

Minutes of a Regular Meeting of the Board of Education

Community Room
Board of Education Building
777 North F Street
San Bernardino, California

**MINUTES
ADOPTED
5/17/16**

March 15, 2016

Present: President Margaret Hill, Vice President Abigail Medina, Board Members Barbara Flores, Gwen Rodgers; Danny Tillman and Scott Wyatt; Superintendent Dale Marsden; Assistant Superintendents Kennon Mitchell, John Peukert, Perry Wiseman, and Matty Zamora; School Police Chief Joseph Paulino; and Superintendent's Assistant Carla Cross. Absent: Mike Gallo. Minutes recorded by Administrative Assistant Karen Cunningham

SESSION ONE

1.0 *Opening*

1.1 Call to Order

President Hill called the meeting to order at 5:35 pm

1.2 Pledge of Allegiance to the Flag

San Bernardino High School senior, Ernesto Ocegueda, led the Pledge of Allegiance.

1.3 Adoption of Agenda

Upon motion by Member Wyatt, seconded by Member Flores, and approved by the affirmative vote of Flores, Hill, Medina, Rodgers, Tillman, Wyatt. (Noes: None), the agenda was adopted.

1.4 Inspirational Reading – Gwen Rodgers

Mrs. Rodgers spoke about a 2014 Cajon High School graduate who she mentored. Tyrrah Stanford recently passed away. Mrs. Rodgers spoke about her and read Tyrrah's "impact statement".

SESSION TWO

2.0 *Special Presentation(s)*

2.1 School Showcase/Student Report – San Bernardino High School

San Bernardino High School principal, Antoinette Fulcher-Gutierrez, presented her school's drumline, led by their new band director, Dana Campfield. SBHS senior, Ernesto Ocegueda, presented the student report.

2.2 Outstanding Student Awards

The Board of Education honored students, parents, volunteers, and staff from Wilson Elementary, Chavez, Del Vallejo, and King Middle Schools. The Board recognized these individuals for their outstanding accomplishments.

2.3 In Recognition of César E. Chávez

Upon motion by Member Tillman seconded by Member Flores, and approved by the affirmative

*All indicated times are approximate. The actual time for any item is dependent upon the amount of time required for prior items.

vote of Flores, Hill, Medina, Rodgers, Tillman, Wyatt (Noes: None), the following was adopted.

BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District hereby recognizes the many contributions and accomplishments of César E. Chávez and encourages all District schools to conduct appropriate activities in observance of his birthday on March 31; and

BE IT FURTHER RESOLVED that the Board of Education encourages all the schools of the District to take this opportunity to express their heartfelt appreciation for César E. Chávez and to honor his legacy as a man of dignity and strength.

2.4 Recognition of Public Schools Month

Upon motion by Member Tillman, seconded by Member Flores, and approved by the affirmative vote of Flores, Hill, Medina, Rodgers, Tillman, Wyatt (Noes: None), the following was adopted.

BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does declare the month of April to be Public Schools Month and does acknowledge the role of public education in developing students educationally and socially.

SESSION THREE

3.0 *Public Hearing(s)*

3.1 District's Initial Contract Proposal to California School Employees Association (CSEA)

Upon motion by Member Tillman, seconded by Member Flores, and approved by the affirmative vote of Flores, Hill, Medina, Rodgers, Tillman, Wyatt (Noes: None), the following was adopted.

BE IT RESOLVED that the Board of Education receives the District's initial contract proposal to the California School Employees Association, Chapter 183.

3.2 Initial Contract Proposal from California School Employees Association (CSEA)

Upon motion by Member Flores, seconded by Member Wyatt, and approved by the affirmative vote of Flores, Hill, Medina, Rodgers, Tillman, Wyatt (Noes: None), the following was adopted.

BE IT RESOLVED that the Board of Education receives the initial contract proposal from the California School Employees Association, Chapter 183 to the District.

3.3 Public Disclosure of Memorandum of Understanding Between the San Bernardino City Unified School District and Communications Workers of America (CWA)

Upon motion by Member Flores seconded by Member Medina, and approved by the affirmative vote of Flores, Hill, Medina, Rodgers, Tillman, Wyatt (Noes: None), the following was adopted as amended.

BE IT RESOLVED that the Board of Education adopts the Agreement between Communications Workers of America and the San Bernardino City Unified School District.

Dr. Wiseman read in the amendments needed to this item. Below are the changes that were amended and approved:

Public Disclosure of ~~Memorandum of Understanding~~ **Agreement** Between the San Bernardino City Unified School District and Communications Workers of America (CWA)
Prepared by Human Resources)

~~On February 11, 2016, Communications Workers of America (CWA) approved the following Memorandum of Understanding.~~

~~MEMORANDUM OF UNDERSTANDING~~
~~SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT AND~~
~~COMMUNICATIONS WORKERS OF AMERICA~~
February 11, 2016

~~This tentative agreement is made and entered into this 11th day of February, 2016 between the San Bernardino City Unified School District (hereinafter referred to as “District”) and Communications Workers of America, (hereinafter referred to as “Association”).~~

~~All terms and condition of the current Collective Bargaining Agreement shall remain in full force and effect upon Union ratification and Board approval through 30th day of June 2018 with the following exceptions:~~

On February 11, 2016 the District reached tentative agreement with the Communications Workers of America (CWA) for a successor agreement. The tentative agreement provides for changes in terms and conditions of employment. California Government Code § 3547.5 requires public disclosure of the financial and budgetary impact of the proposed amendment(s) to the collective bargaining agreement. In addition, the required forms, along with the tentative agreement(s), have been filed with the County Superintendent of Schools for review. During this review, the County Superintendent of Schools will determine the impact of the tentative amendment(s) to the collective bargaining agreement(s) on the District’s budget, ending balance, and general fund reserves. The summary of the proposed successor agreement(s) with the Communications Workers of America, setting forth the financial impact of the tentative collective bargaining agreement(s), is included in the Board agenda for the Board’s review and to make them available to the interested public.

On March 3, 2016, CWA ratified the proposed amendment to the collective bargaining agreement.

The following is a summary of significant changes to the collective bargaining agreement:

ARTICLE I – RECOGNITION

Section 1--CWA Union’s Representation Unit

The District hereby acknowledges the Communications Workers of America, hereby after referred to as Union, as the exclusive bargaining representative for all day-to-day, long term, resident, ~~and~~ retired substitute teachers, **and substitutes for Child Care Workers.**

ARTICLE IV UNION RIGHTS

Section 3--Communication

The union shall have the right to post notices of Union concern on bulletin boards at least one of each shall be maintained in each work location in an area frequented by ~~union~~ unit members. A notice must be dated and must identify the person and organization responsible for its promulgation. **This space will be in the vicinity of other unions' notifications.**

ARTICLE IV UNION RIGHTS

Section 6--Copies of the Contract

The District shall maintain a copy of the current Collective Bargaining Agreement along with any Memorandum of Understanding (MOU) on the District's web page. In addition, each year the District shall provide fifty (50) copies of the Collective Bargaining Agreement **and MOU'S** to the Union's Vice President **of Substitute Teachers.**

ARTICLE VI CITIZEN'S COMPLAINT PROCEDURES

Section 1--Investigations

All significant ~~citizen~~ complaints will be investigated ~~by a representative of the District.~~ Individual unit ~~union~~ members who are subject of a ~~citizen's~~ complaint that is of a significant nature shall be informed of this complaint ~~along with the elected representative of the Union.~~ In the case of signed, written citizen complaints filed with the District's ~~Chief~~ Human Resources ~~office~~ Officer or designee, a copy of the complaint shall be forwarded to the unit member employee and the elected union representative within five (5) working days of receipt. **Following receipt of a complaint that is of a significant nature, the unit member shall be temporarily blocked from the SmartFindExpress system at a specific school or schools and/or the entire District pending an investigation. The unit member may request a meeting to discuss the complaint with the assigned designee of the Assistant Superintendent, Human Resources. Following the investigation the District will communicate its decision to the unit member as to whether or not he or she will be reinstated. Unit members may appeal the District's decision to the Assistant Superintendent, Human Resources.**

ARTICLE VII UNION UNIT MEMBER'S RIGHTS

Section 2--Removal From SmartFind SPIN System

In the event a decision is made to remove a unit member substitute from the SmartFind SPIN System, the District shall notify the unit member employee and the Union of the reason for removal within five (5) workdays from the date of the removal. ~~Upon written request by the union member to the District Office Human Resources Department, the employee shall be provided the reason(s) for the removal.~~ If the unit member employee is not satisfied with the reason(s) provided, he/she may **appeal the District's decision to the Assistant Superintendent, Human Resources.** ~~request review of the decision by the Assistant Superintendent, Human Resources.~~

ARTICLE VIII PERSONNEL FILES

Section 9--Commendation Material (New Section)

Commendation material related to the unit member may be submitted to the Assistant Superintendent, Human Resources, for consideration to be included in the unit member's personnel files.

ARTICLE IX PROTECTION AND SAFETY

Section 2--Safety Equipment

The District shall provide safety equipment reasonably necessary to permit ~~union~~ **unit members** to perform assigned duties safely. This will include an adequate number of first-aid kits at each location. Whenever possible and practicable, the District shall also provide substitutes a set of classroom, restroom and panic bar (hex) keys. This section will not be subject to the grievance procedure. Substitutes ~~will not~~ **may** be disciplined for the first set of misplaced keys.

Section 3--Student Behavior and School Information

C. The District shall provide a substitute folder for each classroom. The substitute folder shall be maintained by the teacher and the onsite administrator. The substitute folder should include, as necessary:

- Emergency Lesson Plans
- Emergency Information
- Bell Schedules
 - Regular
 - Minimum
 - Modified
 - Inclement Weather
- School Map
- School Discipline Procedures
- List of Team and/or Buddy Teachers
- Current Class Roster
 - List of elementary students exchanged during the day;
 - Seating charts;
 - List of special needs students, interventions;
 - List of students who must leave class:
 - RSP
 - Music
 - Cafeteria workers
 - Speech
 - Adaptive P.E.
 - Medications
- List of Whole Class Activities
 - P.E.
 - Library
 - Assembly
- Site Phone Lists and Phone Use Instructions
- Referral Forms (High/Low)
- Substitute Feedback Forms

- Name and Role of Aides in the Classroom
- Release Process
 - Bus
 - CAPS
 - Walk
 - Parent pick-up
- List of areas to secure personal belongings

This section will not be subject to the grievance procedure.

ARTICLE XI WAGES

Section 1--Wage Rate ~~Day-to-day substitution:~~ 2012-2015

All recognized unit member positions shall be paid according to Appendix A.

Section 2--Definitions ~~Long-Term Substitution:~~

~~Long-term substitutes will be paid one hundred twenty five dollars (\$125) for the first twenty days of a long-term assignment.~~

~~On the twenty first (21) day of the long-term assignment and thereafter the long-term substitute will be paid one hundred thirty five dollars (\$135) per day retroactive to the first day of the long-term assignment.~~

~~Long term substitution is defined as more than twenty (20) consecutive days taught in the same assignment within a given school year. The No Child Left Behind (NCLB) Act requires that long-term substitute teachers meet highly qualified teacher guidelines.~~

Day-to-day Substitute/Rovers – Unit members that accept assignments to cover teacher absenteeism for a period of up to twenty days. Unit member who works as a Day-to-Day Substitute and moves from classroom to classroom daily, or period by period, in an unspecified assignment at the discretion of the District will be considered Rovers.

Long-term Substitute – Unit member that covers more than twenty (20) consecutive days taught in the same classroom assignment within a given school year. On the twenty-first (21st) day of the long-term assignment, and thereafter, the long-term substitute will be paid an additional amount as per Appendix A retroactive to the first day of the long-term assignment. The NCLB Act requires that Long-term unit members meet highly qualified teacher guidelines.

Site Resident Substitute – Unit member assigned to a particular school site that has committed to working a minimum of one hundred and seventy (170) days per school year. This unit member works at the discretion of the District.

District Resident Substitute – Unit member assigned at the discretion of the District to various sites. The unit member has committed to working a minimum of one hundred and

seventy (170) days per school year. A District Resident Substitute may be assigned to the elementary level grade span, or secondary level grade span, or both.

Retired Teacher Substitute – Unit member who has retired from any California School District and has validated proof of such retirement.

Child Care Workers’ Substitutes – Unit member who works in Infant-Toddler/Preschool/Daycare.

~~Section 3--Retired SBCUSD Teachers~~

~~Section 4--Resident Substitute Teachers~~

~~Section 3-6--Work Day~~

- A. The assigned work day shall begin when the regular teacher staff arrives prior to the beginning of the school day and end at the teachers’ designated time of departure at the end of the work day. The designated work day for substitutes assigned to elementary schools shall begin when the regular teaching staff arrives and end at the teachers’ designated time of departure.
- B. Unit members shall have a duty free lunch period of thirty (30) consecutive minutes or more which shall be set by the site administrator. The designated work day for substitutes assigned to secondary schools shall begin ten (10) minutes prior to the regular teaching staff arrives and end ten (10) minutes before the teachers’ designated time of departure at the end of the work day.
- C. The District may at any time designate the work day for Site Resident Substitutes, District Resident Substitutes, and Long-term Substitutes at secondary schools to begin when the regular teaching staff arrives and end at the teachers’ designated time of departure.
- D. Unit members shall have a duty free lunch period of thirty (30) consecutive minutes or more which shall be set by the site administrator.
- E. Unit members who work less than four (4) hours shall be paid half of their daily rate. If the unit member works four (4) hours or more they are paid their full daily rate. Unit members shall not be paid more than their full daily rate in any given day unless approved by the Assistant Superintendent, Human Resources.
- F. Unit members who accept assignments after the beginning of the school day shall arrive at the school site within forty-five (45) minutes after accepting the assignment.

~~Section 4-7--District Identified Minimum Days Minimum Day~~

- A. Unit members Substitute teachers who work less than 3 ¾ hours will be paid half of their daily rate. If the substitute unit member works 3 ¾ hours or more they are paid

their full daily rate. ~~As the daily rates salaries increase over time the practice of half day/full day will continue.~~

Section 6--Work Day Provisions

The District may disallow unit members' access to SmartFind up to thirty (30) minutes prior to the students' start time.

ARTICLE XV--TERM OF AGREEMENT

Section 2--Re-Openers :

During ~~2013-2014 and 2014-2015~~ **2016-2017 and 2017-2018** school years, the parties may mutually agree in writing to re-open wages and one **other** article **selected by each party.** **The Union may elect to meet and confer regarding health and welfare benefits.**

The Union agrees to present its complete initial proposal to the District no later than the first regular Board meeting in March of each year.

Section 3--Successor Negotiations

No sooner than ~~March 1, 2015~~ **March 1, 2018** and no later than ~~April 1, 2015~~ **April 1, 2018** preceding expiration of this Agreement, the Union shall present its initial proposals. At a date to be determined by the Parties, the Union and the District shall commence meeting and negotiating for a successor Agreement. Any Agreement reached between the Parties shall be reduced in writing, and if ratified by the Union and adopted by the Board of Trustees, signed by both Parties.

San Bernardino City Unified School District
Substitute Teacher Daily Rates
Appendix A

Appendix A shall be paid retroactive to July 1, 2015.

<u>Classification</u>	<u>4 Hours or More</u>	<u>Less than 4 Hours</u>
<u>Day to Day/Rovers</u>	<u>136.02</u>	<u>68.01</u>
<u>Days 75 through 183</u>	<u>139.02</u>	<u>69.51</u>
<u>Long Term Substitutes</u>	<u>146.73</u>	<u>73.37</u>
<u>Days 75 through 183</u>	<u>149.73</u>	<u>74.87</u>
<u>Resident Elementary Substitute</u>	<u>149.94</u>	<u>74.97</u>
<u>Resident Secondary Substitute</u>	<u>160.65</u>	<u>80.33</u>
<u>District Resident Substitute</u>		
<u>Elementary</u>	<u>149.94</u>	<u>74.97</u>
<u>Secondary</u>	<u>160.65</u>	<u>80.33</u>

<u>Retired Teacher</u>	<u>146.73</u>	<u>73.37</u>
<u>Days 75 through 180</u>	<u>149.73</u>	<u>74.87</u>

<u>Child Care Workers*</u>	<u>80.33</u>	<u>40.17</u>
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*** Effective July 1, 2016, Child Care workers shall be increased to \$100.00 for 4 Hours or More and \$50.00 for Less Than 4 Hours.**

+ Unit Members who take preschool and/or infant/Toddler assignments will be paid \$15 extra per day.

This MOU will be effective March 15, 2016 and will expire on June 30, 2018.

SESSION FOUR

4.0 Public Comments

Dr. Al Karnig spoke and showed a video on Agenda Item #7.34, the Infant-Toddler Success Parenting Project which targets at-risk families with children 0 – 3 years. Mr. Tillman asked where this would take place and was told at the Parent Centers.

Mr. Juan Figueroa spoke about Camp Kangaroo, a free outreach that helps children with coping strategies.

Mr. Ray Culberson spoke about the 12 and 14 year old kids that were recently killed. He said kids are under a lot of mental stress and we need a coordinated effort to help them. Dr. Hill said we do need to look at mental health and Dr. Flores said we need to have a plan for cases like this. Do we have protocols? Dr. Mitchell said we have a \$3.2M grant; 6 counselors to help with PTSD.

Mr. Danny Morales, executive director of Liberia de Pueblo, invited the board to the Latino Book Festival on April 30th at Cal State.

Ms. Dachele Brown spoke about bullying at Holcomb Elementary School. Her son was jumped by three other students; broken leg. She has spoken with the principal; filled out Youth Services' bullying complaint form. This happened on February 9th and nothing has been done. She wanted to know what type of action plan the school has. Dr. Marsden said someone would respond to her soon. Mrs. Rodgers said bullying was something we need to get a hold on.

Mrs. Bobbie Haywood, a retired social worker spoke on bullying, that it was a safety issue and we needed a vision plan. She spoke about bullying books and article on school to prison pipeline. She asked who was counseling the students who jumped Ms. Brown's son. They need counseling so they don't continue and end up in prison.

Ms. Richelle Capozio spoke on implementation of guidelines for bullying that was developed two years ago. Also teachers and students on campuses need training on the specifics of the policies so that small issues don't grow. She said they needed sheets at sites with numbers for

students to call if they feel bullied. Behavior management specialists needed on sites to intervene. Students cannot learn if they are afraid.

Ms. Regina Jackson, Cajon High School alumni with students at Cajon, spoke on the quality of uniforms. She was told the district would provide necessities; they can't fundraise enough to pay for uniforms. She said a lot of talent is leaving the district because of issues like this. Mr. Tillman said he asked Ms. Jackson to come speak. He is going to recommend money for support. Dr. Flores agreed. It is about image and pride; kids deserve the best. Dr. Wyatt said we reviewed the athletic plan. We promote excellence for all our programs.

Ms. Rebeca Castro and parents and members of DELAC asked that the principal at Rio Vista be left there and give her an opportunity; only there 1 year and parents are happy with her. She works on Saturdays to help students with reading; is helping with bullying. They had signatures and letters from parents.

Mrs. Negrete had concerns about student safety. She said to look at other states, cities that have implemented restorative justice. She doesn't support changes to safety. She said recall those who don't hold up. Mr. Tillman said the #1 priority is school safety. We can have safe schools without misdemeanors and citations.

SESSION FIVE

5.0 *Administrative Presentation(s)*

Dr. Marsden: Based on the board's direction during our March 1 meeting, cabinet has developed a specific plan to address student success on the state's new testing system and to specifically support sites that experienced the lowest achievement gains. You will find this plan is built on best practices, and our learnings as a district from our experiences when SIG and QEIA dollars were directed to our consistently underperforming schools. Clearly, we're at a different point in time when all schools results are only from one testing cycle on the state's new California Assessment of Student Performance and Progress otherwise known as CAASPP. Yet, our plan strives to be a proactive plan that provides thoughtful supports for schools that will be sustainable by a strong focus on systems development and building of human capacity. Much of what you see you tonight will require still a great deal of input from our teachers, principals, and staff to ensure successful deployment and implementation of the plan. To be clear, once the board approves this plan as part of the Second Interim Report and Budget, we will begin immediately to work with our teams to ensure this plan is responsive to the voice of our stakeholders. In fact, recommendations made to the board tonight during this presentation and during the second interim presentation will be approved once you take action to approve the second interim report under item 8.2 on tonight's agenda. Please keep in mind, our budget is a living document and is always open for the board's discussion and direction as priorities shift throughout the year. We anticipate further discussion following the may revise, however, tonight's recommendations in this plan will be specific to the role of the district to support all sites and specific schools in meeting achievement targets.

5.1 Student Achievement: Identified Systems Improvement and Support Plan

As requested by the Board, Dr. Marsden and Cabinet presented information on the Identified Systems Improvement and Support Plan.

Dr. Flores said that all programs are in the District now; funding needed to take further. She asked what was needed in each specific grade level. Need formative assessment; define student outcomes. Dr. Flores said it was courageous that we identified systems that failed and got rid of what's not working.

Mrs. Rodgers said to utilize best practices that already are working; identify some things we can do right away.

Mr. Tillman said the important thing is to identify the schools needing assistance, but not in a punitive way. He hopes we will use past practices that worked and make sure to spend money in right way. Performance must be top priority.

Mrs. Medina said we need to look at the negatives to create the positives.

Dr. Hill remarked that this was a movement; one step at a time. She said it was great that principals would be in classrooms more.

5.2 Second Interim Report/Budget

Jayne Christakos, Chief Business Officer, Business Services presented the 2015-16 Second Interim Report.

Dr. Flores asked about the additional 250 Special Education students. Dr. Mitchell said that Autism has almost tripled and is up nationwide. Also most charter schools contract with us, \$1M a year when built it. Dr. Flores suggested rotating money; plan a rotating cycle.

Dr. Wyatt mentioned the CAPS program, \$2M. Dr. Mitchell said there was an additional 1400 students; currently services 10,000 students every day. Dr. Wyatt said to look at the waiting list and provide funds for those; should identify as one time funding.

Dr. Wyatt said District should provide funding for athletic uniforms and minimum equipment; \$1.5M for uniforms.

Mrs. Rodgers noted that with the innovation grants, all asked for some type of technology.

SESSION SIX

6.0 *Reports and Comments*

6.1 Report by San Bernardino Teachers Association

Ashley Bettas-Alcala, SBTA vice president, reported they are looking forward to working with the District on academic achievement; are developing a new evaluation; collaborated on the assessment matrix; support for smaller classes; and getting signatures to qualify for the ballot to extend Prop 30.

6.2 Report by California School Employees Association

Carl Greenwood, chapter president, reported we should do what we are supposed to do and stop in-fighting. He suggested meeting with the board every 2nd board meeting from 4- 5 pm.

6.3 Report by Communications Workers of America

Ron Fletcher, SBTA representative, reported that it would be great to talk to the board, like Mr. Greenwood suggested; commented on the start of new 3-year contract; agreed Special Education was growing.

6.4 Report by San Bernardino School Police Officers Association

Josh Barkdoll, SPOA president, reported on the citation policy and that he looked forward to clarifying it; positive ticket program.

6.5 Report by San Bernardino School Managers

No report given.

6.6 Board/Superintendent Protocols #5

No comments.

Direction for significant work tasks will come from the Board as a whole and will be given to the Superintendent who will inform the Board regarding the implications of the request for staff capacity and workload.

6.7 Comments by Board Members

Mr. Tillman commented he attended Career Day at Alessandro ES and they did a great job; he commended the staff. He attended the CSO meeting at Sturges and commented that everyone has their own perspective; he apologized for raising his voice while at the meeting.

Mrs. Medina commented on the Mental Health Project; YAP, ICUC and COPE collaborated with other associations that provide low-cost or free services. She said that removing some citations does not remove consequences for the action. Mrs. Medina remarked on the book "Frida" which was about a Latina artist.

Mrs. Rodgers said that she attended the Mental Health Project with Mrs. Medina. She remarked on the Significant Daily Incident report stating bullying incidents are at every site. She attended the townhall meeting and said it was a good meeting; it's important to have conversations. Mrs. Rodgers spoke about a petition to the Governor regarding Prop 47; was it possible to have a resolution from the board. She said the LCAP information was not updated on the website and asked if the expungement process could be put on the website.

Dr. Flores spoke on the townhall meeting and said that we cannot criminalize our students; need progressive disciplinary matrix. She attended the March 11th Family Leadership Institute and it was amazing. On March 15th she went to Sacramento and met with State Superintendent Tom Torlakson regarding the digital divide; he is proposing a bond that will include the digital divide. She gave Dr. Marsden contact information for MC3 curriculum for pathways - plumbers and pipefitters. She asked Dr. Marsden to look into even/odd year elections.

Dr. Wyatt visited Special Ed programs at Harmon/Carmack; he asked about any upcoming modernization at the school and mentioned that some of their adult students were working at Marshalls. He thanked Ray Culberson for his testimony regarding mental health during public comments; addressing PTSD is a top priority. Dr. Wyatt mentioned two bills that are out: AB666 and SB504, both related to sealing juvenile records, if they complete probation on or

after January 1, 2016. He also said he is looking forward to next year's student achievement implementations.

Dr. Hill attended Alessandro's Career Day and the Heroes Awards on March 12th along with Mrs. Rodgers. She also attended the Poverty Symposium on March 11th; there was a section on Youth Services.

6.8 Board Committee Reports

Dr. Flores spoke about the Student Discipline subcommittee meeting; attorneys presented draft of policy and resolution; Dr. Marsden will share policy at upcoming meeting on April 4th

6.9 Comments by Superintendent and Staff Members

Dr. Marsden recognized the two newly appointed student board members, Cajon High School senior Benjamin Montelongo and San Gorgonio High School senior Danielle Candray. He thanked them for accepting the position. He congratulated the Cajon High School girls' basketball team for its semi-final victory. He mentioned the following upcoming meetings: Parent Engagement meeting on March 16th at 10:30 am to provide an update on discussions involving a request for an enrollment center; student citations/suspensions meeting with key stakeholders will be held on April 4th at 9:30 am to discuss concerns and expectations regarding School Police and CSOs. He announced the Executive Director of Community Partnerships interviews and community social on March 23rd at 3 pm and asked for any board members to attend; Dr. Hill and Mrs. Medina accepted. Dr. Marsden reported that our School Police Department along with other area agencies were recognized at the 2016 Law Enforcement Awards and presented with the Helene and Joseph Sherwood Prize for combatting hate.

SESSION SEVEN

7.0 *Consent Calendar*

Items 7.5, 7.15, 7.20, 7.21, 7.27, 7.30, 7.33, 7.34 were pulled for discussion.

Item # 7.9 was pulled.

Upon motion by Member Flores, seconded by Member Medina, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following were adopted:

7.1 Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on January 19, 2016 be approved as presented.

7.2 Approval for the Payment of Non-District Employees

BE IT RESOLVED that the Board of Education approves payment for the WestEd Team Visitation dinner on February 18, 2016 for the non-District employees listed, for a total cost not to exceed \$205.00.

Non-District employees, WestEd representatives:

Glen Harvey, Maria Santos, Linda Brault, Jon Dolle, Meagan O'Malley, Paul Koehler.

BE IT FURTHER RESOLVED that the Board of Education approves payment for the National Transportation Safety Board dinner on March 2, 2016 for the non-District employees listed, for a total cost not to exceed \$162.00.

Non-District employees, National Transportation Safety Board representatives:
Chris Hart, Daved van Stralen, Tom Mercer.

7.3 Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of; \$139.04, Target Minneapolis, MN; \$290.43 Target, Minneapolis, MN; \$2,500.00 West Valley Water District, Rialto, CA; \$120.00, Geonnie Allums, San Bernardino, CA; \$168.34, Target, Minneapolis, MN; \$200.04, Target, Minneapolis, MN; \$201.35 Target, Minneapolis, MN; \$500.00, Waterman Valero, San Bernardino, CA; \$170.00, Brinker International, Dallas, TX; \$8,266.99, The Kroger Co Foundation, Cincinnati, OH; Piano with estimated value of \$500.00, Robert Winokur, San Bernardino, CA; \$350.00 AAMCO Upland, Upland, CA; \$200.00, S.F.S.T.V, Apple Valley, CA; \$164.96, Target, Minneapolis MN; \$270.00, La Noria, San Bernardino CA; \$373.00, Papas and Dogs, Paramount, CA.

7.4 Amendment No. 1 to Bid No. 15-05 Service Vehicles and Trailers

BE IT RESOLVED that that the Board of Education approves rescinding the award of Line Item No. 5 of Bid No. 15-05, Service Vehicles and Trailers to Bob Wondries Ford, Alhambra, CA.

BE IT ALSO RESOLVED that the Board of Education approves award of Line Item No. 5 of Bid No. 15-05, Service Vehicles and Trailers to RDO Equipment Company, Riverside, CA, the second lowest responsive/responsible bidder meeting District specifications at the price per vehicle cost of \$98,280.80.

BE IT FURTHER RESOLVED that Debra Love, Director of Purchasing, be authorized to sign all related documents.

7.6 Authorization to Participate as a Sponsor in the LEAD VII Summit at California State University, San Bernardino

BE IT RESOLVED that the Board of Education authorizes the District to participate as a sponsor in the LEAD VII Summit “Black, Brown & Indigenous Unity” at California State University, San Bernardino on March 30, 2016. The sponsorship, not to exceed \$1,000.00, will be paid from the Unrestricted General Fund, Administrative Services Account No. 041.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debbie Love, Director of Purchasing, to sign any related agreement.

7.7 Authorize Bradley Parent Teacher Organization

BE IT RESOLVED that the Bradley Parent Teacher Organization, a separate and distinct organization not under the control of the school district, composed of parents at Bradley Elementary School be authorized for the 2015/16 school year.

BE IT ALSO RESOLVED that this authorization may be revoked by the Superintendent or designee if considered necessary.

7.8 Commercial Warrant Register for Period February 16 through February 29, 2016

BE IT RESOLVED that the Commercial Warrant Register for period February 16 through February 29, 2016, be ratified and/or approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes Jayne Christakos, Chief Business Officer, James Cunningham, Accounting Services Director or David Moyes, Accounts Payable Supervisor to sign disbursements.

7.9 Consulting Services Agreement with Keenan & Associates, Torrance, CA, to Provide Workers' Compensation Consulting Services

This item was pulled by the Board.

7.10 Ratification of Amendment No. 1 to the Agreement with Perr & Knight, Inc., Santa Monica, CA, to Provide an Evaluation of the District's Self-Insured Liabilities

BE IT RESOLVED that the Board of Education approves ratification of the amendment to the agreement with Perr & Knight, Inc., Santa Monica, CA, as approved on February 17, 2015, Board Agenda No. 11.4 to extend the term of the agreement to August 31, 2015 and increase the contract amount by \$900.00 for Perr & Knight, Inc. The additional costs will be paid from the Restricted General Fund – 67/Workers' Comp, Account No. 00D.

BE IF FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

7.11 RFP No. 15-10, Student Transportation Services

BE IT RESOLVED that proposals to provide Student Home-to-School Regular Education and Special Education Transportation Services were received from Durham School Service, and First Student Transportation as follows:

<u>Bidders</u>	<u>Est. Annual Cost Regular & Special Ed (Categories A&B)</u>	<u>Est. Annual Cost Regular Ed (Category A Only)</u>	<u>Est. Annual Cost Special Ed (Category B Only)</u>
Durham School Services San Bernardino, CA	\$17,893,755.25	\$9,399,831.00	\$10,009,839.00
First Student Transportation San Bernardino, CA	No Bid	No Bid	\$ 9,714,636.25

BE IT ALSO RESOLVED that RFP No. 15-10, Student Transportation Services be awarded to Durham School Service, lowest responsive/responsible bidder, for a period not-to-exceed 5 years, effective July 1, 2016.

BE IF FURTHER RESOLVED that Debra Love, Purchasing Services Director, be authorized to sign any related contractual documents.

7.12 Agreement with Elevated Achievement Group, Inc., (EAG), Delran, NJ, to Provide

Professional Development to District Teachers

BE IT RESOLVED that the Board of Education approves entering into an agreement with Elevated Achievement Group, Inc., (EAG), Delran, NJ, to provide professional development to all certificated staff effective March 16 - June 30, 2016. EAG will conduct a school audit to identify the current strengths and gaps specific to curriculum, instruction, assessment and climate/culture using the Student Learning Indicators™. EAG consultants will conduct observational walk-throughs in all identified classrooms to gather data specific to the Student Learning Indicators™. EAG will support teachers using Student Learning Indicators™ which will focus on ensuring that all teachers have a deep understanding of the learning indicators necessary to attain elevated student achievement for all learners. The fee, not to exceed \$39,000.00 payable at the daily rate of \$3,000.00, will be paid from the Restricted General Fund – Quality Education Investment Act (QEIA), Account No. 436.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Purchasing Department, to sign all related documents.

7.13 Agreement with Get Ahead Writing, LLC, Mission Viejo, CA, to Provide Direct Instruction of the Common Core State Standards in Writing and Language

BE IT RESOLVED that the Board of Education approves entering into an agreement with Get Ahead Writing, LLC, Mission Viejo, CA, to provide ten days of direct instruction of the Common Core State Standards in writing and language and present the methods and strategies for all K-6th grade teachers at Hunt and Anton elementary schools effective April 4 - June 2, 2016. The fee, not to exceed \$15,000.00, will be paid from the Restricted General Fund – Local Control Accountability Plan (LCAP), Account No. 419.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Purchasing Department, to sign all related documents.

7.14 Extended Field Trip, Arroyo Valley High School, JROTC Cadet Leadership Challenge Camp, Fort Irwin, CA

BE IT RESOLVED that the Board of Education approves the extended field trip for 30 JROTC students and 3 District employees, to attend the JROTC Cadet Leadership Challenge Camp in Fort Irwin, CA, from March 18 - 22, 2016. The cost of the trip, not to exceed \$1,050.00, including meals and lodging, will be paid from Arroyo Valley ASB Account. Transportation by coach bus will be provided by The U.S. Army Cadet Command at no cost to the District. Names of the students are on file in the Business Services office.

7.16 Facilities Use Agreement with the University of California, Riverside, CA, to Provide a Team Building Challenge Course

BE IT RESOLVED that the Board of Education approves entering into an agreement with the University of California, Riverside, CA, to provide a team building challenge course for approximately 75 students effective March 16, 2016 through March 15, 2021. The fee, not to exceed \$1,650.00, will be paid from the Restricted General Fund – Puente Project at Arroyo Valley, Account No. 303.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Purchasing Department, to sign all related documents.

7.17 Payment for Course of Study Activities - Educational Services

BE IT RESOLVED that the Board of Education approves payment for the following:

Riley College Prep Academy to hire the Reuben H. Fleet Science Center, San Diego, CA, for an assembly titled “Fun with Physics” on April 5, 2016. The total cost, not to exceed \$1,657.50, will be paid from Riley College Prep Academy Account No. 417.

Riley College Prep Academy to hire the Reuben H. Fleet Science Center, San Diego, CA, for an assembly titled “Spectacular Space” on April 12, 2016. The total cost, not to exceed \$1,657.50, will be paid from Riley College Prep Academy Account No. 417.

7.18 Payment for Services Rendered by Non-Classified Experts and Organizations – Educational Services

BE IT RESOLVED that the Board of Education approves payment to the following non-classified experts:

Pearson Education, Columbus, OH, to provide Test of English Language Learning (TELL) professional development to Program Specialists in the English Learner Programs Department and the Information Technology Department to measure students’ language development in English effective March 16, - May 30, 2016. The fee, not to exceed \$3,500.00 will be paid from the Restricted General Fund – Local Control Accountability Plan (LCAP), Account No. 419.

Santillana USA, Doral, FL, to provide a free one-day Spanish Poetry Symposium for all elementary dual language teachers, reading coaches, program specialists and administrators to be held at Indian Springs High School on April 1, 2016. There is no cost to the District.

7.19 Rescission of the Agreement with VTA Tutoring Services, Torrance, CA, to Provide Supplementary Educational Services to Eligible District Students

BE IT RESOLVED that the Board of Education approves rescinding the agreement with VTA Tutoring Services, Torrance, CA, approved on November 3, 2015, Board Agenda Item No. 8.17. VTA Tutoring Services is no longer in business to provide services to District students. There is no cost to the District to rescind the Board approval.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

7.22 Notice of Completion, Bid No. F13-14, Multiple ADA Upgrades at Various Elementary Schools

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F13-14, Multiple ADA Upgrades at Various Elementary Schools, for the work awarded to the Contractor listed below

General Contractor
Wheeler Paving, Inc.
Riverside, CA

BE IT FURTHER RESOLVED that Margaret B. Hill, President, Board of Education, be authorized to execute the Notice of Completion.

7.23 Cafeteria Warrant Register, February 1 through February 29, 2016

BE IT RESOLVED that the Cafeteria Warrant Register, February 1 through February 29, 2016, be ratified and/or approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes Adriane Robles, Nutrition Services Director; Janet Jungnickel, Nutrition Services Business Manager; John A. Peukert, Assistant Superintendent, Facilities/Operations; or James Cunningham, Accounting Services Director; to sign disbursements. Two signatures are required on all cafeteria warrants.

7.24 Extended Field Trip, Belvedere Elementary School, Emerald Cove Outdoor Science Institute, Running Springs, CA

BE IT RESOLVED that the Board of Education approves the extended field trip for 60 Belvedere Elementary School students and 7 chaperones, to attend the Emerald Cove Outdoor Science Institute in Running Springs, CA, from May 16 - 20, 2016. The cost of the trip, not to exceed \$23,200.00, including meals and lodging, will be paid from student fundraising. Transportation provided by Durham School Services, not to exceed \$700.00, will be paid from Belvedere Elementary School Account No. 501. Names of the students are on file in the Business Services office.

7.25 Payment for Course of Study Activities - Human Resources

BE IT RESOLVED that the Board of Education approves payment for the following:

Highland-Pacific Elementary School to hire Pacific Animal Productions, Fallbrook, CA, for a Learning Safari assembly for Kindergarten classes on June 2, 2016. The total cost, not to exceed \$425.00, will be paid from Highland-Pacific Elementary School Account No. 419.

7.26 Payment for Services Rendered by Non-Classified Experts and Organizations – Human Resources

BE IT RESOLVED that the Board of Education approves ratifying payment to the following non-classified experts:

Children’s Resources, Fontana, CA, to provide a series of five parent educational workshops for approximately 20 parents effective February 11, 2015 through March 10, 2016. The fee, not to exceed \$4,750.00, will be paid from the Unrestricted General Fund –Local Control Accountability Plan (LCAP), Account No. 419.

BE IT FURTHER RESOLVED that the Board of Education approves payment to the following non-classified experts:

Crane Consulting, San Diego, CA, to provide a series of “The Heart of Coaching” parent workshops in support of the KIDS Science Club effective April 16 - May 14, 2016. Crane Consulting will provide 3 Saturday half-day workshops serving 10 households with children in 3rd through 5th grade. Crane Consulting will integrate and harmonize The Heart of Coaching material with existing CalSAC modules that would be synergistic and include: *Developmental*

Trends and Building Relationships with Children and Youth. The fee, not to exceed \$2,000.00 includes the cost of workbook materials, will be paid from the Restricted General Fund – LCAP – Innovation Grants, Account No. 418.

Kay Yang dba The Letter K, Alhambra, CA, to provide a one-day professional development seminar on STEM (Science Technology Engineering Math) resources for all certificated staff on April 4, 2016. This seminar will introduce faculty to engineering tools and resources. The seminar will cover CAD (Computer Aided Design), Smart Phone Application Design, Programming, and 3D Printing. Faculty will also learn about Arduino, a micro-controller that can be easily programmed to create robotic systems. The fee, not to exceed \$250.00 will be paid from the Restricted General Fund – LCAP Career Pathways, Account No. 417.

Kids that Code, Inc., San Bernardino, CA, to provide a professional development series titled *Coding Crash Course for Teachers* for four teachers effective March 28 - April 1, 2016. Kids that Code, Inc., instructors will teach basic principles in computer programming in plain English with hands-on activities and exercises to reinforce concepts. The course will give instructors the confidence and knowledge to support and sustain efforts to expose children to the exciting possibilities of computer programming. The fee per person is \$499.99. The fee, not to exceed \$1,999.96 will be paid from the Restricted General Fund – LCAP Career Pathways, Account No. 417.

Rocket Training USA, LLC, Rancho Cucamonga, CA, to provide six parent involvement workshops for approximately 40 participants effective March 16 - April 17, 2016. The workshop will provide strategies to help children prevent or react to harassment, bully proofing kids, and utilizing Common Core reading strategies in the home. The workshops will be provided in English and Spanish. The fee, not to exceed \$5,200.00 for up to 40 participants per workshop, will be paid from the Restricted General Fund – Elementary Secondary Education Act Title 1, Account No. 501 and the Unrestricted General Fund – Local Control Accountability Plan (LCAP), Account No. 419.

7.28 Amendment No. 1 to the Agreement with American Medical Response, Rancho Cucamonga, CA, to Provide Ambulance Services at Home Football Games at Pacific High School and San Bernardino High School

BE IT RESOLVED that the Board of Education approves amending the agreement with American Medical Response, Rancho Cucamonga, CA, as approved on August 4, 2015, Board Agenda No. 7.28 to increase the contract amount by \$315.00 for additional hours at home football games for San Bernardino High School, for a total contract amount of \$3,936.00. The additional costs will be paid from the Unrestricted General Fund – High School’s INAP, Account No. 203.

BE IF FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

7.29 Business and Inservice Meetings - Student Services

BE IT RESOLVED that the Board of Education approves the attendance and participation of the following individuals in scheduled business and inservice meetings:

To attend the California Association for Bilingual Education (CABE) 2016, March 23 - 26, 2016 in San Francisco, CA. The total cost, including meals and mileage per District guidelines, not to exceed \$3,500.00, will be paid from Anderson School Account No. 419.

Maria Robles Elizabeth Romero
(Parent Representatives, Anderson School)

BE IT ALSO RESOLVED that the Board of Education approves the attendance and participation of the following individuals in scheduled business and inservice meetings:

To attend the California Association for Bilingual Education (CABE) 2016, March 23 - 26, 2016 in San Francisco, CA. The total cost, including meals and mileage per District guidelines, not to exceed \$3,100.00, will be paid from Jones Elementary School Account No. 205.

Maria Elena Najar Marisela Najar
(Parent Representatives, Jones Elementary School)

BE IT FURTHER RESOLVED that the Board of Education approves the attendance and participation of the following individuals in scheduled business and inservice meetings:

To attend the CAEAA-CCAE (California Adult Education Administrators' Association - California Council for Adult Education) State Annual Legislative Advocacy Day, April 5, 2016 in Sacramento, CA. The total cost, including meals and mileage per District guidelines, not to exceed \$616.00, will be paid from the Inland Career Education Center Account No. 130.

Fred Barajas Veronica Medrano
(Student Representatives, Inland Career Education Center)

7.31 Payment for Services Rendered by Non-Classified Experts and Organizations – Student Services

BE IT RESOLVED that the Board of Education approves payment to the following non-classified experts:

The Looking Glass, San Bernardino, CA, to provide a vocal music director for the Teen Music Workshop and Richardson PREP HI Middle School's choral program effective March 16 - June 30, 2016. The director will facilitate instructional sessions, including sectional, small group, and private vocal lessons. The vocal director will instruct 50-60 students daily for no more than 400 hours this school year. The fee, not to exceed \$10,000.00, will be paid from the Restricted General Fund – Local Control Accountability Plan (LCAP), Account No. 419.

Coast 2 Coast Production Support, Inc., La Costa, CA, to provide a spot operator, sound board operator, lighting board operator, video equipment operator and projectionist for Sierra High School's graduation ceremony to be held at the California Theatre effective June 1, 2016. The fee, not to exceed \$1,822.04, will be paid from the Unrestricted General Fund – INAP High Schools, Account No. 203.

7.32 Agreement with Lollipop & Associates, Highland, CA, to Provide Parent Enrichment

Workshops

BE IT RESOLVED that the Board of Education approves entering into an agreement with Lollipop & Associates, Highland, CA, to provide parent enrichment workshops for approximately 20 participants per workshop effective March 16 - June 30, 2016. Lollipop & Associates will provide the “Connect 4 Success: Parent as Partners” workshops that build their capacity to support their children’s learning at home. The fee, not to exceed \$32,400.00 includes the price of materials and supplies will be paid from the Unrestricted General Fund – Local Control Accountability Plan (LCAP), Account No. 419.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Purchasing Department, to sign all related documents.

7.35 Ratification of the Agreement with Educational Achievement Services, Inc., Las Vegas, NV, to Provide a Parent Engagement Program

BE IT RESOLVED that the Board of Education approves ratification of the agreement with Educational Achievement Services, Inc., Las Vegas, NV, to provide a parent engagement program for approximately 50 participants effective March 11 - June 30, 2016. The program will focus on providing parents with knowledge, tools, and inspiration to help their children succeed in school and in life. The fee, not to exceed \$35,000.00, will be paid from the Unrestricted General Fund – Local Control Accountability Plan (LCAP), Account No. 419.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Purchasing Department, to sign all related documents.

7.36 Amendment No. 1 to the Agreement with Clinica Medica Familiar, Ontario, CA, for Affiliation Services for the Medical Assistant Program for Adult Students at the Inland Career Education Center

BE IT RESOLVED that the Board of Education approves amending the agreement with Clinical Medica Familiar, Ontario, CA, approved on April 15, 2014, Board Agenda No. 7.15 to extend the term of the agreement through April 30, 2017. There is no cost to the District.

BE IF FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

7.37 Amendment No. 1 to the Agreement with Reingold LINK, Washington, DC, to Develop a Branding and Marketing Campaign for the Inland Career Education Center

BE IT RESOLVED that the Board of Education approves amending the agreement with Reingold LINK, Washington, DC, approved on December 1, 2015, Board Agenda No. 8.28 to increase the contract amount by \$2,500.00 for internal marketing materials such as banner stands, podium signs, lanyards, bracelets, pens and table covers for a total contract amount of \$31,500.00. The additional costs will be paid from the Restricted General Fund – Adult Education, Account No. 130.

BE IF FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

7.38 Expulsion of Student(s)

BE IT RESOLVED that the Board of Education accepts and adopts the recommendation and findings of the Hearing Panel, based on a review of the Panel's finding of facts and recommendations, and orders the expulsion of the following student(s) with the birth date(s) as listed below in accordance with the Board rules and regulations and in compliance with Education Code Section 48900:

**** (S) 12/24/2000 3/3/2004 ** (S) 4/20/1999**

*The Board does hereby order the enforcement of the expulsion suspended for a period of not more than one calendar year. The suspension of the enforcement of the expulsion order is deemed appropriate for the rehabilitation of the pupil, per Education Code section 48917.

**The Board does hereby expel the pupil for a period of one semester, and does hereby order the enforcement of the expulsion suspended for the following semester, allowing him/her to be considered for re-enrollment in the district under suspended expulsion as deemed appropriate for the rehabilitation of the pupil, per Education Code section 48917.

(S) A stipulated expulsion is a process whereby the pupil and his/her family acknowledge responsibility for the behavior leading to the recommendation for expulsion by the school administration, and waive their right to a hearing by admitting to the facts in support of an expulsion recommendation. The pupil and his/her family stipulate the facts of the case as presented by the school, accepting one of the following consequences: *(S) suspended expulsion, **(S) expulsion one semester, suspended expulsion one semester, (S) expulsion two semesters.

7.39 Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction

BE IT RESOLVED that the following student(s) were recommended for expulsion, but expulsion is deemed inappropriate based on due process errors, insufficient evidence, and/or the availability of other means of correction in compliance with the Education Code section 48900. Therefore, although they were recommended for expulsion, the expulsion is not granted:

11/25/2001 2/9/1998 3/31/2000 12/18/1998 6/9/2000 4/17/2005

7.40 Lift of Expulsion of Student(s)

BE IT RESOLVED that the Board of Education authorizes the readmission of the following student(s), with the birth date(s) as indicated below, to schools of the San Bernardino City Unified School District in accordance with the Board rules and regulations and in compliance with the Education Code Section 48900:

12/3/2002

7.41 Petition to Expunge, Rescind, or Modify Expulsion

2/16/2000

Education Code 48917, Section (e) states: upon satisfactory completion of the rehabilitation assignment of a pupil, the governing board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.

Education Code 48213 states: that a student can be excluded from attendance pursuant to Section 120230 of the Health and Safety Code or Section 49451 of this code if a principal or his designee determines that the continued presence of the child would constitute a clear and present danger to the life, safety, and health of a pupil or school personnel. The governing board is not required to send prior notice of the exclusion to the parent or guardian of the pupil. The governing board shall send a notice of the exclusion as soon as is reasonably possible after the exclusion.

7.5 Amendment No. 2 to the Agreement with IntraTek Computer, Inc., Irvine, CA to Provide Computer Installation, Set-Up and Deployment Services for both Apple and Dell Computers Throughout the District

Mrs. Medina asked why the increase and was told it was to repair computers.

Upon motion by Member Tillman, seconded by Member Medina, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with IntraTek Computer Inc., Irvine, CA approved by Board on February 18, 2014, Agenda Item No. 9.21. The amendment is necessary to increase the not to exceed amount by \$30,000.00 for a revised aggregate not to exceed amount of \$60,000.00. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

7.15 Facilities Use Agreement with the National Orange Show, San Bernardino, CA, for Arroyo Valley High School's Graduation Ceremony

Public Comment from Mrs. Negrete regarding funding for AVHS' graduation. She stated that removing the principal did not resolve issues and that many upgrades such as the parking lot and office were not needed. She would like to see the funding restored to AVHS that was mismanaged.

Upon motion by Member Tillman, seconded by Member Rodgers, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with the National Orange Show, San Bernardino, CA, for the high school's graduation ceremony effective June 2, 2016. The use of the facilities includes use of the stadium, stage, and podium, tents, parking, and security personnel. The fee, not to exceed \$20,000.00, will be paid from the Unrestricted General Fund – INAP High Schools, Account No. 203.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Purchasing Department, to sign all related documents.

7.20 Amendment No.1 to the Agreement with Creative Business Services, Inc.

Mrs. Medina asked what this was for. Mr. Peukert said it was for local vendors and it needed to be extended due to the death of Mr. Bill Ratibu Jacocks.

Public Comment from Mrs. Negrete and she asked if this included veterans and wanted to make sure it was to extend the date only.

Upon motion by Member Tillman, seconded by Member Flores, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education approves amending the agreement with Creative Business Services, Inc., to develop and implement processes and systems of outreach services to increase District participation by disabled veterans, local, minority, small and women-owned business enterprises. This amendment is to extend the ending date through December 31, 2016. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign said agreement.

7.21 Correction to the Approval to Sell ORG Modular Structures

Public Comment from Mrs. Negrete commented that it would be good if these could go to local organizations.

Upon motion by Member Tillman, seconded by Member Flores, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education approves correction of the serial numbers of the District-owned modular structures (portables) to be sold to Turning Point Christian Church and Harmonium Child Development Centers. All other terms and conditions remain the same.

Prior serial numbers:

Cajon High School Stockpile	Former Wilson F-4	Serial #'s 39012/39013
Cajon High School Stockpile	Former Wilson G-1	Serial #'s 39014/39015
Cajon High School Stockpile	Former Wilson G-2	Serial #'s 39008/39009
Cajon High School Stockpile	Former Wilson G-3	Serial #'s 39010/39011
Cajon High School Stockpile	Former Wilson G-4	Serial #'s 27718/27719
Cajon High School Stockpile	Former Lytle Creek T-6	Serial #'s 20741/20742
Cajon High School Stockpile	Former Lytle Creek T-7	Serial #'s 38964/38965

New serial numbers:

Cajon High School Stockpile	Former Wilson G-1	Serial #'s 39014/39015
Cajon High School Stockpile	Former Wilson G-2	Serial #'s 39008/39009
Cajon High School Stockpile	Former Wilson G-3	Serial #'s 39010/39011
Cajon High School Stockpile	Former Wilson G-4	Serial #'s 27718/27719
Lincoln Elementary School	D-8	Serial #'s 23893/23894
Lincoln Elementary School	D-9	Serial #'s 27756/27757

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign any required documents to affect said sale.

7.27 Ratification of the Agreement with Patricia D. Barrett, Upland, CA, to Act as a Hearing Officer for District Employees' Disciplinary Meetings

Dr. Wiseman requested that the not to exceed amount be amended from \$3,000.00 to \$6,000.00. Public Comment from Mrs. Negrete expressed concern that the cost was \$1500.00 a day.

Upon motion by Member Tillman, seconded by Member Flores, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted as amended:

BE IT RESOLVED that the Board of Education approves ratification of the agreement with Patricia D. Barrett, Upland, CA, to act as a hearing officer for District employees' disciplinary meetings effective March 8 - June 30, 2016, approved by the Personnel Commission on January 13, 2016. The services will be required on a case-by-case basis and at the discretion of the District Personnel Commission. Total cost not to exceed \$6,000.00 payable at the rate of \$1,500.00 per day, will be paid from Unrestricted General Fund – Personnel Commission, Account No. 071.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

7.30 Facility Use Agreement with California State University, San Bernardino, CA, for the Lease of Coussoulis Arena for Graduation Ceremonies

Mr. Tillman remarked that the graduation should remain at the school site.

Upon motion by Member Tillman, seconded by Member Flores, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education approves entering into a facility use agreement with California State University, San Bernardino, CA, for use of the Coussoulis Arena and lobby for high school graduation ceremonies for a total of 200 to 500 graduates and 3800 attendees effective June 4, 2016. The cost for services, not to exceed \$15,914.00, will be paid from the Unrestricted General Fund – INAP High Schools, Account No. 203.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

7.33 Agreement with Manuel Baltierra, Grand Terrace, CA, to Provide Parent Workshops

Upon motion by Member Tillman, seconded by Member Flores, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Manuel Baltierra, Grand Terrace, CA, to provide parent workshops for approximately 20 participants effective April 6 through June 30, 2016. Manuel Baltierra will provide “The Parent Project” a 10-week course for parents of strong-willed, out-of-control adolescents. The program teaches parents skills and tactics to deal with truancy, communication, defiant behavior, drug and alcohol issues and gang intervention. The training is designed to decrease conduct disorder, aggression, reduce truancy and improve school performance. The fee, not to exceed \$30,000.00, will be paid from the Unrestricted General Fund – Local Control Accountability Plan (LCAP), Account No. 419.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Purchasing Department, to sign all related documents.

7.34 Agreement with The Community Foundation, Riverside, CA, to Provide the Infant-Toddler Success Parenting Project

Mrs. Rodgers asked if this was for children in our district and was told it was.

Upon motion by Member Tillman, seconded by Member Flores, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with The Community Foundation, Riverside, CA, to provide the Infant-Toddler Success Parenting Project for approximately 20-25 participants per class effective March 16, 2016 through June 30, 2017. The Infant-Toddler Success Parenting Project is a collaborative project led by Dr. Albert Karnig (CSUSB President Emeritus). Targeting at-risk families of young children aged 0-3 years, the program includes an initial 8-session parenting class followed by additional classes every three months with a minimum of 20 classes offered. The fee, not to exceed \$144,234.00 will be paid from the Unrestricted General Fund – Local Control Accountability Plan (LCAP), Account No. 419.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Purchasing Department, to sign all related documents.

SESSION EIGHT

8.0 Action Items

Item 8.1 was pulled for voting until after Closed Session.

Public Comment on Item 8.1 from Mrs. Jackson, lead petitioner of SAFE charter school. She stated that the location has been changed since the original petition. It will now be located on Mt. Vernon Avenue. They will have English Learners, Special Ed.; with specialized curriculum for African Americans and English Learners.

8.2 Second Period Interim Financial Report as of January 31, 2016

Upon motion by Member Tillman, seconded by Member Flores, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education approves, on the basis of information presented, the Second Interim Financial Report as of January 31, 2016.

BE IT FURTHER RESOLVED that the President of the Board of Education certifies on behalf of the Board that the San Bernardino City Unified School District will be able to meet its ongoing financial obligations for the current fiscal year and subsequent two years.

8.3 Personnel Report #16, Dated March 15, 2016

Upon motion by Member Tillman, seconded by Member Flores, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

BE IT RESOLVED that the Personnel Report #16, dated March 15, 2016, be ratified and/or approved as presented. Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

8.4 Top 10 List

Upon motion by Member Wyatt, seconded by Member Tillman, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

	Date of Request	Question/Request	Requested by	Assigned to	Anticipated Completion Date/Remarks/Action
1	02/16/16	Budget	Board	J. Christakos	03/15/16
2	05/06/14	Create plan and intervention team to prevent students from becoming long-term ELs.	David Servin	M. Zamora	12/01/15
3	02/18/14	Create something similar to Richardson at other schools.	Mrs. Medina	M. Zamora H. Vollkommer	11/17/15
4	01/20/15	Provide recommendation on additional funding needed for strategies to increase student attendance.	Mr. Gallo Mr. Tillman	K. Mitchell	11/03/15
5	05/05/15	How many students completed A-G requirements?	Dr. Flores	M. Zamora	04/2016
6	03/17/15	Compare combination classes with like districts. Is the number of combo classes going up or down?	Mr. Tillman	P. Wiseman	01/19/16
7	04/07/15	Provide suspension/dropout data: -What is the number of students suspended on a regular basis? -What types of incidents are there in lower grades (5,6,7)? -How many students suspended end up dropping out? -What are dropout rates by gender, ethnicity?	Mrs. Medina Dr. Flores	K. Mitchell	11/03/15
8	04/08/14	Establish a formal process for internships.	Mr. Tillman	M. Zamora & P. Wiseman	01/2016
9	11/19/14	Can we add academic advisors at high schools to support counselors and students?	Mrs. Medina	K. Mitchell	12/01/15
10	11/05/13	Look at a later start time for secondary students.	Mr. Gallo Mrs. Hill	Strategic Planning	

8.5 Future Agenda Items

Upon motion by Member Tillman, seconded by Member Wyatt, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

Request	Date	W	SP	SA	AP	AR	BQS	BC	CS
2 nd Interim Report/Budget	03/15/16				X				
KPI – Student Attendance	04/05/16	X		X					
KPI – Reduction of Grades 8/9 Math Failure Rates	04/19/16	X		X					
KPI – AMAOs	05/03/16	X		X					
Secondary Grading Policy Recommendations	05/17/16	X		X					
Rigorous Curriculum Design	06/07/16	X		X					

AP-Administrative Presentation
BQS-Board Quarterly Strategic
SP-Special Presentation

AR-Administrative Report
CS-Closed Session
W-Workshop

BC-Board Correspondence
SA-Student Achievement

8.6 Follow Up on Requests/Questions

Upon motion by Member Tillman, seconded by Member Wyatt, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

Date of Request	REQUESTS/QUESTIONS FOR FOLLOW UP	Requested By
03-01-16	What is the policy/procedure for updating Aeries?	Dr. Flores
03-01-16	Ramp Up – have sites received funding; if not why?	Mrs. Negrete
BUSINESS SERVICES – MRS. CHRISTAKOS		
COMMUNICATIONS – MRS. BARDERE		
COMMUNITY PARTNERSHIPS		
DEPUTY SUPERINTENDENT – DR. VOLLKOMMER		
1	01/14/14 How far are we with the program evaluation process? Require schools that hire consultants to complete an evaluation form so teachers could review recommendations or concerns.	Mrs. Perong
EDUCATIONAL SERVICES – DR. ZAMORA		
1	08/04/15 Board policy aligning high schools with A-G	Mrs. Medina
2	05/05/15 How many graduates got diplomas/certificates? Provide raw data.	Dr. Flores
3	01/20/15 Explore partnering with University of Redlands College of Education and UCR for a career pathway.	Dr. Flores
4	02/04/14 Conduct a longitudinal study of student voice at the middle school level.	Dr. Flores
FACILITIES/OPERATIONS – MR. PEUKERT		
1	03-01-16 Bradley parking issue.	G. Rodgers
2	03-01-16 Cafeteria food nutritional analysis.	G. Rodgers
3	11/17/15 Provide update on Cajon concerns brought by parent re: site cleanliness, vermin, and drainage in quad.	Mr. Tillman
4	04/07/15 Provide information on the Certificate of Occupancy Pilot Program-school fees	Mr. Gallo
5	01/20/15 Invite City Council members to a Board meeting to discuss mutual topics of interest. Invite City Council members to tour the new schools. (work w/Supt.)	Mrs. Savage
6	01/13/15 Provide information on what local preferences are allowed to be offered on bids.	Mr. Gallo

	Date of Request	REQUESTS/QUESTIONS FOR FOLLOW UP	Requested By
7	10/21/14	Use lobbyists or grant writers to find money to pay for the Alessandro filters.	Mr. Tillman
8	10/21/14	Lobby for funds to do a longitudinal study of the BNSF Rail Yard.	Dr. Flores
HUMAN RESOURCES – DR. WISEMAN			
1	12/01/15	Look into security for athletes/staff after practices when it's dark outside. (coordinate with Chief Paulino)	COMPLETE
2	08/04/15	Create process so that graduates can return to our schools as teachers	Mrs. Medina
3	02/17/15	Provide the ethnic breakdown of new hires and promotions by job classification for management and classified employees, for three years.	Dr. Flores
4	02/03/15	List the number of courses that will be affected at QEIA high schools.	Dr. Flores
SCHOOL POLICE – CHIEF PAULINO			
1	04/21/15	Wants a monthly report on the School Police's Positive Feedback program.	Mrs. Perong
STUDENT SERVICES – DR. MITCHELL			
1	08/18/15	Provide data on student disruptions between 8 – 10 a.m.	Mrs. Hill
2	04/07/15	Look into ways to assist schools, such as Hunt and Del Rosa, which did not receive any LCAP Innovation awards.	Mrs. Hill
3	01/20/15	Look at tardy policy to see if it might be deterring students from attending class or school.	Dr. Flores
4	01/20/15	What percent of special education students have high numbers of absences?	Mrs. Medina
5	12/02/14	Do CAPS students have better attendance and fewer referrals?	Mrs. Hill
STRATEGIC PLANNING			
1	02/16/16	Look into possibly sponsoring summer youth internships	Mr. Gallo
2	01/21/14	Consider offering bus tickets and look at other strategies to allow students to get to and from school safely for Strategy 9 - Safe passages to school.	Mrs. Hill
3	12/17/13	Consider teachers presenting challenging classes in a language other than English.	Nancy Sanchez-Spears
SUPERINTENDENT – DR. MARSDEN			

SESSION NINE

9.0 *Closed Session*

As provided by law, the Board will meet in Closed Session for consideration of the following:

Anticipated Litigation

Pursuant to Government Code Section 54956.9 (d)

Number of Cases: One

Existing Litigation

Conference with Legal Counsel pursuant to Government Code Section 54956.9 (d)

Number of Cases:

Conference with Labor Negotiator

District Negotiator: Perry Wiseman

Employee Organization: California School Employees Association
 Communications Workers of America
 San Bernardino School Police Officers Association
 San Bernardino Teachers Association

Public Employee Appointment(s)

Title: Director, Alternative Programs
Coordinator, English Learner Programs Secondary

Public Employee Discipline/Dismissal/Release

Student Matters/Discipline

SESSION TEN

10.0 Action Reported from Closed Session

Upon motion by Member Tillman, seconded by Member Wyatt, and approved by the affirmative vote of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education approves the appointment of the following employees:

BOMENTRE LALAMA, ROSE ANN: Director, Alternative Programs, effective date, work year and salary to be determined. Funding: 035

8.1 Approve/Deny the Charter Petition for Scholars Academy for Excellence (SAFE) and Adopt the Resolution Effectuating that Action

This Action Item was pulled for voting until after Closed Session.

Upon motion by Member Flores, seconded by Member Rodgers, and approved the affirmative votes of Members Flores, Hill, Medina, Rodgers, Tillman and Wyatt (Noes: None), the following was adopted:

BE IT RESOLVED AND ORDERED that the District Board finds the above listed recitals to be true and correct and incorporates them herein by this reference.

BE IT FURTHER RESOLVED AND ORDERED that the District Board of the San Bernardino Unified School District, having fully considered and evaluated the Charter for the establishment of the proposed Scholars Academy, hereby finds that it is not consistent with sound educational practice, based upon grounds and factual findings including, but not limited to, the following, and hereby denies the renewal pursuant to Education Code Section 47605:

1. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition. [Education Code Section 47605(b)(2)]
2. The Petition does not contain the number of signatures required by the Education Code Section. [Education Code Section 47605(b)(3)]
3. The Petition does not contain the required affirmations listed in the Education Code . [Education Code § 47605(b)(4)]

4. The Petition does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605(b)(5)]

BE IT FURTHER RESOLVED AND ORDERED that the District Board of the San Bernardino Unified School District hereby determines the foregoing findings are supported by specific facts, including but not limited to the following:

I. THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION. [Education Code Section 47605(b)(2)]

Facility Concerns

Scholars Academy’s facilities plan and the description thereof are entirely inadequate. In order to comply with geographic restrictions in the law, identification of the location within the authorizer’s boundaries where the school will operate is a fundamental requirement of any party seeking the establishment of a charter school (Ed. Code 47605(a)(1). (g). The Charter indicates that the Charter School intends to locate at 814 South Hunts Lane, San Bernardino, CA 92408 yet there is nothing in the Charter or otherwise provided by the petitioners to indicate that they have had any discussions with the owners of that property or have made any progress towards acquiring the option to use the property and make the necessary renovations to the property to be used for the proposed school. Additionally, this property while located within the City of San Bernardino, is not located within the boundaries of the District. Accordingly, the provisions of Education Code 47605(a)(1)(g) prohibit the District from approving this Petition.

II. THE PETITION DOES NOT CONTAIN THE NUMBER OF SIGNATURES REQUIRED BY EDUCATION CODE SECTION 47605(a). [Education Code Section 47605(b)(3)]

A. The Charter Did Not Comply with the Mandatory Signature Requirements for Submittal.

The Charter Schools Act specifies that a charter may not be submitted to a school district unless and until the petition is signed by a specified number of teachers or parents/guardians. Further, the petition that is signed by such teachers or parents/guardians must include a prominent statement that a signature thereon “means that the parent or legal guardian is meaningfully interested in having his or her child or ward attend the charter school, or in the case of a teacher’s signature, means that the teacher is meaningfully interested in teaching at the charter school. The proposed charter shall be attached to the petition.” (Ed. Code § 47605(a), emphasis added.) This signature requirement is a prerequisite to submission of a charter for school district consideration and action, evidently to establish that there is meaningful interest in the particular charter being proposed from either the parent or teacher community before a charter can be approved. A

failure to comply with this signature requirement is also a basis for denial of the particular charter.

Scholars Academy submitted teacher and parent signatures in order to meet this prerequisite to submittal of its Charter for District Board consideration. The submitted signature page includes 70 parent signatures but the signatures do not meet the statutory requirements for submitting the Charter. The document states:

“I support the creation of Scholars Academy for Excellence (SAFE) Elementary Charter School, a transitional kindergarten through fight [*sic*] grade charter school to be located in district of San Bernardino City Unified and proposed to open in the 2016-17 school year, SAFE will allow our community to start a school from the ground up that reflects the needs of our families and our students and helps to improve the future of our community, our state, and our country.

I have a child(ren) in preschool through fourth grade and am interested in *possibly* enrolling my child(ren) in SAFE.”

(Emphasis added.)

Scholars Academy also submitted four signatures from teachers. The document containing the teacher signatures states:

“I support the creation of Scholars Academy for Excellence (SAFE) Elementary Charter School, a transitional kindergarten through fight [*sic*] grade charter school to be located in district of San Bernardino City Unified and proposed to open in the 2016-17 school year, SAFE will allow our community to start a school from the ground up that reflects the needs of our families and our students and helps to improve the future of our community, our state, and our country.

I am in full support of the mission, vision and educational philosophies of SAFE and *would be interested in becoming a vital member of the teaching community.*”

(Emphasis added.)

However, these signatures by the teachers and guardians/parents do not indicate a “meaningful” interest in teaching at or having their children attend Scholars Academy. Education Code Section 47605(b) is clear and precise: the petitions must include a prominent statement that signing is an expression of *meaningful* interest. A simple expression of “possible interest” is inherently distinct from, and less significant than, the requisite “meaningful” interest.

Even were the District to overlook the failure to specify “meaningful” interest, it is evident that the Charter itself was not attached to the petitions when it was circulated and signatures gathered. Thus, the information required to be available to persons from whom signatures are gathered in order to support submittal of the Charter for District Board consideration was clearly unavailable to persons from whom signatures were sought and gathered. A failure to attach the Charter both violates the specific legal requirements and indicates that those persons who signed the Charter were not actually afforded the opportunity to review the Charter, thus undermining the meaningfulness of the signing the petition as an expression of interest in teaching at this particular Charter School.

III. THE PETITION DOES NOT CONTAIN THE REQUIRED AFFIRMATIONS LISTED IN EDUCATION CODE SECTION 47605(d)(1). [Education Code Section 47605(b)(4).]

While the Charter does contain non-discrimination affirmations in several places, it does not include the language actually required by the current version of Education Code Section 47605(b)(4) and (d) in all sections of the Petition. It is the petitioners’ responsibility to remain abreast of the current legal requirements of the Charter Schools Act of 1992, but the Charter in several instances tracks outdated language. This is more than a technical violation both because those persons who have protected characteristics are not identified in the Charter and are entitled to legal protection, and the Legislature determined that the inclusion of such affirmations is vital to a charter’s approval as failure to include the specified affirmations is one of only five statutory grounds for denial. Thus, the failure to include the required affirmations is a serious flaw in the Charter.

IV. THE PETITION DOES NOT CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF ALL OF THE REQUIRED ELEMENTS. [Education Code Section 47605(b)(5)]

A. Governance Structure:

1. *Conflict of Interest*

The proposed governance structure of SAFE may present conflict of interest issues that will violate applicable laws. There is no assurance in the Charter, the Bylaws, Scholars Academy or SAFE will comply with the provisions of Government Code section 1090 and the Political Reform Act of 1974, as well as good practices to protect the public interest. Instead the Conflict of Interest Policy indicates:

3. Determining whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the Board or committee meeting while the determination of a conflict of interest is discussed and

voted upon. The remaining Board or committee members shall decide if a conflict of interest exists.

4. Procedures of Addressing the Conflict of Interest

a. An interested person may make a presentation at the Board or committee meeting, but after such presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement that result in the conflict of interest.

b. The chairperson of the Board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.

c. After exercising due diligence, the Board or committee shall determine whether the Charter can obtain a more advantageous transaction or arrangement with reasonable efforts from a person or entity that would not give rise to a conflict of interest.

d. If a more advantageous transaction or arrangement is not reasonably attainable under circumstances that would not give rise to a conflict of interest, the Board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Charter's best interest and for its own benefit and whether the transaction is fair and reasonable to the Charter and shall make its decision as to whether to enter into the transaction or arrangement in conformity with such determination.

While such an arrangement may be permissible pursuant to the rules governing nonprofit public benefit corporations, charter schools are public entities and part of the public school system and, as such, this provision may violate the more stringent conflict of interest laws, including Government Code Section 1090 et seq., the Political Reform Act of 1974, as well as the common law rules against conflicts. Moreover, it is noted that one of the teachers that signed the Charter, Puja Lavingia, is also identified as a SAFE Board member. Her dual role as a teacher and a SAFE Board member may violate the provisions of Government Code Section 1090.

2. District Representative

SAFE's governance structure, as set forth in the Petition and bylaws, violates the District's rights pursuant to Education Code Section 47604(b)

to have a representative on the Board of Directors of the corporation that operates the Charter School.

3. SAFE Board meetings

The Bylaws provide that Board of Directors meetings shall be held at the principal office of the corporation and further indicate that the principal place of business is 846 Vianca, Perris, CA. If the Charter School Board meetings are held outside the jurisdictional boundaries of the District, this could prevent the local community members and parents from participation and playing an active role in the operations of the school. Additionally, this provision could interfere with the District's ability to properly oversee the operations of the school.

B. ADMISSION REQUIREMENTS. [Ed. Code §47605(b)(5)(H)]

The admission preferences are unacceptable and violate the Charter Schools Act of 1992. The Act specifies that if the number of students desiring to attend the school exceeds capacity, preference "shall" be extended to pupils currently attending the school and residents of the school district. The hierarchy of preferences set forth in the Charter does not provide for a preference for District students and instead provides preferences for children of founders and Charter School employees, and siblings in violation of the Education Code. Additionally, there is no definition of the term Founder and thus it is unclear precisely who is provided this preference.

C. THE MEANS BY WHICH THE CHARTER SCHOOL WILL ACHIEVE A RACIAL AND ETHNIC BALANCE AMONG ITS PUPILS THAT IS REFLECTIVE OF THE GENERAL POPULATION RESIDING WITHIN THE TERRITORIAL JURISDICTION OF THE DISTRICT. [Ed. Code §47605(b)(5)(G)]

Education Code section 47605(b)(5)(G) requires a petition to state, "the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted."

On page 82 the Charter states:

A central part of the Scholars Academy for Excellence Charter Elementary School vision is to be a high-performing school that is representative of the diversity of the *county of San Bernardino*. In order to achieve a *racial and ethnic balance that is reflective of our community*, Scholars Academy for Excellence Charter Elementary School will:

Given that the School intends to locate in an area that is within the boundaries of another school district, the "target community" of that proposed location, may

result in an enrollment that is not reflective of the racial and ethnic balance reflective of the territorial jurisdiction of the District. Thus the District is concerned that the School does not intend to enroll population reflective of the District as required by Education Code section 47605(b)(5)(G).

D. THE PROCEDURES TO BE USED BY THE DISTRICT AND THE CHARTER SCHOOL FOR RESOLVING DISPUTES RELATING TO PROVISIONS OF THE CHARTER. [Ed. Code § 47605(b)(5)(N)]

1. The dispute resolution provision, as drafted in the proposed Charter, contemplates numerous meetings and submission of the matter to a mediator if the process does not result in a resolution of the matter. This process does not provide for a prompt resolution of differences between a chartering entity and the Charter School and therefore, may contribute to a failure in governance. Moreover, engaging in these numerous steps, which may take several months to complete, places the safety and health of students needlessly at risk and impedes the District's ability to effectively oversee the Charter School.
2. Given the significance of opening and operating a charter school and the District's oversight obligations as well as the issues and problems that have arisen in the operation of some charter schools in California in the past, having a clear and workable dispute resolution process is fundamental to any charter proposal.

E. THE PROCEDURES THAT THE SCHOOL WILL FOLLOW TO ENSURE THE HEALTH AND SAFETY OF PUPILS AND STAFF. [Ed. Code §47605(b)(5)(F)]

The Charter includes a very short discussion of its insurance and indemnification obligations, but these elements are not adequate to protect the Charter School or the District from potential liability for the acts or omissions of the proposed school, despite the fact that Scholars Academy will be operated as a 501(c)(3) nonprofit public benefit corporation. Moreover, the limited indemnification provisions included in the Charter do not protect the District from liability, particularly if there is not adequate insurance to allow those indemnification provisions to be enforced.

BE IT FURTHER RESOLVED AND ORDERED that the terms of this Resolution are severable. Should it be determined that one or more of the findings and/or the factual determinations supporting the findings is invalid, the remaining findings and/or factual determinations and the denial of the Charter shall remain in full force and effect. In this regard, the District Board specifically finds that each factual determination, in and of itself, is a sufficient basis for the finding it supports, and each such finding, in and of itself, is a sufficient basis for denial.

Adopted March 15, 2016, by the Governing Board of the San Bernardino City Unified District, of San Bernardino City County, California.

11.0 Adjournment

By the affirmative vote of the members, the meeting was adjourned at 12:10 a.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, April 5, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.