

**MINUTES**  
**REGULAR MEETING OF THE BOARD OF EDUCATION**

February 18, 2010  
Bryce Valley High School

Board members present: Board President Ken Platt, Vice President Ted Chidester, Gregg Christensen, Gladys LeFevre and Brian Bremner.

Acting Superintendent Janice Hatch and Business Administrator Lark Reynolds were also present.

**BOARD MEETING**

**Welcome**

After an introduction, of those present by Board President Ken Platt, he indicated that he was open to a motion to move into an executive session. Brian Bremner noted that the Board was going to move into an executive session for the following reasons: to conduct an investigative hearing for possible employee action, to discuss imminent pending litigation, and to discuss collective bargaining for salary negotiations. Brian then moved that the board move into an executive session to discuss the character & professional competence of an individual; a strategy session to discuss pending or reasonably imminent litigation; and a strategy session to discuss collective bargaining. The motion was seconded by Gladys LeFevre. A roll call vote was then called for. Ken Platt, Gladys LeFevre, Gregg Christensen, and Brian Bremner voted to move into an executive session. Ted Chidester was not present for the vote but was waiting for the session to move to the Library of the High School where the meeting was to be held.

Following the Executive Session Gladys LeFevre proposed a motion to come out of executive session. Gregg Christensen seconded the motion. President Platt called for a roll call vote. Gladys LeFevre, Ted Chidester, Gregg Christensen, Ken Platt, and Brian Bremner all voted aye. The motion passed.

**Call Meeting to Order**

Board President Ken Platt called the meeting to order.

**Pledge of Allegiance**

President Ken Platt led the pledge of allegiance.

**State Auditor's Report – Deborah Empey**

Deborah Empey was present to discuss any questions which the general public had in regard to the State Auditor's report, which was released last week.

Justin Fischer's comment was inaudible.

Gayle Pollock asked if the school district is required to have an audit every year and if so, why weren't these problems picked up at that time?

Deborah explained that yes, an audit is required, but the financial statement audit doesn't cover those in detail.

Gayle Pollock said the auditors were not doing their job and should be fired. He suggested that we set up an audit board, which includes citizens and board members with accounting and financial backgrounds, to monitor what is going on in our district.

Ken Platt stated that during his three years on the board the auditors, when giving their report, have said nothing about any of this information. However, they had given it to the superintendent and the business administrator, but never to the board.

Debbie Pollock said that it was about last April, when the auditors gave their report to the board, and they had made copies of only every other page, which she thought was suspect. They also praised Justin and said how great he was. She stated that she, too, felt the auditing firm should be fired.

Brian Bremner asked if the state audit found any evidence that the contracts of the superintendent and the business manager were valid.

Deborah stated that they had to stop short of legal issues but, in listening to the recording of the open and closed board meetings, the recordings were turned off at different times, at the request of someone there, during the recording.

Todd Hauber reported that the 2009 external audit report does indicate some of the findings that the state audit have found. How it made it to the board, they didn't know.

### **Open Forum to Discuss Improving Education of Students.**

Debbie Pollock commented on how Panguitch High School was ranked as one of the thousand best schools in a recent US News and World Report. She stated that PHS was one of four rural schools named from Utah.

### **Agenda Changes**

1. There will be another executive session at the end of the meeting.

### **1. Consent Agenda Items**

- A. Approve January 2010 Board Minutes.**  
One correction to be made was that Brian Bremner made the motion instead of passed the motion on #C, electronic meeting.
- B. Approve January 2010 Financial Reports**  
Janice and Lark will clarify the budget codes on the financial reports for better understanding.
- C. Approve February 2010 Hiring Recommendations**
  - i. Robin Gibbs – Antimony Elementary Paraprofessional.** Ms. Gibbs will be paid \$9.54 per hour for up to 29 hours per week. Due to the hours worked she will be eligible of the Utah Retirement System's benefits.
  - ii. Marlene Stowe – Escalante High School part time sweeper.** She will be an at-will employee, when needed, and will be paid \$9.27 an hour.

Brian Bremner made the motion, seconded by Gladys LeFevre, to accept the consent agenda with the suggested changes on the minutes. The motion passed with all in favor.

## **2. Public Comments**

- A. Debbie Pollock** read a letter from GEA requesting that the board include in the minutes their formal response to the audit. See Appendix A for this letter.
- B. Justin Fischer** commented on the Audit Report. He suggested that the Board seek reimbursement for all unauthorized funds. Because of budget cut-backs, days taken off, etc. that it has caused a loss of income to some employees. He urged the board to ask the business manager to check who has lost money and utilize the money being paid back to make those people whole.
- C. Cheryl LeFevre** voiced her concern over the Salary Schedules. She asked that the District put everyone on a Salary Schedule so all would be included in the negotiations at the same rate.

## **3. School Board Proposals**

Gregg Christensen commented on the old gym. He said the consensus of the community is to keep the gym as school property and to work with the city in obtaining grants to fix it up.

Brian Bremner, and Gladys LeFevre reported that they have completed the online training that is required each year for the Open Meetings Law.

## **4. Superintendent's Report**

- A. Recognized the Students** who are participating in various region and state tournaments.

**B.** Saved the other items until next month.

## **5. Discussion and Action Items**

### **A. Negotiations**

GEA presented.

Ken asked that the Health Insurance Deductible be put on next month's agenda, and that Janice contact the GSEA union to ask if they would agree to this. He also asked that Negotiation should be put on next month's agenda as the Board did not feel comfortable signing the Negotiations Document until the Health Insurance Deductible issue is taken care of.

### **B. Student Accounts**

Ken asked that this be put off until next month. Brian moved that the student accounts discussion be tabled until next month, seconded by Gregg Christensen. The motion passed with all in favor.

### **Escalante Heritage Center**

Jerry Brown reported that the Heritage Center they are trying to build is to honor the Hole-in-the Rock pioneers who passed through Escalante in 1879 and 1880. The LDS Church donated nine and one half acres and UDOT has granted \$525,000 to build the first phase. The Heritage Center would like to tap into the District's well in Escalante to provide non-culinary water for some plants and trees. The Superintendent of Water Rights told them they could apply for a small diversion from that well. They have applied and been approved, subject to prior rights. They were approved to apply for 1.73 acre feet of water to come off the well. He said they are before the board tonight to see how the board feels about appropriating that water and negotiate an agreement and a fair price.

Gayle Pollock commented on how this museum could be an educational benefit in teaching history to students in the Garfield County School District.

Debbie Pollock stated that she feels this would be a source of revenue and the district should look at the lack of revenue. She feels we need to make money from that well because the money was taken from a fund it shouldn't have been taken out of.

Brian moved that the Board President authorize a Board Member to negotiate with Jerry, of the Escalante Heritage Center, in regards to the above matter. The motion was seconded by Gladys LeFevre. The motion passed with all in favor.

### **C. Constitution Bowl**

Janice commented on her meeting with teachers in regards to the Constitution Bowl. She recommended that this be an optional event. Another recommendation was to also have an academic bowl for math, science, language arts, social studies, health, art or other core classes. She said that the District would recommend that the students be allowed to continue participating in the Constitutional Bowl. She volunteered to pursue the schools doing an academic bowl or academic day to include language arts teachers and is connected to the core.

Gayle Pollock volunteered to have his group help support an academic day bowl that is being proposed

Brian expressed concern with any political group sponsoring such an event during school time.

Gladys LeFevre proposed a motion that the District allow groups such as TAR's to go ahead and sponsor the constitutional bowl, but that the district would not be involved. The motion was seconded by Gregg Christensen. Brian Bremner then asked a question about the motion. Does this motion mean that groups wanting to use District property such as buildings, buses, etc. would request, from the Board, the privilege to use it. The answer was yes. The motion passed with all in favor.

Gladys suggested that the superintendent be directed to pursue the academic bowl or an academic day. Janice agreed to do that.

### **D. Special Education Reduction of Employee Hours**

Janice discussed the issue of what has happened since the Administration Meeting held earlier this month.

Vicki Ahlstrom then commented on what's happened from her viewpoint. Because of the way the IEP individual education plans are written, as we meet with a parent and IEP team, services are prescribed and if we don't provide those services we are breaking a legal contract with that family. She stated that over the last three years an overrun of \$50,000 to pay special Ed salaries was never reimbursed, which is not legal.

The legislature, as they did the short-falls, said special education is part of a shortfall and that any carry-over could be taken by the district. That was about \$45,000. Each year the state reimburses the district for social security and retirement paid with state funds to any state budget. None of that was reimbursed. These all add up to a deficit.

Her intention is to leave about one-half the stimulus to provide special Ed services for next year.

Brian questioned if we have been handling these funds illegally by paying salaries. Vicki said we had not but, the state recommends that we not use it for salaries because it could cause a short-fall. Brian said he thinks we should research this issue because we do not want to cross a line and violate federal regulations.

Vicki stated that over the last year it keeps coming up that there is a special Ed deficit of \$350,000, of which there is no paper trail. She had met with the business manager every year to make sure she was within budget. The last four years Justin would not meet with her to go over the budgets. She said she has summary reports for each year. The reports are compared each year with the previous year. This year we are 16% below last year's expenditures.

A discussion was held on what other options could be used to cut expenses. Brian said we have to look at all options.

This item will be tabled until next month's meeting.

**E. Budget Strategies**

**i. Recreation Fund**

**ii. Retirement Window Opportunity**

These items will be discussed at next month's meeting.

**F. Building Use June 12-19, 2010**

Ken stated that we have a policy covering this and we should follow the policy and let the administrators handle it.

Gladys LeFevre asked about the fee schedule. They directed Janice to talk about this with Building Administrators.

**G. Approve Bus Lease for Two Blue Bird Buses**

Gladys proposed a motion to put discussion of these accounts off until next month. As part of her motion she mentioned that Board Members should contact Lark with the questions. This motion was seconded by Gregg Christensen. A vote was called for. Ken Platt, Ted Chidester, Gladys LeFevre, Gregg Christensen, and Brian Bremner all voted aye. The motion passed unanimously.

**6. Board Business**

- A.** Set March 2010 school board meeting. March's school board meeting is going to be held at Escalante High School on March 18, 2010. An executive session is tentatively scheduled to begin at 4:00 p.m. with the regular board meeting beginning at 6:00 p.m.

Gregg Christensen proposed a motion to set two board meetings in March. The first will be on March 4, 2010 with an executive session beginning at 4:00 pm in Panguitch and the second one on March 18, 2010 with an executive session beginning at 4:00 pm, regular meeting beginning at 6:00 pm. The motion was seconded by Brian Bremner. The motion passed with all in favor.

### **Public Comments**

Jill Chidester asked for an update on the capital flexibility that the Legislature was looking at. Janice commented on how it does not look like this item is going to pass the legislature. Brian also commented on how he heard the same thing that the legislature doesn't want to pass a bill this year because they were counting on it as an "ace in the hole" for next year if the revenue does not come in as anticipated.

Cheryl LeFevre commented on the audit report and the recommendation to seek reimbursement from those who were overpaid. She felt the response of the board was not very positive. If we did that it would save us money. The audit report also stated the superintendent was in charge of the business administrator so, are we looking at terminating the superintendent because that would save us some money?

### **7. Executive Session**

Brian Bremner made the motion to go into executive session to discuss the investigation of wrong doing and pending litigation. Seconded by Gregg Christensen. A roll call vote was called for with Gladys, Brian, Ken, Gregg and Ted each voting in favor. The motion passed.

### **8. Adjournment**

Brian Bremner moved that the meeting be adjourned, seconded by Gregg Christensen. Ken Platt, Ted Chidester, Gladys LeFevre, Gregg Christensen, and Brian Bremner voted to accept the motion. The meeting was adjourned.

### **NOTICE OF SPECIAL ACCOMMODATION DURING PUBLIC MEETINGS**

In compliance with the American's with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and service) during this meeting should notify Annie Eldredge at 676-8821 at least three days prior to the meeting.