 0.
5. It was moved by Acebedo and seconded by Fulwyler to approve the Chaperone/Drivers. Motion carried. Ayes: 5; Noes: 0; Absent: 0.
6. It was moved by Fulwyler and seconded by Braun to approve the Interdistrict Transfer Requests. Motion carried. Ayes: 5; Noes: 0; Absent: 0.
7. It was moved by Acebedo and seconded by Wallace to approve the Facilities Request submitted by the Wasco Wrestling Club and Tigers Tae Kwon Do. Motion carried. Ayes: 5; Noes: 0; Absent: 0.
8. It was moved by Wallace and seconded by Sanchez to approve the Field Trips submitted by Mr. Hivley to a Tennis Tournament in Clovis, by Mr. McCraw to UC Davis Field Day at UC Davis, by Mr. Russell to the Spring International Economic Summit at San Jose State, by Ms. Prado to Wild Water Adventure in Clovis and by Ms. Prado to the Close Up Conference in Washington D.C. Motion carried. Ayes: 5; Noes: 0; Absent: 0.
9. It was moved by Acebedo and seconded by Sanchez to approve the Donations. Motion carried. Ayes: 5; Noes: 0; Absent: 0.

X. Discussion and Information

1. Proposed 2011-12 Academic School Year Calendar was introduced for the Board's review.

XI. Claims, Transfers and Accounts

It was moved by Fulwyler and seconded by Acebedo to approve the claims, transfers and accounts for Batches 53, 55, 56, 57, 60, 61, 62 and Payrolls in the amount \$ 1,04,341.01 Motion carried. Ayes: 5; Noes: 0; Absent: 0.

XII. Adjournment

It was moved by Acebedo and seconded by Sanchez to adjourn the meeting. Motion carried. Ayes: 5; Noes: 0; Absent: 0. Meeting adjourned at 8:10 p.m.

Any materials required by law to be made available to the public prior to a meeting of the Board of Trustees of the District can be inspected at the following address during normal business hours: District Office, 2100 Seventh Street, Wasco, CA 93280. An individual who requires disability-related accommodations or modifications, including auxiliary aids and services, in order to participate in the Board meeting should contact the Superintendent's Office.