

Minutes of the Regular Meeting of the Board of Education

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

**MINUTES
ADOPTED
3/15/16**

January 19, 2016

Present: President Mike Gallo (arrived at 6:15), Vice President Margaret Hill (arrived at 5:40), Board Members Barbara Flores, Abigail Medina, Gwen Rodgers; and Scott Wyatt; Superintendent Dale Marsden; Assistant Superintendents Kennon Mitchell, John Peukert, Perry Wiseman, and Matty Zamora; School Police Chief Joseph Paulino; Fiscal Services Director Janet King; and Superintendent's Assistant Carla Cross. Minutes recorded by Administrative Assistant Karen Cunningham. Absent from Board Meeting: Danny Tillman

SESSION ONE

1.0 Workshop

Athletic Strategic Plan

In December 2014, the district began the process of developing a strategic plan for athletics. A variety of stakeholders were involved in the process including employees, university representatives and members of the community. Dr. Vollkommer, Deputy Superintendent, and committee members Matt Howell, Donald Sease, Mike Molina and Amy Gazziniga presented the work resulting from the efforts of the Athletic Strategic Plan Committee.

Danny Tillman said to bring back a list of priorities and costs. Study shows not paying coaches enough. Dr. Flores said they needed new uniforms; meals when they can't go home first; incentives, for kids, coaches and teachers. She said they needed timelines for implementation and that there should be on-going maintenance, not emergencies. Mr. Tillman said needed a list to show cost of uniforms and that LCAP should be used for things like this. Scott Wyatt stated students deserved state of the art facilities; great for student morale and helps teach work ethic.

SESSION TWO

2.0 Reception

A reception was held to honor the members of the District's School Police Department.

2.1 Awards for Bravery and Courage

The Board of Education recognized the courage and bravery of the men and women of the District Police Department.

SESSION THREE

3.0 Closed Session

Anticipated Litigation(s)

(Government Code Section 54956.9(b)(1))

There was no action taken.

SESSION FOUR

4.0 *Opening*

4.1 Call to Order

Vice President Medina opened the meeting at 5:30 pm.

4.2 Pledge of Allegiance to the Flag

Pacific High School senior Anastasia Power led the Pledge of Allegiance.

4.3 Adoption of Agenda

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

4.4 Inspirational Reading – Barbara Flores played a song sung by Joan Baez about giving thanks to life and just being grateful.

SESSION FIVE

5.0 *Special Presentation(s)*

5.1 School Showcase/Student Report – Pacific High School

Pacific High School principal, Mr. Hector Vasquez introduced teacher Miss Jenny Paige who highlighted their career pathways (biomedical, digital design and engineering); teacher Mr. Jonathan Cruz led a musical performance showcasing their Mariachi Band; and student Anastasia Power presented the Student Report. Board members thanked and congratulated them on their band and pathways.

5.2 Outstanding Student Awards

The Board of Education honored students, parents, volunteers, and staff from Hillside, Jones, Muscoy, and Riley Elementary Schools. The Board recognized these individuals for their outstanding accomplishments.

5.3 Recognition of Youth Court Students

Dr. Mitchell, Ray Culberson, staff and students gave an overview of the Youth Court Program. Youth Court was started about a year and a half ago with a pilot and in September 2015 went forward with first phase. Students shared their experiences with Youth Court. Scott Wyatt commented that it was important to keep students in school. He was concerned about kids being scared to walk to school and asked what interventions were being taken regarding gang affiliations. Barbara Flores commented that we are moving towards equitable ways and teaching students better ways to cope. She asked about training for teachers and was told there would be more training in future. Dr. Flores also said that we are one of the few district-based programs in the nation and suggested looking for grants and other funding. Gwen Rodgers applauded the students' efforts and asked about the referral process. Abigail Medina asked what was needed financially and wanted to make sure that both students and parents were notified of this option. Mike Gallo asked who the jurors were and was told they were student-based and those students

who go through Youth Court must in turn sit on the jury. He asked about possible pathways such as criminal justice and Mr. Culberson said that pathways such as bailiffs, court stenographers, police officers, lawyers are in the pipeline. Margaret Hill asked what the obligation of parents was. Mr. Culberson said their only obligation was to transport the students to and from Youth Court. She asked if there was an appeal process and was told once students agree to go to Youth Court there wasn't. If they were to go the traditional route which was suspension, then they could appeal.

5.4 Recognition of National School Counseling Week

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

BE IT RESOLVED that the Superintendent and the Board of Education of the San Bernardino City Unified School District join the rest of the state and the nation in recognizing February 1-5, 2016, as National School Counseling Week and encourage all of our schools to set aside this week to acknowledge the outstanding and selfless contributions that school counselors make to our students and our schools each day.

5.5 Recognition of Ronald Reagan Day

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

BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District encourages all the schools of the District to undertake educational activities on February 6, 2016, which commemorate the life and accomplishments of Ronald Reagan.

SESSION SIX

6.0 *Public Hearing(s)*

6.1 Charter Petition for New Designs San Bernardino Charter Academy

On November 24, 2015, Patrick Morris of the proposed New Designs San Bernardino Charter Academy submitted a charter petition to the Charter School Operations Department. A public hearing was held to consider the level of support for the charter petition.

SESSION SEVEN

7.0 *Public Comment*

Katie Tomkiewicz introduced herself as Assemblymember Steinorth's new field representative.

Vanessa Caigoy gave an update on Hardy Brown College Prep and read a letter from CEO Margaret Fortune commending Chris Tickell and Sandra Shirley regarding the 12/2 incident. The charter is now located at 922 W. 2nd Street, San Bernardino.

Delisa Alvarado, Cajon parent, said that the girls' wrestling team had no coach and that they

needed to be comparable to the boys' team which included coaching, equipment, facilities, publicity, scheduling, travel, daily allowance support and everything necessary to compete competitively. They had received new wrestling mats and will be finally receiving the girls' uniform singlets as they have been using the boys.

Clifford Hiller, Cajon parent, spoke about Athletic Strategic Plan at Cajon and said that many of the items had been done but there were more issues. His main concern was the weight room. It is dirty, has busted equipment, and pads are not cleaned with a bleach product. There are no weight room protocols.

Catherine Hiller, Cajon parent, passed out a handout comparing coaching stipends to other districts, showing coaching stipends. She said our coaches were paid significantly less and hoped we could pay them more to keep them working with the district. She said we needed more coaches at wrestling. The district needs to share the funding, cheerleaders, etc. with all the different sports.

Several substitute teachers spoke regarding the substitute contract. Their contract has been on the table since May 2015; they request a pay increase and retroactive pay.

Bettyann East, substitute teacher, spoke about issues she was having since her neck and ribs were broken when she was knocked down at Del Vallejo Middle School. She feels harassed by the workman's comp vendor and she asked to be reinstated.

Nancy Sanchez-Spears, district employee, spoke about PEEC, a national parent engagement organization and the "Walking School Bus" where a group of students walk together to/from school. She suggested this as a possible solution to students afraid to walk alone. She also commended and thanked Dr. Vollkommer and the committee for creating the Athletic Strategic Plan.

Larry Shackelford spoke about "61" and their goal to change kids ideas about golf. The CAPS golf program now has 75 students from different schools that meet every day after school and he invited the board to stop by and see the students in action.

Fatima Cristerna-Adame spoke on behalf of the Excelsior Charter School. They have been in the high desert for 17 years and are the only school the Charter Schools Association is supporting.

SESSION EIGHT

8.0 *Administrative Presentation(s)*

8.1 Annual Audited Financial Report for Fiscal Year 2014-2015

The Annual Audited Financial Report for Fiscal Year 2014-2015, including a Compliance Audit of Federal and State Funded Programs, was completed on December 15, 2015, the final day of the auditors' fieldwork. The report has been submitted to the State, Federal Clearinghouse and the County Superintendent of Schools to meet the required filing deadline of December 15, 2015. Copies of the audit report were also distributed to Board members for review. Jayne Christakos, Chief Business Officer and a representative from the accounting firm Vavrinek, Trine, Day &

Co. LLP, was available to answer questions. It was reported the audit was clean.

8.2 Governor's January Update – Budget Proposal 2016-17

Jayne Christakos, Chief Business Officer, provided information regarding the 2016-17 Governor's Budget Proposal.

SESSION NINE

9.0 *Reports and Comments*

9.1 Report by San Bernardino Teachers Association

Robert Rodriguez, SBTA President, said that they just held their first Steering Committee meeting for the ELA language arts textbook adoption committee in partnership with Ed Services with a goal to have a recommendation to the board in April. Also, SBTA donated over 100 coats and jackets through the resource center. He attended a California Teachers' Association workshop on the State of the State budget and gave out a handout to the board. He highlighted that state funding is significantly higher this year. Also the Department of Finance issued a 3-year projection in the outer years of what we would look at for both COLA and gap-funding. Dr. Flores asked if there would be enough time to get the books for August? Dr. Zamora said yes and they would start training as soon as possible once received.

9.2 Report by California School Employees Association

No report given.

9.3 Report by Communications Workers of America

Ron Fletcher, CWA representative, read from "substitute concerns" letter, written by several substitutes: In part, SBCUSD offers great benefits, training, accessibility to district staff, inclusion in district functions, and email access. They are still working on the Speed of Trust; safety concerns with lockdowns, property thefts and auto break-ins; delayed response, or no response, when a call is made; under-staffing of security personnel; some sites do not give keys to classrooms or restrooms; problems with offering assignments on SMARTFind--taking early and late assignments; and not paid for training on 12/18/15.

9.4 Report by San Bernardino School Police Officers Association

No report given.

9.5 Report by San Bernardino School Managers

No report given.

9.6 Board/Superintendent Protocols

#1 - Information communicated by the Superintendent to one Board member shall be given to all Board members. Board members agreed.

9.7 Comments by Board Members

Mike Gallo was a speaker at the Rotary International Peace Conference in Ontario. He said it was the first time in our region and it had tremendous international participation. He spoke about the key focus of the California Workforce Board which is aligning career pathways with

our local/regional career industry sectors both in growth and demand industries and looking at demand occupations within each one of those sectors and working with educational institutions to deliver the skills, abilities, certifications and credentials necessary to equip our students to effectively compete for those occupations within our regions so that a comprehensive economic development strategy and approach links education and workforce elements together, creating prosperity for our students.

Abigail Medina mentioned that yesterday was Dr. Martin Luther King's birthday and Youth Action Project (YAP) had talks and they mentioned that you should use these opportunities to not only celebrate with barbeques and parties, but as a chance to advocate, organize and try to create change in communities.

Gwen Rodgers congratulated Dr. Marsden on receiving the Patriot award at the Inland Empire Concerned African American Churches' annual prayer breakfast. It was a great day to come out and celebrate and think about what has happened in our city while coming together to see how we will work on things that were paved before us.

Dr. Flores congratulated Dr. Marsden on receiving the Superintendent of the Year award from Pepperdine University. She extended an invitation to attend Cal State on Friday where Dr. Salberg, internationally-recognized author and scholar, will be speaking on Finnish Lessons, What Can the World Learn from Educational Change in Finland? She asked Dr. Vollkommer on the status of the drumline vehicle. Dr. Vollkommer said it had been ordered and he will check on the status. The Board Policy Committee met regarding citations and they have a draft and recommended civil rights attorneys look at it and give input. Dr. Flores also reported on research on investigating bilingual ESL teachers' knowledge and professional development opportunities in a large suburban school district in Texas. Their conclusions were that bilingual teachers knew more about second language acquisition and pedagogy but mainstream teachers don't and they outlined things we could do. She gave the research to Dr. Zamora.

Dr. Wyatt thanked our safety personnel and congratulated them on their recognition. He wants kids not to have that fear going to and from school where they feel they need to carry knives. He was appreciative for Youth Court that gives kids that opportunity of not being expelled for carrying knives because of that fear. He mentioned a show online about veterans who volunteer in the morning and afternoon to patrol high risk areas and said we should utilize as many resources as we can. Safety of our students and staff is a priority.

Margaret Hill mentioned that she also attended the International Peace Conference where she had an opportunity to hear actress Sharon Stone speak, as well as, Father Boyle. She mentioned a young 12 year old from Australia who had a project for the kids in Afghanistan, sending them soccer balls and things of that nature. She also attended the Prayer Breakfast and the laying of the wreath by the Dr. King statue and mentioned that near the statue is a QR code where you could scan and hear his "I Have a Dream" speech and that this would be changed periodically. She spoke about the Mom Mob and their first visit to Emmerton Elementary School where they greet students coming to school. They are also going to organize a Dad Mob. They also went to Fairfax Elementary School and the principal told her that they had a wonderful affect on not only the students but the parents, who were smiling and happy. She attended a workshop at Cal State

on early childhood, 0-36 months. There is a lot of things coming down the pipeline on the impact training has on our young people and there's a partnership with Cal State and Dr. Karnig. She attended the first meeting for Day of the King on April 9th at King Middle School. She concluded with stating that she was happy to see the new marquees at several schools and thanked John Peukert for getting these done.

9.8 Board Committee Reports

No reports given.

9.9 Comments by Superintendent and Staff Members

John Peukert updated the Board on SIGMAnet. The assessment is done and the presentation is scheduled with the sub-committee. He has also been in contact with the community members regarding the 7-11 liquor license. The project is moving forward but he wanted to give the members an opportunity to talk with the board. He asked for a couple board members to listen to some of their concerns and share updates. Dr. Flores and Gwen Rodgers volunteered.

Dr. Marsden spoke about meeting with day and night custodial staff to express appreciation for their work they do and complimented them for their extra effort during the 12/2 incident. It is also his intention between now and next year to meet with every job-alike group in the district, bringing them together to begin to have discussions around their own best practices so they can share that among themselves; spoke about the Rotary International Peace conference held in Ontario; spoke about the Gateway tour and that it was coming together, there will be 300+ students served over time; and mentioned the Hope Worldwide event at Hunt Elementary School; the next Safety Task Force meeting will be on February 18 and will include an update on the 11/9/15 meeting, the 12/2/15 incident, and the 12/16/15 community-wide after action review, student citations and employee safety.

9.10 Book Study – Coherence: Chapter 3, Cultivating Collaborative Cultures, pages 60 – 75. Discussed sections: Collaborative Work; Collaborative Work in Action; and Final Thoughts was postponed.

SESSION TEN

10.0 Consent Calendar

Items 10.11, 10.23, 10.25, 10.28, 10.35 were pulled for discussion. Item 10.14 was pulled.

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

10.1 Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on November 3, 2015 be approved as presented.

10.2 Approval of the Athletic Strategic Plan

BE IT RESOLVED that the Athletic Strategic Plan be approved as presented on January 19, 2016.

10.3 Ratification of the Memorandum of Understanding Between the University of California Cooperative Extension – Expanded Food and Nutrition Education Program (EFNEP) and San Bernardino City Unified School District Community Partnership to Provide an Expanded Food and Nutrition Program to Several District Sites

BE IT RESOLVED that the Board of Education approves ratifying the Memorandum of Understanding with the University of California Cooperative Extension – Expanded Food and Nutrition Education Program (EFNEP) to provide an expanded nutrition education program for the following sites: Urbita, Marshall and Del Rosa elementary schools, as well as, Cal Safe and the Family Engagement Center, effective October 1, 2015 through September 30, 2018. EFNEP will provide a series of eight (8) classes to parents and youth on healthy lifestyle choices based on the most recent Dietary Guidelines for Americans. There is no cost to the District.

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

10.4 Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of 1997 Ford Mustang with an estimated value of \$2,500.00, Patrick & Patricia Kahler, Highland, CA; \$1,000.00, Clever Crazes, Cincinnati, OH; \$400, Rancho Cucamonga Employee Contribution, Rancho Cucamonga, CA; \$100.00, Alcade & Fay, Arlington, VA; \$1,000.00, Vector USA, Rancho Cucamonga, CA; \$1,000.00, Thinkwise Credit Union, San Bernardino, CA; \$500.00, Synectics, LLC, Ukiah, CA; \$500.00, PCH Architects, LLP, Redlands, CA; \$500.00, Capitol Advisors Group, LLC, Sacramento, CA; \$1,000.00, California Institute of Behavioral Analysis, DBA Leafwing Center, Sherman Oaks, CA; \$5,000.00, Cal State University San Bernardino, San Bernardino, CA; \$100.00, Thinkwise Credit Union, San Bernardino, CA; \$500.00, George & Penelope Vergara, Rialto, CA; \$100.00, Mt. Shadows Mobile Homeowners Association, Highland, CA; \$300.00, Dolores J. Dudek, Sun City, CA; \$150.00, San Bernardino County Services, San Bernardino, CA; \$500.00, Alvarado Micro Precision, Inc., Vista, CA; \$300.00, Brandon Mason, Highland, CA; \$410.00, Anonymous; \$100.00, David & Julia Samaro, Highland, CA; \$109.00, Christina Tesmer, Redlands, CA; \$100.00, Sylvia Aguirre, Apple Valley, CA; \$250.00, Michele Beckman, Yucaipa, CA; \$500.00, John Vega, Atty. at Law, San Bernardino, CA;

10.5 Amendment No. 1 to Bid No. 14-23, Service Vehicles & Trailers

BE IT RESOLVED that the Board of Education approves amending the contract award to Fairview Ford Sales, San Bernardino, CA; Bid No. 14-23, approved on February 17, 2015, Agenda Item No. 11.6, to allow for the trade-in of surplus District vehicles for a total trade-in amount of \$15,300.00. The trade-in amount will be discounted from service vehicles that are currently being purchased from Fairview Ford Sales off of bid No. 14-23.

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

10.6 Amendment to the Contract for Local Agreement for Child Development Services with the California Department of Education, California State General Child Care and Development Programs, Contract No. CCTR-5199

BE IT RESOLVED that the Board of Education approves amending the agreement with the California Department of Education approved on July 14, 2015, Agenda Item No. 9.35. This amendment is necessary to increase the Determination of Reimbursable Amount per child per day of full-time enrollment from the not to exceed amount of \$36.00 to \$38.19; increase the Maximum Reimbursable Amount (MRA) from \$1,186,515.00 to \$1,258,548.00 and decrease the minimum Child Days of Enrollment (CDE) from 32,959.00 to 32,955.00. 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.

10.7 Annual Audited Financial Report for Fiscal Year 2014-2015

Be it resolved that the Annual Audited Financial Report for Fiscal Year 2014-2015, including a Compliance Audit of Federal and State Funded Programs, as prepared by Vavrinek, Trine, Day & Co. LLP, Certified Public Accountants, be accepted as submitted.

10.8 Bid No. 15-06, Grounds Maintenance Equipment and Services

BE IT RESOLVED that bids were received from RDO Equipment Co., Riverside, CA; Stotz Equipment, Montclair, CA; and Turf Star, Los Angeles, CA.

BE IT ALSO RESOLVED that the bid received from RDO Equipment Co., Riverside, CA, Line Items 3 and 4 be rejected as not bid as specified.

BE IT ALSO RESOLVED that Bid No. 15-06, Grounds Maintenance Equipment and Services, be awarded to the lowest responsive/responsible bidders meeting District specifications based on the unit prices bid as follows:

<u>BIDDER</u>	<u>AWARDED LINE ITEMS</u>	<u>UNIT PRICE</u>	<u>QTY</u>	<u>TOTAL AMOUNT</u>
RDO Equipment Co. 20 Iowa Avenue Riverside, CA	2 5 6	\$ 3,085.00 \$106,711.94 \$ 15,935.38	7 1 1	\$ 21,595.00 \$106,711.94 \$ 15,935.38
Stotz Equipment 4811 Brooks Street Montclair, CA	1	\$ 15,383.10	7	\$107,681.71

Turf Star	3	\$ 88,589.65	3	\$265,768.95
P O Box 30598 Los Angeles, CA 90030	4	\$ 523.16	3	\$ 1,569.48

BE IT ALSO RESOLVED that the District reserves the right to purchase more than or less than the quantities indicated as needed through the initial one-year term of bid, and all extensions, not to exceed five years total.

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

10.9 Bid No. 15-09, Maintenance, Inspection and Repair Chiller Services at Various District Sites

BE IT RESOLVED that bids were received from Carrier, City of Industry, CA; Emcor Services, Irvine, CA; and F.M. Thomas Air Conditioning, Inc., Brea, CA; as follows:

Vendor	Total Cost Operational Visits	Total Cost Annual Comprehensive Visit	Total Annual Cost	Hourly Rate for Repair Work – Outside the Scope of Work
Carrier City of Industry, CA	\$21,750.00	\$110,899.00	\$132,649.00	\$135.00
Emcor Services Irvine, CA	\$19,021.00	\$ 55,075.00	\$ 74,096.00	\$130.00
F. M. Thomas Air Conditioning, Inc. Brea, CA	\$23,000.00	\$105,733.00	\$128,733.00	\$120.00

BE IT ALSO RESOLVED that Bid No. 15-09, Maintenance, Inspection and Repair Chiller Services at Various District Sites, be awarded to Emcor Services, Irvine, CA; the lowest responsive/responsible bidder meeting District specifications.

BE IT ALSO RESOLVED that work shall be performed on an as-required basis for an initial contract award of one year with an option to extend annually up to five years in total; and that the annual costs, estimated to be \$200,000.00, will be paid from the Restricted General Fund, Maintenance of Facilities, Account No. 076. Total anticipated contract amount, including any extensions is estimated not to exceed \$3,000,000.00.

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

10.10 Business and Inservice Meetings

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 Annual Conference March 23 through March 26, 2016 in San Francisco, CA. The total cost, including meals and mileage per District guidelines, not to exceed \$5,212.73, will be paid from Arrowview Middle School Account No. 501.

Ma. Carmen Gonzalez Juana Ramirez Luz Roldan
(ELAC Parent/Board Representatives, Arrowview Middle School)

Requester: Principal, Arrowview Middle School
Approver: Assistant Superintendent, Educational Services

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 Annual CUE (Computer-Using Educators, Inc.) 2016 National Conference, March 17 through March 19, 2016, in Palm Springs, CA. The total cost, including meals and mileage per District guidelines, not to exceed \$3,027.00, will be paid from the Categorical Programs Department Account No. 536.

Katelyn Jasso Andrea Leon Barbara Malouf
(Board Representatives, St. Adelaide)

10.12 Commercial Warrant Registers for Period from December 1 through December 15, 2015

BE IT RESOLVED that the Commercial Warrant Register for period from December 1 through December 15, 2015, 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.

10.13 Commercial Warrant Registers for Period from December 16 through December 31, 2015

BE IT RESOLVED that the Commercial Warrant Register for period from December 16 through December 31, 2015, 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.

10.15 Extended Field Trip, Thompson Elementary School, Arrowhead Ranch Outdoor Science School, Twin Peaks, CA

BE IT RESOLVED that the Board of Education approves the extended field trip for 30 Thompson Elementary School students and 3 chaperones to attend the Arrowhead Ranch Outdoor Science School, Twin Peaks, CA, from May 2 - 6, 2016. The cost of the trip, not to

exceed \$9,056.00, including meals and lodging, will be paid from Thompson Elementary School Account No. 417. Transportation provided by Durham School Services, not to exceed \$1,406.00, will be paid from Thompson Elementary School Account No. 417. Names of the students are on file in the Business Services office.

10.16 Extended Field Trip, Urbita Elementary School, Emerald Cove Outdoor Science Institute, Running Springs, CA

BE IT RESOLVED that the Board of Education approves the extended field trip for 40 Urbita Elementary School students and 4 chaperones to attend the Emerald Cove Outdoor Science Institute at Camp Cedar Crest, Running Springs, CA, from February 9 - 12, 2016. The cost of the trip, not to exceed \$14,780.00, including meals and lodging, will be paid from Urbita Elementary School ASB Account. Transportation provided by JC Tours, not to exceed \$1,100.00, will be paid from Urbita Elementary School Account No. 501. Names of the students are on file in the Business Services office.

10.17 Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$6,815.00 in the budgeting of revenues and expenditures for the restricted program, Special Education – Workability 1 (437).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$21,097.00 in the budgeting of revenues and expenditures for the restricted program, Special Education – Alternate Dispute Resolution Program (532).

10.18 Mileage and Cell Phone Amounts, Fiscal Year 2015-2016

BE IT RESOLVED that the Board of Education ratifies the fixed mileage rate, variable mileage rate, and cell phone payment at the following not-to-exceed amounts for the 2015-2016 fiscal year:

Fixed Monthly Certificated Mileage	\$11,500.00
Fixed Monthly Classified Mileage	\$ 2,500.00
Variable Mileage Rate (effective 1/1/15)	\$.575
Variable Mileage Rate (effective 1/1/16)	\$.540
Cell Phone	\$ 6,000.00

10.19 Payment for Course of Study Activities

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

Ramona-Alessandro Elementary School wishes to hire Building Block Entertainment Inc., dba Shows That Teach, Woodland Hills, CA, for two assemblies titled, The Character Show, on January 29, 2016. The total cost, not to exceed \$795.00, will be paid from Ramona-Alessandro Elementary School Account No. 419.

Ramona-Alessandro Elementary School wishes to hire Inter-Prevention Meaningfully Intercepting the Negatives Towards Children (IM INC), San Bernardino, CA, for two presentations titled, Historical Narrative-Oratorical Emulations on Dr. Martin Luther King, Jr. Live Band Music and Songs as Inspiration, Unity Presentation on February 11, 2016. The total cost, not to exceed \$1,350.00, will be paid from Ramona-Alessandro Elementary School Account No. 419.

Dr. Mildred Dalton Henry Elementary School wishes to hire Rancho Mission Viejo Land Trust, San Juan Capistrano, CA, for a pre-field trip assembly to learn about early California and need to explore Native American contributions on February 16, 2016. The total cost, not to exceed \$40.00, will be paid from Dr. Mildred Dalton Henry Elementary School Account No. 419.

George Brown Jr. Elementary School wishes to hire The Imagination Machine, Villa Park, CA, for two presentations titled, Writing Show, on February 22, 2016. The presentations will encourage students to explore their imaginations through creative writing. Students will submit stories prior to the performance date and the stories will be performed by the vendor during the assemblies. The total cost, not to exceed \$1,300.00 will be paid from George Brown Jr. Elementary School PTO Account and Account No. 417.

10.20 Ratification of the Agreement with School Services of California, Inc., Sacramento, CA for Special Fiscal and Budget Services and Reports

BE IT RESOLVED that the Board of Education approves ratifying the renewal of the agreement with School Services of California, Inc., Sacramento, CA for special fiscal and budget services, effective July 1, 2015 through June 30, 2016, regarding school finance, legislation, budgeting, and general fiscal issues. The cost, not to exceed \$2,760.00 plus expenses of up to \$440.00, will be paid from Unrestricted General Fund - Business Services Division, Account No. 068.

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

10.21 Agreement with Life Long Learning & Associates, Blue Jay, CA, to Provide Coaching and Professional Development Services

BE IT RESOLVED that the Board of Education approves entering into an agreement with Life Long Learning & Associates, Blue Jay, CA, to provide coaching and professional development services in Common Core Mathematics effective January 20 through June 30, 2016. The cost for services, not to exceed \$66,500.00, will be paid from the Unrestricted General Fund - Local Control Accountability Plan, Account No. 419.

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

10.22 Agreement with Parent Institute for Quality Education (PIQE), Covina, CA, to Provide Parent Training to Parents of Students Enrolled in King Middle School

(Prepared by Business Services)

BE IT RESOLVED that the Board of Education approves entering into an agreement with Parent Institute for Quality Education (PIQE), Covina, CA, to provide parent training to parents effective January 20 through March 16, 2016. Total cost, not to exceed \$7,500.00, to be paid from the Unrestricted General Fund - Local Control Accountability Plan, Account No. 419.

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

10.24 Charter Petition for Scholars Academy for Excellence (SAFE)

BE IT RESOLVED that the Board of Education accepts the charter petition of the Scholars Academy for Excellence (SAFE) charter school.

10.26 Request to Enter into a Software, License, Maintenance or Service Agreement

BE IT RESOLVED that the Board of Education approves entering into an agreement with service Provider Hero K12, LLC, Miami, FL, to provide software support for Hero Tracking Software effective January 20, 2016 through January 19, 2017. The estimated fee, not to exceed \$9,225.00, based on a student count of 2,050 at \$4.60 per student, will be paid from the Unrestricted General Fund - Local Control Accountability Plan, Account No. 419

10.27 Rescission to the Contract Award with Yancy Life Transition Center to Provide Supplementary Educational Services

BE IT RESOLVED that the Board of Education approves rescinding the Contract Award to Yancy Life Transition Center, Houston, TX, approved by Board on November 3, 2015, Board Agenda Item No. 8.17. The service provider is unable to provide services at this time. 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.

10.29 Approval to Enter into an Agreement with Revolution Youth Advocates (RYA) - Use of Facilities

BE IT RESOLVED that the Board of Education approves entering into a use of facilities agreement with Revolution Youth Advocates (RYA) effective January 20, 2016 through January 20, 2017, with the possibility of a maximum of three (3) one year extensions at the sole discretion of the District. There is no cost to the District.

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

10.30 Resolution Approving the Annual and Five-Year Report for Fiscal Year 2014-2015, in Compliance with Government Code Sections 66006 and 66001

RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT RELATING TO INFORMATION MADE AVAILABLE TO THE PUBLIC IN THE FORM OF A STATUTORY SCHOOL FACILITY FEES INCLUDING ALTERNATIVE SCHOOL FACILITY FEES REPORT FOR FISCAL YEAR 2014-2015 (“REPORTABLE FEES REPORT”), AND FINDINGS THEREON, IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 66006 AND 66001

WHEREAS, the San Bernardino City Unified School District (“District”) has received and expended statutory and/or alternative school facilities fees (“Reportable Fees”) in connection with school facilities (“School Facilities”) of the District for new development, and these funds have been deposited in a separate capital facilities account as provided by Government Code Section 66006(a); and

WHEREAS, in accordance with Government Code Section 66006(a), the District has established and maintained a separate capital facilities account and maintained such separate capital facilities accounts in a manner to avoid any commingling of the Reportable Fees with other revenues and funds of the District, except for temporary investments, and has expended those Reportable Fees collected for the sole purpose for which they were collected; and

WHEREAS, Government Code Section 66006(b)(1) provides that the District shall make available to the public within one hundred eighty (180) days after the last day of each fiscal year a written report; and

WHEREAS, Government Code Section 66001(d) provides that for the fifth fiscal year following the first deposit into the account, and every five (5) years thereafter, the District shall make findings with respect to the capital facilities account fund that remain unexpended; and

WHEREAS, when findings are required by Government Code Section 66001(d), they shall be made in connection with the information required by Government Code Section 66006; and

WHEREAS, Government Code Section 66006(b)(2) requires that the governing body of the District review the information made available to the public at a regularly scheduled public meeting and any other relevant information including, but not limited to, that certain Reportable Fees Report prepared by the District entitled, “The San Bernardino City Unified School District Annual and Five-Year Reportable Fees Report for Fiscal Year 2014-2015, in Compliance with Government Code Sections 66006 and 66001” not less than fifteen (15) days after this Reportable Fees Report is made available to the public; and

WHEREAS, the District has complied with all of the foregoing provisions.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board does hereby find and determine that the foregoing recitals and determinations are true and correct.

Section 2. That pursuant to Government Code Sections 66001(d) and 66006(b)(1) and (2), the District has made available to the public the requisite information and proposed findings concerning the collection and expenditure of Reportable Fees related to School Facilities for new development within the District.

Section 3. That the Board of the District at a public meeting has reviewed the following information pursuant to Government Code Section 66006(b)(1), as is required by Government Code Section 66006(b)(2), including:

- (A) A brief description of the type of Reportable Fees in the account;
- (B) The amount of the Reportable Fees;
- (C) The beginning and ending balance of the account;
- (D) The amount of Reportable Fees collected and the interest earned;
- (E) An identification of each Project on which Reportable Fees were expended and the amount of the expenditures on each Project, including the total percentage of the cost of the Project that was funded with Reportable Fees;
- (F) An identification of an approximate date by which the construction of the Project will commence if the District determines that sufficient funds have been collected to complete financing on an incomplete Project, as identified in Section 66001(a)(2), and the Project remains incomplete;
- (G) A description of each interfund transfer or loan made from the account, including the Project on which the transferred or loaned Reportable Fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account will receive on the loan; and
- (H) The amount of refunds made pursuant to Section 66001(e) and any allocations pursuant to Section 66001(f).

Section 4. That the Board of the District at a public meeting has reviewed the proposed findings, as required by Government Code Section 66001(d), including:

- (1) Identification of the purpose to which the Reportable Fees are to be put;
- (2) Demonstration of a reasonable relationship between the Reportable Fees and the purpose for which they are charged;
- (3) Identification of all sources and amounts of funding anticipated to complete financing of Projects of the District; and
- (4) Designation of the approximate dates on which the funding referred to in paragraph (3) is expected to be deposited into the appropriate account.

Section 5. That the Board of the District hereby determines that all Reportable Fees, collections and expenditures have been received, deposited, invested and expended in compliance with the relevant sections of the Government Code and all other applicable laws for the fiscal year 2014-2015.

Section 6. That the Board of the District hereby determines that no refunds and allocations of Reportable Fees, as required by Government Code Section 66001, are deemed payable at this time.

Section 7. That the Board of the District hereby determines that the District is in compliance with Government Code Section 66000, *et seq.*, relative to receipt, deposit, investment, expenditure or refund of Reportable Fees received and expended relative to School Facilities for new development for the fiscal year 2014-2015.

10.31 Cafeteria Warrant Register, December 1 through December 31, 2015

BE IT RESOLVED that the Cafeteria Warrant Register, December 1 through December 31, 2015, be ratified and/or approved.

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

10.32 Change in Delegation of Purchasing Authority – Nutrition Services

BE IT RESOLVED that the Board of Education approve revoking purchasing authority for Nutrition Services purchase orders from Gina Martin, Secretary III effective January 20, 2016.

BE IT FURTHER RESOLVED that the board approves, under provisions of Education Code Section 17605, authorization to Jason Evylnn, Nutrition Services Program Manager to sign purchase orders for non-biddable and biddable products, supplies and services directly related to food and food products effective January 20 through June 30, 2016.

10.33 Change to Nutrition Services Signature Authority; Cafeteria Warrants/Cafeteria Investment Transfers/Investment Money Market Fund-I

BE IT RESOLVED that the Board of Education approves signature authorizations to Janet Jungnickel, Nutrition Services Business Manager, effective February 1, 2016, for the following:

- Cafeteria Warrants
- Cafeteria Transfers, Cash Investment Money Market Fund-I

BE IT FURTHER RESOLVED that the Board of Education approves revoking signature authorization of cafeteria warrants from Glen Woods, Nutrition Services Supervisor effective February 1, 2016. All other terms and conditions remain the same.

10.34 Agreement with American Red Cross, Chicago, IL, to Provide CPR Certification for Medical Health Pathway Curriculum at Curtis Middle School

BE IT RESOLVED that the Board of Education approves entering into an agreement with American Red Cross, Chicago, IL, to provide CPR Certification, Automated External Defibrillator (AED), First Aid, or a combination of all classes and certifications, effective February 1 through June 30, 2016. Training is part of the medical health pathway curriculum. The fee, not to exceed \$2,000.00, will be paid from the Unrestricted General Fund - Local Control Accountability Plan - Career Pathways, Account No. 417.

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

10.36 Physical Education Exemptions

BE IT RESOLVED that the following students whose birth dates are listed below be exempt from physical education requirements and placed in alternative periods of instruction for the 2015/2016 school year:

10/6/98	11/14/98	8/5/99	8/18/99	12/11/99
12/31/99	7/14/00	11/18/00		

10.37 Rescission of the Agreement with Devereux Arizona, Scottsdale, AZ to Provide Residential and Mental Health Services to Certain District Special Education Students

BE IT RESOLVED that the Board of Education approves rescinding the agreement with Devereux Arizona, Scottsdale, AZ, approved by Board on August 4, 2015, Board Agenda Item No. 7.38. The service provider is unable to provide services at this time. 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.

10.38 Affiliation Agreement with Various Service Providers for Students Enrolled in the Medical Assistant Programs at the Inland Career Education Center

BE IT RESOLVED that the Board of Education approves entering into an agreement with various service providers for affiliation services for students enrolled in the medical assistant programs at the Inland Career Education Center effective January 20, 2016 through December 15, 2017. The medical assistant programs, which include Licensed Vocational Nursing (LVN), Certified Nursing Aides (CNA) and Home Health Aides (HHA), provide entry-level training needed to work in the administrative offices or clinics. There is no cost to the District.

No.	Names and Locations of Affiliation Companies
1	Del Rosa Villa San Bernardino, CA
2	Inland Foot and Ankle Surgery San Bernardino, CA

3	Urgent Family Care San Bernardino, CA
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BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign all related documents.

10.39 Amendment to the Agreement with California Department of Rehabilitation (DOR) for the California Promise Project for Students Receiving Supplemental Security Income (SSI) and their Families

BE IT RESOLVED that the Board of Education approves amending the agreement with the California Department of Rehabilitation, Sacramento, CA, approved on January 21, 2014, Agenda Item No. 10.9. This amendment is to decrease the Federally Funded Agreement (FFA) for the 2013/14 fiscal year by \$148,643.81, increase the FFA for the 2014/15 fiscal year by \$7,339.00 and increase the FFA for the 2015/16 fiscal year by \$143,196.00 for an aggregated grant appropriation of \$677,974.18. The amendment reflects a total increase of the agreement of \$1,891.19. 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.

10.40 Amendment to the Agreement with Sean Dorsett, Moreno Valley, CA, to Provide Programming Services

BE IT RESOLVED that the Board of Education approves amending the agreement with Sean Dorsett, Moreno Valley, CA, approved on October 15, 2013, Agenda Item No. 10.30. This agreement is being amended to increase the scope for added software services and increase the contract cost by \$95.00 for an aggregate revised contract amount not to exceed \$11,365.00. The additional cost will be paid from Restricted General Fund – Special Education-Central, Account No. 827. 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.

10.41 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) 10/20/1997	***(S) 10/15/1998	** 06/20/2000	*(S) 04/16/2000
*(S) 03/07/2002	*(S) 11/02/2002	*(S) 05/16/2003	*(S) 09/26/1999

*(S) 12/27/2000

*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.

10.42 Student(s) Recommended for Suspension but Remanded Back to School Sites or had Suspensions Reduced 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 suspension, but suspension is deemed inappropriate based on due process errors, insufficient evidence, and/or the availability of other means of correction in compliance with Education Code Section 48900. Therefore, although they were recommended for suspension, the suspension was reversed or modified.

9/6/2003 1/14/2005 5/29/2005

10.43 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:

4/3/2000 12/4/1997 8/1/2001 3/7/2002

10.44 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:

12/10/1997

12/8/1997

2/9/1998

5/3/2001

4/1/1998

8/23/1999

10.11 Closure of School Facility Program Projects

Margaret Hill asked if leftover funds could be used without discretion? State hardship funds need to be returned to the state.

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

BE IT RESOLVED that the School Facilities Projects identified be closed to further activity.

10.14 Correction to Board Resolution, Agenda Item 8.26 with The Looking Glass, San Bernardino, CA

Margaret Hill did not understand the reason for the extension. Because there was no information the item was pulled.

BE IT RESOLVED that the Board of Education approves amending the Board Resolution, Agenda Item 8.26, facilities use agreement with The Looking Glass, San Bernardino, CA, approved by the Board on December 1, 2015, to increase the not to exceed amount by \$16,000.00 for an aggregate revised contract amount not to exceed \$24,000.00. 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.

10.23 Amendment to the Board Resolution with East Los Angeles Classic Theatre, West Covina, CA to Provide Language in Play (LIP) Program

Dr. Flores said the original \$355,160 was for three schools: Chavez, King, and Arrowview. Because of the difficulty of getting teachers it was negotiated they would start in August. This item is now only for Arrowview. The next board meeting will have Chavez and King.

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

BE IT RESOLVED that the Board of Education approves amending Board Resolution, No. 7.23, approved on September 15, 2015 with East Los Angeles Classic Theatre, West Covina, CA, to provide Language in Play (LIP) programs for Arrowview, Chavez and King Middle Schools. This amendment is to remove Chavez and King Middle School from the LIP program and decrease the total not to exceed cost from \$355,160.00 to \$60,934.00. 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.

10.25 Payment for Services Rendered by Non-Classified Experts and Organizations

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

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

Association of California School Administrators (ACSA), Ontario, CA, to provide one day of professional development training for eighty (80) participants, on February 5, 2016. The training will answer the questions on laying the foundation for building the master schedule for teachers and students. The fee, not to exceed \$20,300.00, will be paid from the Unrestricted General Fund – Local Control Accountability Plan, Account No. 419.

Gomez Elementary wishes to hire Arrowhead Motion Arts, Rim Forest, CA, to provide a one day Health and Wellness Fair during the 2015/16 school year. The fee, not to exceed \$395.00, will be paid from the Unrestricted General Fund – Local Control Accountability Plan, Account No. 419.

10.28 Approval to Enter into an Agreement with Inland Empire Children’s Book Project (IECBP) - Use of Facilities

Margaret Hill asked about the librarian at Jones. Dr. Marsden will look into it.

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

BE IT RESOLVED that the Board of Education approves entering into a use of facilities agreement with Inland Empire Children’s Book Project (IECBP), effective January 20, 2016 through January 20, 2017, with the possibility of a maximum of three (3) one year extensions at the sole discretion of the District. There is no cost to the District.

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

10.35 Agreement with San Bernardino Community College District, San Bernardino, CA, to Provide Instructional Services to Students

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

BE IT RESOLVED that the Board of Education approves entering into an agreement with San Bernardino Community College, San Bernardino, CA on behalf of San Bernardino Valley College to provide instructors to Middle College High School students effective January 19, through June 30, 2016. The fee, not to exceed \$38,284.00, will be paid from the Restricted

General Fund - Local Controlled Accountability Plan-Career Pathways, Account No. 417.

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

SESSION ELEVEN

11.0 Action Items

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

11.1 Approve/Deny Elite Learning Academy Charter Petition and, if Denied, Adopt Board Resolution Denying the Petition for Elite Learning Academy

RESOLUTION AND WRITTEN FINDINGS OF THE GOVERNING BOARD OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT DENYING THE PETITION FOR ELITE LEARNING ACADEMY

WHEREAS, pursuant to Education Code §47605, *et seq.*, the Governing Board of the San Bernardino City Unified School District (“District Board”) is required to review and authorize the creation and/or renewal of charter schools; and

WHEREAS, Ms. Ileana Arroyo, Lead Petitioner, on behalf of Synergy Education Group (“Synergy”), submitted a charter petition and supporting documentation (“Petition”) to the San Bernardino City Unified School District (“District”) on or about October 28, 2015, seeking the granting of a Petition for establishment of the Elite Learning Academy (“Elite”) charter school, which proposes to offer an educational program for grades K-12; and

WHEREAS, in accordance with the Charter Schools Act of 1992, the Petition was brought to the District Board meeting of November 3, 2015, at which time it was received by the District Board, thereby commencing the timelines for District Board action thereon; and

WHEREAS, the District Board held a public hearing on December 1, 2015 regarding the provisions of the Petition in accordance with the provisions of Education Code §47605, at which time the District considered the level of public support for this Petition by teachers employed by the District, other employees of the District and parents; and

WHEREAS, in reviewing the Petition, the District Board has been cognizant of the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

WHEREAS, charter schools, as part of the California public school system and subject to the laws governing public agencies generally, are subject to the provisions of the Ralph M. Brown Act (Government Code § 54950, *et seq.*), the requirements of conflict of interest laws, including, but not limited to, Government Code § 1090 *et seq.*, 1126, and 87100 *et seq.*, and the California Public Records Act (Government Code § 6250, *et seq.*); and

WHEREAS, charter schools are subject to the requirements of federal law, including, but not limited to, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*; and

WHEREAS, in reviewing the Petition, the District staff working collaboratively with District legal counsel, have reviewed and analyzed all of the information with respect to the Petition, including information related to the operation and potential effects of the proposed charter school and made a recommendation to the District Board that the Petition be denied based on that review; and

WHEREAS, the District Board has fully considered Elite’s Petition and the District staff’s recommendation; and

WHEREAS, the District Board specifically notes that this Resolution does not include findings relative to every defect in the Petition submitted, but is limited to a few significant issues with the Petition. Not only are the findings set forth herein legally sufficient to support the District Board’s denial of the Petition, but it is also imperative, should these petitioners submit another charter petition to this District, that such charter petition must establish that the petitioners themselves have the knowledge, understanding, and expertise necessary both to write an educationally, fiscally, and practically sound charter petition and to open and operate a sound charter school, not just respond directly to findings of this Board; and

WHEREAS, when denying a charter petition the District Board is required to make written factual findings in support of the denial and thus, the District Board will adopt this Resolution on January 19, 2016, setting forth the basis for the District Board’s decision to deny the Elite Petition.

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

BE IT FURTHER RESOLVED AND ORDERED that the District Board, having fully considered and evaluated the Petition, hereby denies the Petition pursuant to Education Code §47605 as not consistent with sound educational practice based upon the following findings:

1. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. [Education Code § 47605(b)(2).]
2. The Petition does not contain the number of signatures required by law. [Education Code § 47605(b)(3).]
3. The Petition does not contain reasonably comprehensive descriptions of all of the elements required by law. [Education Code § 47605(b)(5).]

BE IT FURTHER RESOLVED AND ORDERED that the District Board hereby determines the foregoing findings are supported by the following specific facts:

- I. THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION. [EDUCATION

CODE § 47605(B)(2).]

- A. While it is not mentioned in the Charter, the District is aware that Synergy, the entity that submitted the Charter and is proposed to govern and operate several charter schools in Southern California has submitted virtually identical charter petitions to a number of other school districts, some of which were pending during much of the District's consideration of the Elite Charter. This causes a variety of concerns because of the lack of transparency in the process, as noted below, and the fact that it is evident that Synergy intends to obtain multiple charters, potentially to be opened at the same time, and all of the issues described below would continue to apply to any future additional charter petitions submitted by Synergy. The minutes from the October 14, 2015 Synergy Board meeting specifically indicate that the Synergy Board intends to or has submitted petitions to no less than eight Districts.
1. The Elite Petition fails to address in any way the fact that substantially similar charters were submitted at or near the same time to many school districts and/or how Synergy would open multiple schools at the same time in different geographic areas. There is no evidence that Synergy has the capacity, experience, resources, etc. to open and operate multiple schools, especially simultaneously, particularly as Synergy has never previously opened or operated a school and has no record of success or experience on which to rely in opening multiple schools.
 2. The Petition includes no discussion or plan explaining a proposed relationship between various schools to be opened and operated by Synergy, and/or between their staffs, administrators, or service providers. Further, there is no discussion of if and how the finances of the various schools would be managed, whether there would be shared costs, resources, services, staff, etc. There is also no description of any methodology that would be used to ensure a fair and appropriate distribution of services and costs and a means of assuring that all funds generated by and attributable to Elite would be maintained and expended for the educational benefit of the students at that particular school.
 3. Further, the failure of the Petition and the petitioners openly and clearly to describe and explain their plans, specifically including a comprehensive description of the interrelationship between entities and schools (whether those which have already been submitted to school districts or future schools that may be operated by the same or an associated corporate entity) or to establish their capacity to open and operate multiple schools simultaneously or in the future causes serious concerns about a lack of transparency with regard to the proposed Charter School.
- B. There is no evidence of any local interest by parents, guardians or students in the proposed Elite. At the public hearing, only Elite representatives spoke in favor of the Charter proposal. There were no speakers or other indicia evidencing

significant interest from the local community, specifically including parents/guardians and students, in the proposed Charter School. The Charter Petition was signed by teachers and did not include any indications that any parents or guardians, particularly local families, have any meaningful interest in the Elite proposal. Thus, as a whole, there are no indicia of likelihood that Elite will attract 180 students in its first year of operation and/or grow to 300 students, on which its budget and entire operational plan are premised. This concern is heightened by the fact of Synergy’s apparent intent to open multiple virtually identical schools in Southern California. Presumably any students who may be interested in the program proposed by Elite and the other entities with which Synergy is working would enroll in whichever of these schools is closest to his/her residence, which may further dilute interest in the proposed school.

II. THE PETITION DOES NOT CONTAIN THE NUMBER OF SIGNATURES REQUIRED BY LAW. [EDUCATION CODE § 47605(B)(3).]

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

Elite projects a need for six teachers the first year and therefore, would be required to submit three teacher signatures to support submittal of the Petition. Elite submitted signatures from three teachers. In order for those teachers to be “meaningfully interested” in teaching at Elite, they would have to be qualified and able to teach there. Of the three teachers who signed this petition, however, one sent notification to the District requesting that his signature not be considered as he was not interested in teaching at the school. Therefore, by definition, this teacher cannot be *meaningfully* interested in teaching at Elite and thus, Elite has failed to submit the statutorily required signatures.

III. THE PETITION DOES NOT CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF ALL OF THE ELEMENTS REQUIRED BY LAW. (EDUCATION CODE § 47605(B)(5))

A. Description of the Governance Structure [Ed. Code §47605(B)(5)(D)]

All of the above-findings relating to governance are hereby incorporated herein by this reference.

B. Admission Requirements, if Applicable [Ed. Code §47605(B)(5)(H)]

The admission preferences set forth in the Charter 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. While the Petition contains a discussion of the lottery procedures, it does not grant a preference for District residents. Thus, the Petition fails to comply with the provisions of the Education Code.

C. The Manner in Which Annual, Independent Financial Audits Shall be Conducted, Which Shall Employ Generally Accepted Accounting Principles, and the Manner in Which Audit Exceptions and Deficiencies Shall be Resolved to the Satisfaction of the Chartering Authority. [Ed. Code §47605(B)(5)(I)]

Education Code §47605(b)(5)(I) requires the Petition to state “[t]he manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.” Page 53 of the Petition provides:

“Audit exceptions and deficiencies will be resolved in conference with the auditor to the satisfaction of the auditing agency prior to the completion of the auditor’s final report. Audit findings and exceptions will be reported to the Elite Learning Academy San Bernardino Board with any relevant explanations and the principal’s plan to resolve these issues. The Board will approve the plan, and at the next regular board meeting, the principal will present each of the issues/findings and if/how it was resolved.”

This statement is contrary to the provisions of law as Elite is required to resolve audit exceptions and deficiencies to the satisfaction of the chartering authority.

D. The Procedures to be Used by the District and the Charter School for Resolving Disputes Relating to Provisions of the Petition. [Ed. Code §47605(B)(5)(N)]

The dispute resolution process between the School and the District is unacceptable and the District would not agree to such a process. There are multiple proposed steps of the process which could take many months to complete. Having disputes remain unresolved for such an inordinate amount of time impedes the District’s ability to properly exercise its oversight obligations as required by the Education Code. Further, there is no exception from this potentially very time-consuming dispute resolution process for matters that pose

health or safety threats to Elite students.

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 Petition shall remain in full force and effect. In this regard, the District 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 January 19, 2016, by the Governing Board of the San Bernardino City Unified District, of San Bernardino City County, California.

11.2 Approve/Deny Excelsior East Highland Charter School Charter Petition and, if Denied, Adopt Board Resolution Denying the Petition for Excelsior East Highland Charter School

RESOLUTION AND WRITTEN FINDINGS OF THE GOVERNING BOARD OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT DENYING THE CHARTER PETITION FOR EXCELSIOR EAST HIGHLAND

WHEREAS, pursuant to Education Code §47605, *et seq.*, the Governing Board of the San Bernardino City Unified School District (“District Board”) is required to review and authorize the creation and/or renewal of charter schools; and

WHEREAS, Dr. Ronnie Henderson, Lead Petitioner, on behalf of Excelsior East Highland (“EEH Corp”), submitted a charter petition and supporting documentation (“Petition”) to the San Bernardino City Unified School District (“District”) on or about November 4, 2015, seeking the granting of a Petition for establishment of Excelsior East Highland charter school (“EEHCS”), which proposes to offer an educational program for grades 7-12; and

WHEREAS, in accordance with the Charter Schools Act of 1992, the Petition was brought to the District Board meeting of November 17, 2015, at which time it was received by the District Board, thereby commencing the timelines for District Board action thereon; and

WHEREAS, the District Board held a public hearing on December 15, 2015 regarding the provisions of the Petition in accordance with the provisions of Education Code §47605, at which time the District considered the level of public support for this Petition by teachers employed by the District, other employees of the District and parents; and

WHEREAS, in reviewing the Petition, the District Board has been cognizant of the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged; and

WHEREAS, charter schools, as part of the California public school system and subject to the laws governing public agencies generally, are subject to the provisions of the Ralph M. Brown Act (Government Code § 54950, *et seq.*), the requirements of conflict of interest laws, including, but not limited to, Government Code § 1090 *et seq.*, 1126, and 87100 *et seq.*, and the California Public Records Act (Government Code § 6250, *et seq.*); and

WHEREAS, charter schools are subject to the requirements of federal law, including, but not limited to, the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, and the Individuals with Disabilities Education Act, 20 U.S.C. §1400, *et seq.*; and

WHEREAS, in reviewing the Petition, the District staff working collaboratively with District legal counsel, have reviewed and analyzed all of the information with respect to the Petition, including information related to the operation and potential effects of the proposed charter school and made a recommendation to the District Board that the Petition be denied based on that review; and

WHEREAS, the District Board has fully considered EEHCS's Petition and the District staff's recommendation; and

WHEREAS, the District Board specifically notes that this Resolution does not include findings relative to every defect in the Petition submitted, but is limited to a few significant issues with the Petition. Not only are the findings set forth herein legally sufficient to support the District Board's denial of the EEHCS Petition, but also it is imperative, should these petitioners submit another charter petition to this District, that such charter petition must establish that the petitioners themselves have the knowledge, understanding, and expertise necessary both to write an educationally, fiscally, and practically sound charter petition and to open and operate a sound charter school, not just respond directly to findings of this Board; and

WHEREAS, when denying a charter petition the District Board is required to make written factual findings in support of the denial and thus, the District Board will adopt this Resolution on January 19, 2016, setting forth the basis for the District Board's decision to deny the EEHCS Petition.

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

BE IT FURTHER RESOLVED AND ORDERED that the District Board, having fully considered and evaluated the Petition, hereby denies the EEHCS Petition pursuant to Education Code §47605 as not consistent with sound educational practice based upon the following findings:

1. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition. [Education Code §47605(b)(2)]

2. The Petition does not contain a reasonably comprehensive description of all of the required elements of a charter school petition. [Education Code §47605(b)(5)]

BE IT FURTHER RESOLVED AND ORDERED that the District Board hereby determines the foregoing findings are supported by the following specific facts:

I. THE PETITIONERS ARE DEMONSTRABLY UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM SET FORTH IN THE PETITION. [EDUCATION CODE §47605(B)(2)]

A. Budget

1. The Petitioners have not presented a financial plan that includes the operational budget, start-up costs, cash flow, and financial projections for the first three years which speaks to the viability of the petitioners to successfully implement an educational program. The Charter Schools Act requires EEHCS to submit financial statements that include a proposed first-year operational budget, including startup costs, and cash flow and financial projections for the first three years of operation. EEHCS's failure to submit these required documents with the Petition is inexplicable and causes the EEHCS Petition to be fundamentally flawed, as it is both a statutorily required component of a request for approval and fundamental to any assessment of the ongoing viability of the proposed school.
2. Additionally, the District notes the following concerns with the one page budgetary document submitted with the Petition:
 - a. The Budget did not include property tax revenues.
 - b. Lottery funding is included in first year although the proposed school is not eligible for these funds in the first year of operation.
 - c. No descriptors were provided for Site Discretionary funds.
3. Technology is mentioned briefly on page 30. Specifically, the Petition states "Each student has an iPad (or similar device) that they can take home for school use as well as access to computers on campus. Students have access to digital versions of instructional materials and supplemental resources through the Excelsior website." It is not clear if the School will be providing the iPad or similar devices to students since the budget does not indicate technology expenditure.
4. The budget assumptions mention the receipt of \$67,000 as start-up funds from a "Management group" but no documents nor the terms and conditions of regarding the provision of these monies were provided with the Petition.

B. Contract for Administrative Services.

1. The budgetary documents indicate that EEHCS will expend nearly 30% of its budget on "administrative services". Yet, no identifying information as to who will be providing these services and/or what services will be provided was included in the Petition or supporting documents. Additionally, because no contract was submitted, the District is unable to determine if the contract with the organization that will provide the administrative services is an arm's length transaction that is in the best interests of the School. Payment of up to 30% of the School's budget to a corporation/organization that may have close fiscal ties to the School may

not be the most appropriate expenditure of public funds and the contract may run afoul of the conflict of interest provisions applicable to public agencies.

II. THE PETITION DOES NOT CONTAIN A REASONABLY COMPREHENSIVE DESCRIPTION OF ALL OF THE REQUIRED ELEMENTS OF A CHARTER SCHOOL PETITION. [EDUCATION CODE §47605(b)(5)]

The Petitioners are required to set forth in the Petition reasonably comprehensive descriptions of the sixteen elements as described in Education Code §47605(b)(5). The District finds that there are serious deficiencies/concerns in several of these required elements as more fully discussed below.

A. Governance Structure [Ed. Code §47605(b)(5)D]

The Petition does not provide a reasonably comprehensive description of “the governance structure of the school, including, but not limited to the process to be followed by the school to ensure parental involvement.” (Education Code § 47605(b)(5)(D).)

The Petition provides that the Charter School shall be “operated by Excelsior East Highland” and will apply for California non-profit public benefit status qualifying the School as a 501(c)(3) tax exempt entity. Unsigned Articles of Incorporation for a corporation called Excelsior East Highland and unsigned bylaws for a corporation called Excelsior East Highland were submitted with the Petition. Despite numerous reviews of the California Secretary of State website, the District was not able to attain any corporate information for Excelsior East Highland. The bylaws laws also provide that EXCELSIOR (“EXCELSIOR”), a California nonprofit public statutory member, is the sole statutory member of the Corporation that will govern the proposed School.

1. Conflicts of Interest

The Petition provides that EEH Corp “will adhere to Government Code section 1090, which restricts interested persons from service on the board the code’s definition of “interested parties”. Yet, the Petition also inexplicably contains the following statements:

“Subject to additional limitations, no more than forty-nine percent (49%) of the directors serving at any one time may be “interested persons.” For purposes of this section, an “interested person” is: (a) any person currently being compensated by the corporation for services rendered to it within the previous twelve (12) months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation, if any, paid to a director as a director; or (b) any brother, sister,

ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of any person listed in (a) above.”

Additionally, the corporate bylaws provide:

“No more than forty-nine percent (49%) of the directors serving at any one time may be “interested persons.” For purposes of this section, an “interested person” is: (a) any person currently being compensated by the corporation for services rendered to it within the previous twelve (12) months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation, if any, paid to a director as a director; or (b) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law of any person listed in (a) above. Any violation of the provisions of this section shall not affect the validity or enforceability of any transaction entered into by the corporation.”

The statement regarding the School’s intention to adhere to Government Code 1090 is not only incomplete, it is inconsistent with other provisions of the Petition and the draft bylaws. The inconsistencies result in the District being unable to determine if the proposed School and its governing corporation will abide by the conflict of interest provisions applicable to non-profit corporations or to the more stringent requirements of Government Code Section 1090.

Additionally, the Petition does not provide an affirmation or assurance that the charter school will comply with the incompatible public office provisions of Government Code section 1126. Legal and administrative considerations, combined with the experience of charter schools operators who have engaged in self-dealing with public funds, lead to a policy of requiring petitions to not only pledge compliance with all conflict of interest laws that govern public agencies generally, but to have written policies and bylaws supporting the petition that demonstrate actual compliance.

2. Interrelationships Between EEH Corp, EXCELSIOR, EEHCS, Excelsior Charter Schools Barstow, Excelsior Victorville and Excelsior Charter Group

The description of the governance structure is inaccurate and inadequate. The Petition provides that EEH Corp will incorporate as a California non-profit corporation and will govern EEHCS. The EEH Corp bylaws provide, however, that EXCELSIOR, a California nonprofit public benefit

corporation, shall be the sole statutory member of EEH Corp. Further the bylaws provide, “[w]ith the exception of the initial directors, which will be named by the Incorporator, all directors shall be nominated and elected by the existing Board of Directors and subject to approval by the Sole Statutory Member.” While EXCELSIOR has approval of the EEHCS Board, there is no way for the District or parents to observe the operation of Excelsior. Additionally, due to the fact that Excelsior has the authority to appoint the initial EEHCS Board and all future appointments are subject to Excelsior approval, the District has grave concerns arise as to what, if any, real authority the EEHCS Board will be provided.

Moreover, although EXCELSIOR plays a substantial role in the operations of the proposed School, no information is provided about the sole statutory member and there is little, if any, involvement or overview that the District is given with respect to EXCELSIOR

The Petition also provides that Excelsior Victorville school operates Excelsior A.M.E. Academy (Adelanto), Excelsior Barstow, Excelsior Norco, Excelsior Ontario, and Excelsior Phelan under a charter granted by the Victorville Unified School District. Mr. Peter Wright is identified as the Superintendent of the proposed school in San Bernardino City as well as the schools operating under the Victorville Charter. Additionally, based on information known to the District, the District believes that the same back office company provides back office services to all of the aforementioned schools but the interrelationship between that company with EEHCS, EEH Corp and EXCELSIOR is not explained in the Petition, nor was the back office provider’s contract provided to the District. Thus, while there is clearly a significant amount of financial, legal and operational involvement between EEH Corp, EXCELSIOR and the back office company, it is not clearly described in the Petition.

Furthermore, the bylaws of EEHCS provide that Board of Directors meetings may be held “at any other place within or without the State of California that has been designated in the notice of the meeting, or if there is no notice, at such place as has been designated from time to time by resolution of the Board.” If 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. The Charter Fails to Provide a Reasonably Comprehensive Description of the Means to Achieve a Reflective Racial and Ethnic Balance

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 115, the Petition states: “Excelsior East Highland will ensure that all outreach activities are designed to ensure the racial and ethnic balance reflective of the target community in the City of San Bernardino.”

Given that the School intends to locate in East Highland, the “target community” of that proposed location, which is very close to the boundaries of a nearby school district, may result in enrollment that is not reflective of the racial and ethnic balance reflective of the general population residing within the territorial jurisdiction of the District. Thus the District is gravely concerned that the School does not intend to enroll population reflective of the District as required by Education Code section 47605(b)(5)(G).

C. Admission Requirements, if Applicable [Ed. Code §47605(B)(5)(H)]

The admission preferences set forth in the Charter 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. While the Petition does grant a preference for District residents, there are three categories of students who are exempted from the lottery and thereby given a great opportunity than District students to enroll in the proposed school. Thus, the Petition fails to comply with the provisions of the Education Code.

D. The Manner in Which Annual, Independent Financial Audits Shall be Conducted, Which Shall Employ Generally Accepted Accounting Principles, and the Manner in Which Audit Exceptions and Deficiencies Shall be Resolved to the Satisfaction of the Chartering Authority. [Ed. Code §47605(B)(5)(I)]

Education Code §47605(b)(5)(I) requires the Charter to state “[t]he manner in which annual, independent financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.” The Petition provides that “[t]he Superintendent will review any audit exceptions or deficiencies and report to the Excelsior East Highland Board with recommendations on how to resolve them.” This statement is contrary to the provisions of law as the School is required to resolve audit exceptions and deficiencies to the satisfaction of the chartering authority.

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 Petition 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 Excelsior will be operated by a 501(c)(3) nonprofit public benefit corporation. There are no identified insurance levels and the

limited indemnification provisions included in the Petition do not protect the District from liability, particularly if there is not adequate insurance to allow those indemnification provisions to be enforced.

F. The Procedures to be Used by the District and the Charter School for Resolving Disputes Relating to Provisions of the Petition. [Ed. Code §47605(B)(5)(N)]

The dispute resolution process between the School and the District is unacceptable and the District would not agree to such a process. There are multiple proposed steps of the process which could take many months to complete. Having disputes remain unresolved for such an inordinate amount of time impedes the District’s ability to properly exercise its oversight obligations as required by the Education Code. .

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 Petition shall remain in full force and effect. In this regard, the District 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 January 19, 2016, by the Governing Board of the San Bernardino City Unified District, of San Bernardino City County, California.

11.2 Charter petition was pulled by Charter.

11.3 Personnel Report #12, Dated January 19, 2016

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

BE IT RESOLVED that the Personnel Report #12, dated January 19, 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.

11.4 Top 10

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

	Date of Request	Question/Request	Requested by	Assigned to	Anticipated Completion Date/ Remarks/Action
1	05/06/14	Create plan and intervention team to prevent students from becoming long-term ELs.	David Servant	M. Zamora	12/01/15
2	02/18/14	Create something similar to Richardson at other schools.	Mrs. Medina	M. Zamora H. Vollkommer	11/17/15

3	01/20/15	Provide recommendation on additional funding needed for strategies to increase student attendance.	Mr. Gallo Mr. Tillman	K. Mitchell	11/03/15
4	05/05/15	How many students completed A-G requirements?	Dr. Flores	M. Zamora	04/2016
5	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
6	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
7	04/08/14	Establish a formal process for internships.	Mr. Tillman	M. Zamora & P. Wiseman	01/2016
8	11/19/14	Can we add academic advisors at high schools to support counselors and students?	Mrs. Medina	K. Mitchell	12/01/15
9	01/20/15	Invite City Council members to a Board meeting to discuss mutual topics of interest.	Mrs. Savage	D. Marsden	2016 Coordinate w/#10
10	01/20/15	Invite City Council members to tour the new schools.	Mrs. Savage	J. Peukert	2016 Coordinate w/#9

11.5 Future Agenda Items

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

Request	Date	W	SP	SA	AP	AR	BQS	BC	CS
KPI – AMAOs	02/02/16	X		X					
Career Pathways	02/16/16	X							
KPI – Reduce Grades 8/9 Math Failure Rate	03/01/16	X		X					
KPI – Engagement	04/05/16	X		X					
Secondary Grading Policy Recommendations	05/2016	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

11.6 Follow Up on Requests/Questions

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

Date of Request	REQUESTS/QUESTIONS FOR FOLLOW UP	Requested By
BUSINESS SERVICES – MRS. CHRISTAKOS		
COMMUNICATIONS – MRS. BARDERE		

	Date of Request	REQUESTS/QUESTIONS FOR FOLLOW UP	Requested By
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	10/06/15	Regarding CAASPP: Will the district be sending something out to parents to help them understand the information they will be receiving on their students' scores? Can a random sampling of the students be taken to see what their "stumbling blocks" were and if the test was taken seriously?	Mrs. Hill Mrs. Medina
2	08/04/15	Board policy aligning high schools with A-G	Mrs. Medina
3	05/05/15	How many graduates got diplomas/certificates? Provide raw data.	Dr. Flores
4	01/20/15	Explore partnering with University of Redlands College of Education and UCR for a career pathway.	Dr. Flores
5	02/04/14	Conduct a longitudinal study of student voice at the middle school level.	Dr. Flores
FACILITIES/OPERATIONS – MR. PEUKERT			
1	11/17/15	Provide update on Cajon concerns brought by parent re: site cleanliness, vermin, and drainage in quad.	Mr. Tillman
2	04/07/15	Provide information on the Certificate of Occupancy Pilot Program-school fees	Mr. Gallo
3	01/13/15	Provide information on what local preferences are allowed to be offered on bids.	Mr. Gallo
4	10/21/14	Use lobbyists or grant writers to find money to pay for the Alessandro filters.	Mr. Tillman
5	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)	Dr. Flores
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	Recruit retired teachers to return as substitutes.	Mrs. Hill
5	02/03/15	List the number of courses that will be affected at QEIA high schools.	Dr. Flores
6	04/08/14	Are special education teachers properly credentialed?	Mrs. Medina
7	03/18/14	Why does a parent have to sign a School-Parent Compact?	Joe Mora
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	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
2	11/05/13	Look at a later starting time for secondary students.	Mr. Gallo

	Date of Request	REQUESTS/QUESTIONS FOR FOLLOW UP	Requested By
			Mrs. Hill
3	12/17/13	Consider teachers presenting challenging classes in a language other than English.	Nancy Sanchez-Spears
SUPERINTENDENT – DR. MARSDEN			

SESSION TWELVE

12.0 Closed Session

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

Anticipated Litigation
(Government Code Section 54956.9(b)(1))
Number of Cases: One

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

Existing Litigation
Number of Cases: One

Public Employee Discipline/Dismissal/Release

Public Employee Appointment(s)

Student Matters/Discipline

SESSION THIRTEEN

13.0 Action Reported from Closed Session
None.

SESSION FOURTEEN

14.0 Adjournment
By unanimous vote the meeting was adjourned at 10:25 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, February 2, 2016 at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.