

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

Minutes of a Regular Meeting of the Board of Education
Community Room
Board of Education Building
777 North F Street
San Bernardino, California

**MINUTES
ADOPTED
6/3/14**

March 18, 2014

Present: President Michael Gallo; Board Members Barbara Flores, Margaret Hill, Abigail Medina, Lynda Savage, and Danny Tillman; Superintendent Dale Marsden; Deputy Superintendent Harold Vollkommer; Assistant Superintendents Kennon Mitchell, John Peukert, Perry Wiseman, and Matty Zamora; Executive Director of Community Partnerships Hector Murrieta; Fiscal Services Director Janet King; and Superintendent's Assistant Carla Cross. Minutes recorded by Administrative Assistant Jennifer Owens.

Absent: Vice President Bobbie Perong

SESSION ONE - Opening

1.0 - Opening

1.1 - Call to Order

President Gallo called the meeting to order at 5:30 p.m.

1.2 - Pledge of Allegiance to the Flag

The meeting was opened with the Pledge of Allegiance to the Flag of the United States of America.

1.3 - Adoption of Agenda

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

1.4 - Inspirational Reading

Danny Tillman read six quotes regarding the importance of education.

SESSION TWO - Special Presentations

2.0 - Special Presentations

2.1 - Recognition of Public Schools Month

Public Schools Month has been sponsored and promoted by the Free and Accepted Masons of California since 1920.

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

WHEREAS the Board of Education of the San Bernardino City Unified School District joins the Free and Accepted Masons of California in declaring April as Public Schools Month and recognizing the value of public education in the lives of our citizens; and

WHEREAS the theme chosen for Public Schools Month for 2014 is “Together We Make a Profound Difference in Public Education”; and

WHEREAS concern for the common good and well-being of all citizens is one of the highest virtues of American democracy, and generations ago our ancestors recognized the importance of this virtue by creating the public school system; and

WHEREAS public schools are responsible, not only for sound instructional programs that prepare and equip our youth to have productive lives as adults, but also for instilling in our children a love of freedom and appreciation for the benefits of living in a democratic society; and

WHEREAS with community support throughout California, public schools can bring a variety of educational opportunities into the classrooms to benefit all children;

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

2.2 - In Recognition of the LEAD Summit

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

WHEREAS the competitive strengths of our nation will continue to depend, to a large extent, on the positive educational outcomes of Latino students; and

WHEREAS over the past decades, Latinos have emerged as the largest minority in the nation, with majority populations in many states and regions, and in some cases, the majority demographic among school-age children; and

WHEREAS Latino students continue to have some of the highest dropout rates, score among the lowest on achievement tests, and have low college enrollment and graduation rates; and

WHEREAS to address these critical issues, and to ensure a strong future, the Latino Education and Advocacy Days Summit will be held on Thursday, March 27, 2014, at the Cal State San Bernardino Santos Manuel Student Union, and the theme is Latino Male Crisis in the Educational Pipeline; and

WHEREAS the objective of the LEAD Summit is to promote a broad-based awareness of the crisis in Latino education and to enhance the intellectual, cultural, and personal development of our community's educators, administrators, leaders, and students;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District hereby recognizes the many contributions and accomplishments of the Latino Education and Advocacy Days Summit and expresses its heartfelt appreciation to summit organizers and sponsors.

SESSION THREE – Closed Session

3.0 - Closed Session

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

Conference with Legal Counsel

Anticipated Litigation

Number of Cases: One

SESSION FOUR - Public Hearing

4.0 - Public Hearing

4.1 - Resolution Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Acquisition, construction and Operation of Proposed Community Day School Project; Adapting Written Findings Pursuant to the California Environmental Quality Act (CEQA) and the California Education Code; Project Approval; and Delegating of Authority to District Staff to Execute CEQA Documents

State regulations require school districts to conduct public hearings to review the findings of Mitigated Negative Declarations along with proposed mitigation measures. This is part of the process for a school district to acquire a new school site, approve the project, and proceed with construction. The Notice of Determination for the approval of the Mitigated Negative Declaration for the project will be filed with the Clerk of the Board of Supervisors, County of San Bernardino, and the State Clearinghouse. The project is subject to fees pursuant to Fish and Game Code, Section 711.4.

President Gallo opened the public hearing and asked if anyone wished to comment. Hearing no response, Mr. Gallo closed the public hearing.

Upon motion by Member Savage, seconded by Member Hill, and approved by the affirmative vote of Members Gallo, Hill, Medina, Savage, and Tillman (Noes: None; Absent for Vote: Flores), the following was adopted:

Resolution of the Board of Education of the San Bernardino City Unified School District Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Acquisition, Construction, and Operation of the Proposed Community Day School; Adopting Written Findings Pursuant to the California Environmental Quality Action and the California Education Code; Project Approval; and Delegating Authority to Staff to Execute the Notice of Determination, Mitigated Negative Declaration.

WHEREAS, the San Bernardino City Unified School District (District or SBCUSD) has identified real property of about 7-acres located at the northwest corner of the intersection of E. Monterey Avenue and Palm Lane, in East Valley, San Bernardino County, California (Project Site); and

WHEREAS, the District desires to acquire, construct, and operate the proposed Community Day School to provide school facilities for up to 250 students, and approximately 25 staff, for grades 2nd through 12th for the benefit of the District and the community it serves (hereinafter referred to as the Project); and

WHEREAS, implementation of the Project constitutes a “project” as defined by the California Environmental Quality Act (CEQA, Public Resources Code section 2100 et seq.); and

WHEREAS, the Project is more particularly described in the Mitigated Negative Declaration and Initial Study for proposed Community Day School (hereinafter collectively, MND), which is on file at the District Office at 777 N. F Street, San Bernardino, CA 92410, and available on request; and

WHEREAS, the District, acting as lead agency as defined in Section 21067 of the Public Resources Code, undertook the preparation of the MND, including the Initial Study, for the Project; and

WHEREAS, the MND is incorporated herein by this reference; and

WHEREAS, the Project includes those Mitigation Measures set forth in the MND and the “Mitigation Monitoring and Reporting Program” prepared for the Project (MMRP); and

WHEREAS, the District has determined based on the Initial Study that the Project will not have a significant impact on the environment because of the Mitigation Measures that have been incorporated into the Project, and based thereon, the District has prepared the MND in accordance with the requirements of the CEQA; and

WHEREAS, the District, pursuant to Public Resources Code Sec. 21151.8(a)(1), has consulted with appropriate agencies and determined that: (A) the Project Site is not the site of a current or former hazardous waste disposal site or solid waste disposal site; (B) the Project Site is not a hazardous substance release site identified in a list of sites for which removal or remediation action is planned, compiled by the Department of Health Service pursuant to Health and Safety Code Sec. 25356; (C) the Project Site is not a site which contains one or more pipelines, situated underground or above ground, which carries hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line which is used only to supply natural gas to that school or neighborhood; (D) the Project Site is not within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor; and

WHEREAS, the District, pursuant to Public Resources Code Sect. 21151.8(a)(2)(A), has consulted with the applicable administering agencies with jurisdiction over the Project Site for the purpose of investigating the potential for permitted and non-permitted hazardous or acutely hazardous air emissions within one-quarter mile of the Project Site and has determined that there are no facilities within one-quarter mile of the Project Site which might reasonably be anticipated to emit hazardous air emissions; and

WHEREAS, the District circulated the MND, by way of a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI), for a 30-day public review period commencing on January 24, 2014 and ending February 24, 2014, in accordance with CEQA; and

WHEREAS, the District published the NOI in the local newspaper, and posted a copy of the notice at the office of the San Bernardino County Clerk of the Board, and filed with the State Clearinghouse for distribution to regional and state agencies; and

WHEREAS, the SBCUSD's Board of Education (Board) has read and considered all environmental documentation comprising the final MND and its supporting sources and has incorporated therein the mitigation measures described in the public draft MND and MMRP; and

WHEREAS, the Board has determined that the MND is adequate, complete, and has been prepared in accordance with CEQA, and reflects the Board's independent judgment and analysis of the District as lead agency with respect to the Project; and

WHEREAS, the Board has reviewed and considered all written and oral comments made to the District in connection with the Project and the MND by affected governmental agencies and other interested persons and responded, as appropriate, to comments received; and

WHEREAS, the MND and all supporting materials, which constitute a record of these proceedings, are kept at the offices of the District, located at 956 W. 9th Street, San Bernardino, CA 92411, under the care and control of the Facilities Planning and Development Department; and

WHEREAS, Government Code Section 53094 authorizes the Board to render any particular zoning standards of the County of San Bernardino inapplicable to the District's uses when in conformance to and consistent with said Government Code Section uses by a two-thirds vote of the Board.

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

Section 1. Recitals. The above recitals are all true and correct.

Section 2. Compliance with CEQA. The MND for the Project is adequate and in compliance with CEQA. The Board reviewed and considered the information contained in the MND, including without limitation, the MND, Initial Study, comments received from the interested agencies, the District's responses to such comments, and any comments made at the public hearing or contained in the administrative records for the Project. The Board hereby makes the following specific findings with respect to the Final MND:

- a. The MND reflects the Board's independent judgment and analysis.
- b. The Board has considered all comments received in regard to the Project and the Project Site.

c. There is no substantial evidence that the Project, with the incorporated Mitigation Measures, will have a significant impact on the environment, based on the whole of the record before the Board including, but not limited to, the Initial Study and comments received relative to the Project.

Section 3. Hazardous Materials Findings. The Project Site is not the site of a current or former hazardous waste disposal site or solid waste disposal site or a hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the Health and Safety Code or included on a list of hazardous materials sites compiles pursuant to Government Code Section 65962.5.

Section 4. Pipelines with Hazardous Materials Findings. The Project Site does not contain one or more underground or aboveground pipelines carrying hazardous substances, acutely hazardous materials, or hazardous waste.

Section 5. Freeway or Busy Traffic Corridors Findings. The Project Site is not within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, as defined in Public Resource Code Section 21151.8(c)(9).

Section 6. Hazardous Emissions Findings. The District has consulted with the air quality management district with jurisdiction over the Project Site and has not identified facilities within one-quarter mile of the Project Site that might reasonably be anticipated to emit hazardous emissions.

Section 7. Adoption of MND and MMRP. The Board hereby approves and adopts the MND and the MMRP.

Section 8. Project Approval. The Board hereby approves the Project.

Section 9. Inapplicable Zoning Findings. The Board, by a two-thirds vote, makes effective March 18, 2014 that any and all zoning ordinances of the County of San Bernardino that may be inconsistent with educational uses are thereby rendered inapplicable to the District's use of then Project located at the northwest corner of the intersection of E. Monterey Avenue and Palm Lane, in East Valley, San Bernardino County, California.

Section 10. Notice of Determination. The Board hereby delegates authority to the Superintendent of the District or designee to take any action reasonably required to cause a Notice of Determination to be filed with the San Bernardino County Clerk of the Board, including, but not limited to, the issuance of payment of those Fish and Game fees that may be required pursuant to Fish and Game Code Section 711.4.

Section 11. Location and Custodian of Records. The MND and all supporting materials, which constitute a record of these proceedings, will be kept at the offices of the District, located

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at 956 W. 9th Street, San Bernardino, CA 92411, under the care and control of the Facilities Planning and Development Department.

SESSION FIVE – Student Achievement

5.0 - Student Achievement

5.1 - Coaching and Mentoring

Perry Wiseman presented an update on Community Engagement Plan Strategy #3, Coaching and Mentoring. Dr. Wiseman shared activities that have taken place and a timeline for implementation (see page 80.1).

SESSION SIX - Reports and Comments

6.0 - Reports and Comments

6.1 - Report by San Bernardino Teachers Association

Robert Rodriguez reported that he received good feedback regarding the Instructional Rounds. Teachers and SBTA reps want to be included on the Coaching and Mentoring strategy. Mr. Rodriguez reported that he is the first Latino male SBTA president. Barbara Flores asked if SBTA members were included in the calendar development. Mr. Rodriguez stated that the calendar committee would like to see the opening of school moved back closer to September. Dr. Flores recommended providing feedback to the teachers from the Instructional Rounds and asked what the students thought. Abigail Medina stated that it is great to see a Latino male as a role model.

President Gallo moved Session Seven forward on the agenda.

SESSION SEVEN – Public Comment

7.0 - Public Comment

Kim Brown reported that Valley Star teaches African American students self-respect and they mentor students at their after-school program. Deshila, parent, stated that she had been frustrated with school staff, but this group helped her. She is now back on campus and participates in the after-school program. Orneisha, parent, stated that it is a good program to help with her kids. Sean, student, reported that they help him with his homework. Jayla, student, reported that it helps her learn the times tables better. Dr. Marsden asked Ms. Brown to leave her contact information with his assistant.

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Ericka Flores, Susana Negrete, Teresa Flores-Lopez, Maria Birrueta, and Erika Galan expressed their concern about the Omnitrans gas tanks across from Alessandro Elementary School. They want the tanks to be transferred to a controlled and safe industrial area. President Gallo stated that John Peukert would look into their code compliance concern. Danny Tillman stated that the District tested the air, which led to getting filters. Barbara Flores asked Staff to agendize a discussion of the LNG and CNG storage tanks.

Joe Mora stated that he addressed the Board at the December 17, 2013 meeting, but his comments were cut from the video. Mr. Mora stated that his son was transferred to another school, but they didn't accept three months of his work. He was graded for only three weeks prior to Christmas break. Mr. Mora stated that common core is set up for student failure and parents should opt out of the assessment test. Mr. Mora expressed his concern about a contract parents and students are asked to sign. Dr. Marsden asked Mr. Mora to leave a copy of what he wants the District to look into with his assistant.

6.2 - Report by California School Employees Association

No report was given.

6.3 - Report by Communications Workers of America

Ron Fletcher stated that there is increased LCAP communication for all stakeholders and he was a part of the Strategy 9 development. Mr. Fletcher stated that substitute teachers have District email and should be included in surveys. Mr. Fletcher stated that substitute teachers in Seattle receive their lesson plans by email.

6.4 - Report by San Bernardino School Police Officers Association

Mark Clark thanked Dr. Marsden and Dr. Vollkommer for their help with the San Bernardino High School wrestling team. A wrestler made it to the state championships.

6.5 - Report by San Bernardino School Managers

No report was given.

6.6 - Comments by Board Members

Lynda Savage asked the District to let parents know of alternatives to Richardson PREP HI and the plans for Del Vallejo Middle School.

Margaret Hill thanked the Sierra High School staff for the awards night. Mrs. Hill commended Joe Paulino for inviting the outstanding speaker at the Safety Taskforce meeting. Mrs. Hill reported that she and her sorority sisters visit Del Vallejo Middle School on Mondays during

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lunch to talk with the students. Mrs. Hill attended the Girl Talk event last Saturday for 150 girls and asked the District to find money to host our own event. Mrs. Hill reported that Cajon High School student Lou Chen spoke at a City Council meeting promoting public education. Mrs. Hill stated that at a San Bernardino Policy Advisory Committee meeting last week, someone stated that the School Board said that alcohol was okay to be for sale at a 7-11 across from Martin Luther King Middle School. Mrs. Hill stated that she is not supportive of alcohol, but supportive of the community. There is a bank and gas station at that 7-11.

Abigail Medina stated that her daughter told her she wants to try out for football. Mrs. Medina also asked the District to find a way to fund a young women's conference. Mrs. Medina recommended creating a special education taskforce and giving more training to parents. Mrs. Medina suggested having students survey other students as a research project. Mrs. Medina reported that she attended a Moms and Muffins event at Henry Elementary School.

Superintendent Marsden left the meeting at 8:15 p.m. and Harold Vollkommer took over.

Danny Tillman asked staff to look at school fees during the budget process. It is illegal to require parents to pay fees for any school activity.

Barbara Flores reported that the Instructional Rounds were a phenomenal experience and asked that GLAD training be expanded. Dr. Flores reported that Juan Delgado, Chair of the English Department at Cal State, has been working on a poetry project at Salinas Elementary School and asked that the students be invited to present their project. Dr. Flores asked for an explanation of weapons-related expulsions.

Michael Gallo reported that he met with athletic directors and asked the District to establish a structured, equitable athletic program. Harold Vollkommer reported that they are working on a strategic athletic plan, and they will consider eligibility, facilities, and scholarships. Mr. Gallo asked him to add infrastructure. Mr. Gallo attended the George Brown Elementary School Grand Opening last week and stated that it was a tribute to former Congressman Brown. Mr. Gallo reported that he attended the Arts Institute and recommended that the District incorporate it into one of our pathways.

6.7 - Comments by Superintendent and Staff Members

Harold Vollkommer thanked Kennon Mitchell for putting the Instructional Rounds event together. We will weave this throughout the District. Dr. Vollkommer reported that the next Operation Student Recovery will take place on March 25, at 8:30 a.m. Dr. Vollkommer reported that Cajon High School student Lou Chen will speak at a civics education event at the County Schools Office, on March 25, at 1 p.m. The next LCAP meeting will be held on March 26, at 6 p.m. at Indian Springs High School. On March 31, Dr. Marsden will host a live streaming Superintendent's Forum, from 4:30-5 p.m. Dr. Vollkommer reported that the Calendar Advisory Committee included representation from all unions, parent groups, and students. Dr.

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Vollkommer reported that Hillside Elementary School received a Bronze Award from the National Center for Schools Transformation, one of 16 in the country. They will be recognized at the Excellence in Urban Education Award Ceremony on May 22, in San Diego.

6.8 - Book Study-*The Speed of Trust*, Behavior #4: Right Wrongs

This item was postponed.

SESSION EIGHT - Administrative Presentation

8.0 - Administrative Presentation

8.1 - Local Control Accountability Plan

Beth Higbee, Assistant Superintendent, County Schools Education Support Services Division, provided a brief report on the Local Control Accountability Plan (see page 80.2). Dr. Higbee stated that there is little direction of structural budget guidance. Each district gets to provide its own structure. The County will look to see if the LCAP and budget are aligned.

SESSION NINE - Administrative Reports

9.0 - Administrative Reports

9.1 - Adoption of 2014-2015 Traditional School Calendar

The 2014-2015 traditional school calendar has been prepared for adoption.

The calendar provides for 175 instructional days. All legal holidays required by the Education Code and Collective Bargaining Agreements are included.

**San Bernardino City Unified School District
SCHOOL CALENDAR
2014-2015
TRADITIONAL PROGRAM**

FIRST DAY OF SCHOOL

Classroom Teachers	July 28, 2014
Students	August 4, 2014

LAST DAY OF SCHOOL

Classroom Teachers	May 29, 2015
Students	May 28, 2015

LEGAL HOLIDAYS

September 1, 2014	Labor Day
November 11, 2014	Veterans' Day
November 27, 2014	Thanksgiving Day
December 25, 2014	Christmas Day
January 1, 2015	New Year's Day
January 19, 2015	Dr. Martin Luther King Day
February 9, 2015	Lincoln Day
February 16, 2015	Washington Day
May 25, 2015	Memorial Day

SCHOOL RECESS DATES

November 10, 2014	Veteran's Day Recess
November 24-28, 2014	Thanksgiving Recess
December 18, 2014 through January 9, 2015	Christmas/Winter Recess
March 16-27, 2015	Spring Recess

ELEMENTARY PARENT CONFERENCES

October 23-31, 2014
February 4-13, 2015

QUARTERS (HIGH SCHOOL/MIDDLE SCHOOL)

Last Day of First Quarter	October 3, 2014
Last Day of Second Quarter/First Semester	December 17, 2014
Last Day of Third Quarter	March 13, 2015
Last Day of Fourth Quarter/Second Semester	May 28, 2015

9.2 - Peer Assistance and Review (PAR) Report of Participation

The Peer Assistance and Review (PAR) program was initiated as one of the Governor's reform measures in 2000. The Peer Assistance and Review program was successfully implemented in the District during the 2000-2001 school year and has continued with strong success to date. The Memorandum of Understanding between the San Bernardino City Unified School District and the San Bernardino Teachers Association requires that by April 1, the Joint Panel must review all peer assistance reports and forward the names of participants who, after assistance, are not able to demonstrate satisfactory improvement.

During the 2013-2014 school year the Peer Assistance and Review Program has served 59 teachers. The breakdown of service is listed below:

Tenured Teachers (Unsatisfactory):	9 (1 High School / 4 Middle School 4 Elementary School)
Tenured Teachers (Self Referral):	47 (8 High School / 10 Middle School/ 29 Elementary School)
P1 Teachers (Self Referral):	3 (3 Middle School)

Of the 59 teachers served, it was the conclusion of the Joint Panel that fifty (50) benefited satisfactorily and that nine (9) did not.

The Board of Education received specific names of those teachers who participated in the Peer Assistance and Review (PAR) Program during the 2013-2014 school year as well as those who did not benefit from sustained assistance in Board Correspondence.

9.3 - Amendments to BP 0410 Nondiscrimination in District Programs and Activities (Second Reading)

Barbara Flores asked if there is a Board policy on dealing with employees who spread gossip, make false claims, spread rumors, or make snide remarks and if there are any consequences. Harold Vollkommer stated that there are separate policies dealing with that.

San Bernardino City USD Board Policy Nondiscrimination In District Programs And Activities

BP 0410

Philosophy, Goals, Objectives and Comprehensive Plans

The Board of Education is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination, *harassment, intimidation, and bullying* based on gender (*including* identity or expression), age, actual or perceived sex, race *or ethnicity*, color, religion, ancestry, national origin, ethnic group identification, marital or parental status, physical or mental disability, medical condition, family care, and medical leave entitlement, veteran's status, or sexual orientation or the perception of one or more of such characteristics and a person's association with a person or group with one or more of these actual or perceived characteristics. *Discrimination, harassment, intimidation, or bullying based on actual or perceived characteristics as specified above are prohibited. This nondiscrimination policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of San Bernardino City Unified School*

District. School personnel who witness acts of discrimination, harassment, intimidation, or bullying based on actual or perceived characteristics, as specified in this policy, are required to take immediate steps to intervene when safe to do so. This nondiscrimination policy *also* covers admission, participation, and accessibility to any program or activity of the district and selection, advancement, discharge and other terms, conditions, and privileges of employment.

- (cf. 4030 - Nondiscrimination in Employment)
- (cf. 4032 - Reasonable Accommodation)
- (cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
- (cf. 5145.3 - Nondiscrimination/Harassment)
- (cf. 5145.7 - Sexual Harassment)
- (cf. 5146 - Married/Pregnant/Parenting Students)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6164.4 - Identification of Individuals for Special Education)
- (cf. 6164.6 - Identification and Education under Section 504)
- (cf. 6178 - Vocational Education)
- (cf. 6200 - Adult Education)

The Superintendent or designee shall ensure that the district provides auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program or activity. These aids and services may include, but are not limited to, qualified interpreters or readers, assistive listening devices, notetakers, written materials, taped text, and Braille or large print materials.

- (cf. 6020 - Parent Involvement)

Individuals with disabilities shall notify the Superintendent or designee if they have a disability that requires special assistance or services. Reasonable notification should be given prior to the school or district-sponsored function, program or meeting.

- (cf. 9320 - Meetings and Notices)
- (cf. 9322 - Agenda/Meeting Materials)

The Superintendent or designee shall notify students, parents/guardians, employees, employee organizations and applicants for admission and employment, and sources of referral for applicants about the district's policy on nondiscrimination. Such notification shall be included in each announcement, bulletin, catalog, application form or other recruitment materials distributed to these groups. (34 CFR 104.8, 106.9)

Inquiries regarding nondiscrimination, equal program accessibility and the filing of complaint procedures alleging discrimination, ***harassment, intimidation, or bullying*** may be directed to the school principal/site administrator or to the district's Affirmative Action Office which coordinates Title VI, VII, IX and ADA 504 programs.

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(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 4031 - Complaints Concerning Discrimination in Employment)

In compliance with law, the district's nondiscrimination policy shall be published in the individual's primary language to the extent practicable. The lack of English language skills will not be a barrier to admission and participation in any of the district's programs and activities. ***The Uniform Complaint Procedure is the process for receiving and investigating complaints of discrimination, harassment, intimidation, or bullying based on actual or perceived characteristics as specified in this policy. This complaint procedure is further detailed in the Board Policy and Administrative Regulation for the Uniform Complaint Procedures.***

(cf. 5145.6 - Parental Notifications)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination ***and bullying***

48985 Notices to parents in language other than English

GOVERNMENT CODE

11000 Definitions

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

54953.2 Brown Act compliance with Americans with Disabilities Act

PENAL CODE

422.55 Definition of hate crime

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities in Education Act

1681-1688 Discrimination based on sex or blindness, Title IX

2301-2415 Carl D. Perkins Vocational and Applied Technology Act

6311 State plans

6312 Local education agency plans

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2000h-6 Title IX

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

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36.303 Auxiliary aids and services

CODE OF FEDERAL REGULATIONS, TITLE 34

100.1-100.13 Nondiscrimination in federal programs, effectuating Title VI

104.1-104.39 Section 504 of the Rehabilitation Act of 1973

106.1-106.61 Discrimination on the basis of sex, effectuating Title IX, especially:

106.9 Dissemination of policy

Management Resources:

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Protecting Students from Harassment and Hate Crime, January, 1999

Notice of Non-Discrimination, January, 1999

Nondiscrimination in Employment Practices in Education, August, 1991

WEB SITES

CDE: <http://www.cde.ca.gov>

Safe Schools Coalition: <http://www.casafeschoolscoalition.org>

Pacific Disability and Business Technical Assistance Center: <http://www.pacdbtac.org>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 17, 2007 San Bernardino, California

revised: June 17, 2008

9.4 - Amendments to BP 1312.3 Uniform Complaint Procedures (Second Reading)

San Bernardino City USD

Board Policy

Uniform Complaint Procedures

BP 1312.3

Community Relations

The purpose of this policy is to establish a uniform system of complaint processing that will effectively and expediently address state and federal laws and regulations governing the programs, services, and activities of the district as a public entity and address concerns and issues presented by employees of San Bernardino City Unified School District and its students, parents/guardians and the community regarding the operation and delivery of programs, services and activities.

The Board of Education recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations. (5 CCR 4620) The district shall investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, *harassment, intimidation or bullying and non-*

compliance with laws related to pupil fees and seek to resolve those complaints in accordance with the procedures set out in 5 CCR 4600-4687 and in accordance with the **uniform complaint** policies and procedures of the **SBCUSD** Board.

The district shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination, **harassment, intimidation or bullying in district programs and activities** against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived **characteristics such as** sex, sexual orientation, gender (~~identity, or expression~~), **gender identity, gender expression**, ethnic group identification, race **or ethnicity**, ancestry, **nationality**, national origin, religion, color, mental or physical disability, marital status or age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any district program or activity **which is funded directly by, or** that receives or benefits from **any state and/or federal** financial assistance. (5 CCR 4610, 34 CFR 300.510, 300.511; Education Code 200-262.4; Government Code 11135, 11138; Penal Code 422.6; 5 CCR 4600-4687). **The uniform complaint procedures will be used when addressing complaints alleging noncompliance with laws relating to pupil fees, such as requiring students to pay fees, deposits or other charges for participation in educational activities, and failure to comply with the requirements for the development and adoption of a school safety plan.**

Uniform complaint procedures shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in Federal Consolidated Categorical Aid Programs, State Consolidated Categorical Aid Programs, Special Education **Programs and unlawful discrimination**. Federal programs include No Child Left Behind Act of 2001: Title I (Basic Programs), Title II (Teacher Quality and Technology), Title III (Limited English Proficient), Title IV (Safe and Drug Free Schools), Title V (Innovative Strategies); Adult Education, Career/Technical Education **and Technical and Training Programs**, Child **Care and** Development, Consolidated Categorical Aid, Indian Education, Nutrition Services, and Special Education. State Consolidated Categorical Aid Programs include Economic Impact Aid (State Compensatory Education), Economic Impact Aid (California Economic Impact Aid-Limited English Proficient), Miller-Unruh Special Reading Program, Peer Assistance and Review, School Improvement Program, School Safety and Violence Prevention, Tenth Grade Counseling, and Tobacco Use Prevention Education. ~~Unlawful discrimination includes the following civil rights protections: actual or perceived sex, age, ancestry, color, ethnic group identification, gender, mental and/or physical disability, national origin, race, religion, sexual orientation, and a person's association with a person or group with one or more of these actual or perceived characteristics.~~

Complaints covered by the collective bargaining agreement shall not be covered by the Uniform Complaint Procedures. (5 CCR 4610)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 1312.1 - Complaints Concerning District Employees)

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- (cf. 1312.2 - Complaints Concerning Instructional Materials)
- (cf. 3553 - Free and Reduced Price Meals)
- (cf. 4031 - Complaints Concerning Discrimination in Employment)
- (cf. 5141.4 - Child Abuse Prevention and Reporting)
- (cf. 5148 - Child Care and Development)
- (cf. 6159 - Individualized Education Program)
- (cf. 6171 - Title I Programs)
- (cf. 6174 - Education for English Language Learners)
- (cf. 6175 - Migrant Education Program)
- (cf. 6178 - Vocational Education)
- (cf. 6200 - Adult Education)

Moreover, in order to expedite and reconcile the various legal obligations in operating a school district, complaints relative to Title VI and VII of the Civil Rights Act of 1964 as amended, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, Fair Employment and Housing Act, Family and Medical Leave Act, California Family Rights Act, Title IX, Section 504 of the Rehabilitation Act of 1974, Genetic Information Nondiscrimination Act of 2008 and other applicable statutes will be referred to the District's Affirmative Action Office.

Williams Settlement complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students, and teacher vacancy or misassignment, and Valenzuela Settlement complaints regarding pupils, including English Learners, who have not passed one or both parts of the high school exit examination by the end of the 12th grade and were not provided the opportunities to receive intensive instruction and services for up to 2 consecutive academic years after the completion of grade 12 will be processed in accordance with the Williams Uniform Complaint Procedures, AR 1312.4.

The Board encourages the early, informal resolution of complaints at the site level whenever possible. Complainants are encouraged to exhaust all attempts to resolve his/her concerns informally at the lowest level possible (i.e., with the employee in question, site administrator, program administrator, etc.). The complaint, under the jurisdiction of the Uniform Complaint Procedures, must be filed in writing in a timely manner and no later than six months from the date when the alleged **unlawful discrimination, harassment, intimidation or bullying** act or conduct that gave rise to the complaint occurred or **six months from the date** when the complainant first obtained knowledge of the facts of the alleged discrimination, **harassment, intimidation or bullying** or disputed issue and in a reasonable time for other non-discriminatory issues relative to educational programs of the district.

Unlawful discrimination, harassment, intimidation or bullying complaints shall be filed no later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying.

The Board acknowledges and respects every individual's right to privacy. Discrimination, **harassment, intimidation or bullying** complaints **based on actual or perceived characteristics, as specified, in this policy and set forth in Section 422.55 of the Penal Code and Section 220**, shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This may include keeping the identity of the complainant confidential, as appropriate and except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee, on a case-by-case basis.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)
(cf. 5125 - Student Records)
(cf. 9011 - Disclosure of Confidential/Privileged Information)

If the district's public school finds merit in a pupil fees complaint, the district's public school shall provide a remedy to all affected pupils, parents, and guardians that where applicable includes reasonable efforts by the district's public school to ensure full reimbursement to all affected pupils, parents, and guardians, subject to procedures established through regulations adopted by the state board.

The Board prohibits any form of retaliation against any person in the complaint process, including but not limited to the filing of a complaint, the reporting of incidents of discrimination, **harassment, intimidation or bullying**, or participation in the complaint procedures.

The Affirmative Action office is responsible for receiving complaints, investigating complaints and ensuring the district's compliance, and shall be knowledgeable about the laws/programs assigned to investigate. ***The Affirmative Action Director or designee is the responsible local educational agency officer for ensuring San Bernardino City Unified School District's compliance with the requirements of Chapter 5.3 (commencing with Section 4900 of Division 1 of Title 5 of the California Code of Regulations) and Chapter 2 (commencing with Section 200). Pupil fee complaints may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with laws relating to pupil fees.***

The complaint will be investigated and a written report issued to the complainant within 60 days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time. The complainant and/or representatives will be provided an opportunity to present evidence or information. The refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations. Refusal by the respondent, against whom the allegations are made, to provide the investigator with access to records and/or other information related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on evidence

collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

The report will contain the following elements: the findings of facts based on the evidence gathered; the conclusion of law; the disposition of the complaint; the rationale for such a disposition; corrective actions, if any are warranted; notice of the complainant's right to appeal the district's decision to California Department of Education; and procedures to be followed for initiating an appeal to CDE.

The district will have the Uniform Complaint Procedures and the rights and responsibilities of the complainant and the responsibilities of the district, including the notification requirements, detailed in the administrative regulation, AR 1312.3, ensuring annual dissemination of a written notice of the district's complaint procedures to employees, students, parents and/or guardians, advisory committees, shall be in English, and when necessary, in the primary language, pursuant to Section 38985 of the Education Code. The Annual Notice shall include the following information: the district is primarily responsible for compliance with federal and state laws and regulations; a pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity; the Affirmative Action Office is designated to receive complaints; the complainant has a right to appeal the district's decision to the California Department of Education by filing a written appeal within 15 days of receiving the district's decision; civil law remedies that may be available to the complainant under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and the appeal pursuant to Education Code Section 262.3; and a statement that copies of the district's complaint procedures shall be available free of charge.

The district will have the Uniform Complaint Procedures and the rights and responsibilities of the complainant *and the responsibilities of San Bernardino City Unified School District, including the notification requirements*, detailed in the administrative regulation, AR 1312.3 *ensuring annual dissemination of a written notice of the district's complaint procedures to students, employees parents, or guardians of its complainants have the right to pursue civil law remedies under state or federal discrimination, harassment, intimidation or bullying laws. The Affirmative Action Office will maintain documentation of complaints and their resolution for a minimum of four years.*

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination *and bullying*

8200-8498 Child care and development programs

8500-8538 Adult basic education

18100-18203 School libraries

32289 School safety plan, uniform complaint procedure ~~leon~~

35186 Williams uniform complaint procedure

41500-41513 Categorical education block grants

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48985 Notices in language other than English

49060-49079 Student records

49010-49013 Pupil Fees

49490-49590 Child nutrition programs

52160-52178 Bilingual education programs

52300-52490 Career-technical education

52500-52616.24 Adult schools

52800-52870 School-based coordinated programs

54000-54028 Economic impact aid programs

54100-54145 Miller-Unruh Basic Reading Act

54400-54425 Compensatory education programs

54440-54445 Migrant education

54460-54529 Compensatory education programs

56000-56867 Special education programs

59000-59300 Special schools and centers

64000-64001 Consolidated application process

PENAL CODE

422.6 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4687 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs

6601-6777 Title II preparing and recruiting high quality teachers and principals

6801-6871 Title III language instruction for limited English proficient and immigrant students

7101-7184 Safe and Drug-Free Schools and Communities Act

7201-7283g Title V promoting informed parental choice and innovative programs

7301-7372 Title V rural and low-income school programs

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

revised: October 21, 2008

revised: June 15, 2010

9.5 - Amendments to BP 4030 Nondiscrimination in Employment (Second Reading)

San Bernardino City USD
Board Policy
Nondiscrimination In Employment

BP 4030
Personnel

Purpose

To prevent discriminatory harassment in the work place and educational environment.

Policy Statement

The San Bernardino City Unified School District is committed to providing all employees and students a working and learning environment that is free of discrimination, **harassment, intimidation, and bullying** in accordance with applicable state and federal laws. This nondiscriminatory working and learning environment is for the benefit of all district employees (non-supervisory, supervisors and management) and students. All employees are expected to fully comply with this policy. Additionally, non-employees who have contact with the district's employees or students during working or educational hours are expected to conduct themselves in accordance with this policy. Absolutely no one is authorized to engage in conduct prohibited by this policy.

In keeping with this commitment to a nondiscriminatory working environment, the district maintains a strict policy prohibiting sexual harassment, discrimination, **harassment, intimidation, and bullying** or harassment based on age over forty, race **or ethnicity**, ethnic group identification, color, actual or perceived sex, religion, national origin, ancestry, medical condition (cancer and genetic characteristics)*, marital status, physical or mental disability, sexual orientation, gender**, personal or family genetic information, or family care and medical leave entitlement in accordance with applicable state and federal laws. It is also prohibited to discriminate on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics. This policy prohibits all forms of discriminatory harassment through any means, including nonverbal, verbal (including derogatory comments, slurs, propositions, teasing, jokes or taunts), physical (including gestures, touching, obstructing or otherwise interfering with a person's movement) or visual (including leering, cartoons, drawings, magazines, notes, letters or posters).

This policy prohibits all conduct by which an employee or student because of race **or ethnicity**, ethnic group identification religion, color, national origin, ancestry, physical disability, mental disability, medical condition (cancer or genetic characteristics)*, marital status, age (40 and above), sex, sexual orientation, gender**, personal or family genetic information, on the basis of

a person's association with a person or group with one or more of these actual or perceived characteristics or family care and medical leave entitlement, is subjected to unwelcome, offensive, intimidating, oppressive or otherwise interfering harassment or is subject to any discrimination, **harassment, intimidation, or bullying** thereof on district property or district/school related activities. ***This includes discrimination, harassment, intimidation, or bullying based on the actual or perceived characteristics as specified above. This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of the school district.*** Students and employees will not be excluded on the basis of actual or perceived sex, sexual orientation, gender, age, ethnic group identification, race **or ethnicity**, ancestry, national origin, religion, color, mental or physical disability, personal or family genetic information, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics from participation in any educational program, curricular or extracurricular, including all sports and other activities, denied the benefits of participation, or subjected to harassment or other forms of discrimination, **harassment, intimidation, or bullying** in such programs or employment.

* Medical Condition is defined, in accordance with the California Fair Employment and Housing Act, as any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer or genetic characteristics.

** Gender is defined as the person's actual sex, or the perception of the person's sex, and includes the perception of the person's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated or stereo typically with that person's assigned sex at birth. The district may require persons to comply with reasonable workplace appearance, grooming, and dress standards consistent with state and federal law, provided that persons are allowed to appear or dress consistently with their gender identity.

“Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- (A) Placing a reasonable pupil or pupils in fear of harm to that pupil’s or those pupils’ person or property,***
- (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.***
- (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.***
- (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.***

An “electronic act” means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

A “reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

Sexual Harassment

All of the foregoing apply to complaints of sexual harassment. For the purpose of clarification, prohibited sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, visual or physical conduct of a sexual nature where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, academic status or progress;
2. Submission to, or rejection of, such conduct by an individual is used as the basis of employment or educational decisions affecting the individual;
3. Such conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment; or
4. Submission to, or rejection of the conduct by the individual regarding benefits and services, honors, programs, or activities available at or through the district or its sites.

Examples of prohibited harassing acts:

- Unwelcome sexual advances or sexual propositions
- Kidding, teasing, or joking of a sexual nature or of other protected bases delineated above
- Graphic commentary about an individual's body, sexual prowess or sexual deficiencies
- Derogatory or demeaning comments about anyone's gender in general or gender identity or expression, epithets, slurs or jokes about one's race *or ethnicity*, color, national origin, religious creed, physical or mental disability, age (40 and over), sex, gender identity or expression, sexual orientation, or marital status
- Leering or staring at someone

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Â• Unwelcome suggestive or insulting sounds such as whistles, kissing sounds, howling, or sucking noises

Â• Touching, patting, pinching, stroking, squeezing, tickling or brushing against another's body

Â• Displaying offensive objects, pictures, calendars, cartoons, magazines, videotapes, audio recordings or literature which are sexual in nature

Â• Unwelcome use of sexually degrading language or innuendoes

Â• Obscene gestures

Â• Consensual sexual relationships:

Romantic or sexual relationship of any employee with elementary or secondary students is clearly prohibited pursuant to state molestation laws concerning adults and children. Romantic or sexual relations between an adult student and faculty member or between a subordinate employee and his/her superior can raise "serious concerns" where there may be a conflict of interest and abuse of power. Such relations may lead to favoritism of a student or subordinate employee with whom the teacher or superior is sexually involved and where such favoritism adversely affects other students and/or employees

Â• Unwanted neck or shoulder massage

Â• Spreading rumors about a person's sexuality

Â• Graffiti about a person's sexuality

Â• Letters, notes, telephone calls, e-mail or materials of a sexual nature

Â• Stalking a person

Â• Attempted or actual sexual assault

Â• Making or threatening reprisals after a negative response to sexual advances

Â• Impeding or blocking of one's movement

Â• Repeatedly asking out a person who is not interested

Enforcement

Disciplinary action up to and including termination will be promptly taken against any employee (non-supervisory, supervisor or manager) if it becomes known to management that such person has engaged in conduct prohibited by this policy.

No Retaliation

No employee or student shall be retaliated against, in any manner, for reporting conduct which he/she believes to be a violation of this policy, for participating in an investigation of a possible violation of this policy, or for using the district's Complaint Procedure.

Retaliation against anyone reporting or perceived to have reported sexual harassment behavior is prohibited. Any retaliatory conduct shall be considered a serious violation of this policy and shall be independent of whether a complaint of sexual harassment is substantiated. Moreover, encouraging others to engage in retaliatory conduct also violates this policy.

Examples of prohibited retaliation:

- Unfair grading
- Unfair evaluation
- Unfair assignment
- Public or private ridicule
- Oral or written threats
- Intimidation
- Destruction of property
- Further harassment

Complaints

Individuals who have been subjected to discriminatory harassment have an obligation to immediately report the incident or incidents to their immediate supervisor or the district's Affirmative Action Director, who is also the district's Title IX Coordinator. Complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, **harassment, intimidation, or bullying** will be processed in accordance with the district's Uniform Complaint Policy and Procedure and in accordance with the procedures set out in section 4600-4687 of the Title 5 Regulations. Copies of the district's complaint procedures

shall be available free of charge. The district's Affirmative Action Office shall have available information on the rules and procedures for reporting charges of sexual harassment and pursuing available remedies.

The procedure set forth pursuant to the district's Uniform Complaint Policy and Procedure does not deny the right of any individual to pursue other avenues of remedy under the jurisdiction of any state or federal law.

The confidentiality of the reporting or complaining party will be observed provided it does not interfere with the district's ability to investigate or take corrective action ***and shall remain confidential, as appropriate.***

School personnel who witness acts of discrimination, harassment, intimidation, or bullying based on actual or perceived characteristics, as specified in this policy, are required to take immediate steps to intervene when safe to do so.

Notifications

Pursuant to Educational Code 231.5, a copy of this policy will be displayed in a prominent location in the main administrative building or other areas of the school site or campus. A prominent location is a location or those locations in the main administrative building or other areas where notices regarding the district's rules, regulations, procedures, and standards of conduct are posted ***including offices, staff lounge and pupil government meeting rooms.***

Also, a copy of this policy will be provided to each person employed by the school district at the beginning of the first quarter or semester of the school year, or at the time that a new employee is hired. A copy of the district's written policy on sexual harassment shall appear in any publication of the district that sets forth the comprehensive rules, regulations, procedures and standards of conduct for the district.

Site administrators or immediate supervisors who receive a sexual harassment incident report from any employee, non-employee or the public are required to submit a report to the Affirmative Action Office in order for the Affirmative Action Office to maintain a record of complaints. ***Also any bullying incident report covered under this policy shall be reported to the Affirmative Action Office to maintain a record of complaints and their resolution.***

Training

By January 1, 2006, and every two years thereafter, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state statutory law on the prohibition against and the prevention and correction of sexual harassment and the remedies available to the victims of sexual harassment in employment. The training shall also include practical examples aimed at instructing supervisors in the prevention of harassment discrimination, *harassment, intimidation, or bullying* and retaliation. (Government Code 12950.1)

The district's Affirmative Action Director or designee is responsible for ensuring school district compliance with the requirement of Chapter 5.3 (commencing with Section 4900) of Division 1 of Title 5 of the California Code of Regulations and Chapter 2 (commencing with Section 200).

Legal Reference:

EDUCATION CODE

234-234.1 Safe Place to Learn Act

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

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106.9 Dissemination of policy

COURT DECISIONS

Carter v. California Department of Veterans Affairs (2003) 2003 Cal.LEXIS 5694

Shephard v. Loyola Marymount (2002) 102 CalApp.4th 837

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999

U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS

Notice of Non-Discrimination, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

DFEH: <http://www.dfeh.ca.gov>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

revised: July 1, 2008

9.6 - Amendments to BP 4119.11 Sexual Harassment (Second Reading)

San Bernardino City USD

Board Policy

Sexual Harassment

BP 4119.11

Personnel

The San Bernardino City Unified School District is committed to providing all employees and students a working and learning environment that is free of discrimination in accordance with applicable state and federal laws. This nondiscriminatory working and learning environment is for the benefit of all district employees (non-supervisory, supervisors and management) and students. All employees are expected to fully comply with this policy. Additionally, non employees who have contact with the district's employees or students during working or educational hours are expected to conduct themselves in accordance with this policy. Absolutely no one is authorized to engage in conduct prohibited by this policy.

In keeping with this commitment to a nondiscriminatory working environment, the district maintains a strict policy prohibiting sexual harassment or sexual discrimination. This policy prohibits all forms of discriminatory harassment through any means, including nonverbal, verbal

(including derogatory comments, slurs, propositions, teasing, jokes or taunts), physical (including gestures, touching, obstructing or otherwise interfering with a person's movement) or visual (including leering, cartoons, drawings, magazines, notes, letters or posters).

This policy prohibits all conduct by which an employee or student because of sex, sexual orientation, or gender orientation is subjected to unwelcome, offensive, intimidating, oppressive or otherwise interfering harassment or is subject to any discrimination, thereof on district property or district/school related activities. Students and employees will not be excluded on the basis of sex, sexual orientation, or gender from participation in any educational program, curricular or extracurricular, including all sports and other activities, denied the benefits of participation, or subjected to harassment or other forms of discrimination in such programs. ***This policy also prohibits bullying based on actual or perceived gender and all such acts related to school activity or school attendance of students occurring within a school under the jurisdiction of the Superintendent of the school district.***

Gender is defined as the person's actual sex, or the perception of the person's sex, and includes the perception of the person's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with that person's sex at birth. The district may require persons to comply with reasonable workplace appearance, grooming, and dress standards consistent with state and federal law, provided that persons are allowed to appear or dress consistently with their gender identity.

Sexual Harassment

All of the foregoing apply to complaints of sexual harassment. For the purpose of clarification, prohibited sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, visual or physical conduct of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions effecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with work or educational performance or creating an intimidating, hostile, or offensive working or learning environment.

Examples of prohibited harassing acts:

- Unwelcome sexual advances or sexual propositions
- Kidding, teasing, or joking of a sexual nature or of other protected bases delineated above
- Graphic commentary about an individual's body, sexual prowess or sexual deficiencies

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Â• Derogatory or demeaning comments about anyone's gender in general or gender identity or expression, epithets, slurs or jokes about one's race *or ethnicity*, color, national origin, religious creed, physical or mental disability, age (40 and over), sex, gender identity or expression, sexual orientation, or marital status

Â• Leering or staring at someone

Â• Unwelcome suggestive or insulting sounds such as whistles, kissing sounds, howling, or sucking noises

Â• Touching, patting, pinching, stroking, squeezing, tickling or brushing against another's body

Â• Displaying offensive objects, pictures, calendars, cartoons, magazines, videotapes, audio recordings or literature which are sexual in nature

Â• Unwelcome use of sexually degrading language or innuendoes

Â• Obscene gestures

Â• Consensual sexual relationships:

Romantic or sexual relationship of any employee with elementary or secondary students is clearly prohibited pursuant to state molestation laws concerning adults and children. Romantic or sexual relations between an adult student and faculty member or between a subordinate employee and his/her superior can raise "serious concerns" where there may be a conflict of interest and abuse of power. Such relations may lead to favoritism of a student or subordinate employee with whom the teacher ~~of~~ *or* superior is sexually involved and where such favoritism adversely affects other students and/or employees.

Â• Unwanted neck or shoulder massage

Â• Spreading rumors about a person's sexuality

Â• Graffiti about a person's sexuality

Â• Letters, notes, telephone calls, e-mail or materials of a sexual nature

Â• Stalking a person

Â• Attempted or actual sexual assault

Â• Making or threatening reprisals after a negative response to sexual advances

- Â• Impeding or blocking of one's movement
- Â• Repeatedly asking out a person who is not interested

Enforcement

Disciplinary action up to and including termination will be promptly taken against any employee (non-supervisory, supervisor or manager) if it becomes known to management that such person has engaged in conduct prohibited by this policy.

No Retaliation

No employee or students shall be retaliated against, in any manner, for reporting conduct which he/she believes to be a violation of this policy, for participating in an investigation of a possible violation of this policy, or for using the District's Complaint Procedure.

Retaliation against anyone reporting or perceived to have reported sexual harassment behavior *or bullying because of one's gender* is prohibited. Any retaliatory conduct shall be considered a serious violation of this policy and shall be independent of whether a complaint of sexual harassment is substantiated. Moreover, encouraging others to engage in retaliatory conduct also violates this policy.

Examples of prohibited retaliation:

- Â• Unfair grading
- Â• Unfair evaluation
- Â• Unfair assignment
- Â• Public or private ridicule
- Â• Oral or written threats
- Â• Intimidation
- Â• Destruction of property
- Â• Further harassment

Complaints

Individuals who have been subjected to discriminatory harassment have an obligation to immediately report the incident or incidents to their immediate supervisor or the district's Affirmative Action Director, who is also the district's Title IX Coordinator. The complaint will be processed in accordance with the district's Uniform Complaint Policy and Procedure. ***School personnel who witness such bullying acts are required to take immediate steps to intervene when safe to do so.***

The procedure set forth pursuant to the district's Uniform Complaint Policy and Procedure does not deny the right of any individual to pursue other avenues of remedy under the jurisdiction of any state or federal law.

The confidentiality of the reporting or complaining party will be observed provided it does not interfere with the district's ability to investigate or take corrective action ***and will remain confidential, as appropriate.***

Notifications

Pursuant to Educational Code 212.6, a copy of this policy will be displayed in a prominent location in the main administrative building or other areas of the school site. A prominent location is a location where notices regarding the district's rules, regulations, procedures, and standards of conduct are posted.

Also, a copy of this policy will be provided to each person employed by the school district at the beginning of the first quarter or semester of the school year, or at the time that a new employee is hired.

Site administrators or immediate supervisors who receive a sexual harassment incident report from any employee, non-employee or the public are required to submit a report to the Affirmative Action Office in order for the Affirmative Action Office to maintain a record of complaints. ***Also any report or complaint of bullying based on actual or perceived gender with their resolution will be submitted to the Affirmative Action Office.***

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex ***and bullying***

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

Board of Education Minutes
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1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS
GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

9.7 - Amendments to BP 4219.11 Sexual Harassment (Second Reading)

San Bernardino City USD

Board Policy

Sexual Harassment

BP 4219.11

Personnel

The San Bernardino City Unified School District is committed to providing all employees and students a working and learning environment that is free of discrimination in accordance with applicable state and federal laws. This nondiscriminatory working and learning environment is for the benefit of all district employees (non-supervisory, supervisors and management) and students. All employees are expected to fully comply with this policy. Additionally, non employees who have contact with the district's employees or students during working or educational hours are expected to conduct themselves in accordance with this policy. Absolutely no one is authorized to engage in conduct prohibited by this policy.

In keeping with this commitment to a nondiscriminatory working environment, the district maintains a strict policy prohibiting sexual harassment or sexual discrimination. This policy prohibits all forms of discriminatory harassment through any means, including nonverbal, verbal (including derogatory comments, slurs, propositions, teasing, jokes or taunts), physical (including gestures, touching, obstructing or otherwise interfering with a person's movement) or visual (including leering, cartoons, drawings, magazines, notes, letters or posters).

This policy prohibits all conduct by which an employee or student because of sex, sexual orientation, or gender orientation is subjected to unwelcome, offensive, intimidating, oppressive or otherwise interfering harassment or is subject to any discrimination, thereof on district property or district/school related activities. Students and employees will not be excluded on the basis of sex, sexual orientation, or gender from participation in any educational program, curricular or extracurricular, including all sports and other activities, denied the benefits of participation, or subjected to harassment or other forms of discrimination in such programs. ***This policy also prohibits bullying based on actual or perceived gender and all such acts related to school activity or school attendance of students occurring within a school under the jurisdiction of the Superintendent of the school district.***

Gender is defined as the person's actual sex, or the perception of the person's sex, and includes the perception of the person's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with that person's sex at birth. The district may require persons to comply with reasonable workplace appearance, grooming, and dress standards consistent with state and federal law, provided that persons are allowed to appear or dress consistently with their gender identity.

Sexual Harassment

All of the foregoing apply to complaints of sexual harassment. For the purpose of clarification, prohibited sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, visual or physical conduct of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions effecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with work or

educational performance or creating an intimidating, hostile, or offensive working or learning environment.

Examples of prohibited harassing acts:

- Unwelcome sexual advances or sexual propositions
- Kidding, teasing, or joking of a sexual nature or of other protected bases delineated above
- Graphic commentary about an individual's body, sexual prowess or sexual deficiencies
- Derogatory or demeaning comments about anyone's gender in general or gender identity or expression, epithets, slurs or jokes about one's race *or ethnicity*, color, national origin, religious creed, physical or mental disability, age (40 and over), sex, gender identity or expression, sexual orientation, or marital status
- Leering or staring at someone
- Unwelcome suggestive or insulting sounds such as whistles, kissing sounds, howling, or sucking noises
- Touching, patting, pinching, stroking, squeezing, tickling or brushing against another's body
- Displaying offensive objects, pictures, calendars, cartoons, magazines, videotapes, audio recordings or literature which are sexual in nature
- Unwelcome use of sexually degrading language or innuendoes
- Obscene gestures
- Consensual sexual relationships:

Romantic or sexual relationship of any employee with elementary or secondary students is clearly prohibited pursuant to state molestation laws concerning adults and children. Romantic or sexual relations between an adult student and faculty member or between a subordinate employee and his/her superior can raise "serious concerns" where there may be a conflict of interest and abuse of power. Such relations may lead to favoritism of a student or subordinate employee with whom the teacher ~~of~~ *or* superior is sexually involved and where such favoritism adversely affects other students and/or employees.

- Unwanted neck or shoulder massage

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- Â• Spreading rumors about a person's sexuality
- Â• Graffiti about a person's sexuality
- Â• Letters, notes, telephone calls, e-mail or materials of a sexual nature
- Â• Stalking a person
- Â• Attempted or actual sexual assault
- Â• Making or threatening reprisals after a negative response to sexual advances
- Â• Impeding or blocking of one's movement
- Â• Repeatedly asking out a person who is not interested

Enforcement

Disciplinary action up to and including termination will be promptly taken against any employee (non-supervisory, supervisor or manager) if it becomes known to management that such person has engaged in conduct prohibited by this policy.

No Retaliation

No employee or students shall be retaliated against, in any manner, for reporting conduct which he/she believes to be a violation of this policy, for participating in an investigation of a possible violation of this policy, or for using the District's Complaint Procedure.

Retaliation against anyone reporting or perceived to have reported sexual harassment behavior ***or bullying because of one's gender*** is prohibited. Any retaliatory conduct shall be considered a serious violation of this policy and shall be independent of whether a complaint of sexual harassment is substantiated. Moreover, encouraging others to engage in retaliatory conduct also violates this policy.

Examples of prohibited retaliation:

- Â• Unfair grading
- Â• Unfair evaluation
- Â• Unfair assignment
- Â• Public or private ridicule

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- Oral or written threats
- Intimidation
- Destruction of property
- Further harassment

Complaints

Individuals who have been subjected to discriminatory harassment have an obligation to immediately report the incident or incidents to their immediate supervisor or the district's Affirmative Action Director, who is also the district's Title IX Coordinator. The complaint will be processed in accordance with the district's Uniform Complaint Policy and Procedure. ***School personnel who witness such bullying acts are required to take immediate steps to intervene when safe to do so.***

The procedure set forth pursuant to the district's Uniform Complaint Policy and Procedure does not deny the right of any individual to pursue other avenues of remedy under the jurisdiction of any state or federal law.

The confidentiality of the reporting or complaining party will be observed provided it does not interfere with the district's ability to investigate or take corrective action ***and will remain confidential, as appropriate.***

Notifications

Pursuant to Educational Code 212.6, a copy of this policy will be displayed in a prominent location in the main administrative building or other areas of the school site. A prominent location is a location where notices regarding the district's rules, regulations, procedures, and standards of conduct are posted.

Also, a copy of this policy will be provided to each person employed by the school district at the beginning of the first quarter or semester of the school year, or at the time that a new employee is hired.

Site administrators or immediate supervisors who receive a sexual harassment incident report from any employee, non-employee or the public are required to submit a report to the Affirmative Action Office in order for the Affirmative Action Office to maintain a record of complaints. ***Also any report or complaint of bullying based on actual or perceived gender with their resolution will be submitted to the Affirmative Action Office.***

Board of Education Minutes
March 18, 2014

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex *and bullying*

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS

GENERAL

Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

9.8 - Amendments to BP 4319.11 Sexual Harassment (Second Reading)

**San Bernardino City USD
Board Policy
Sexual Harassment**

BP 4319.11
Personnel

The San Bernardino City Unified School District is committed to providing all employees and students a working and learning environment that is free of discrimination in accordance with applicable state and federal laws. This nondiscriminatory working and learning environment is for the benefit of all district employees (non-supervisory, supervisors and management) and students. All employees are expected to fully comply with this policy. Additionally, non employees who have contact with the district's employees or students during working or educational hours are expected to conduct themselves in accordance with this policy. Absolutely no one is authorized to engage in conduct prohibited by this policy.

In keeping with this commitment to a nondiscriminatory working environment, the district maintains a strict policy prohibiting sexual harassment or sexual discrimination. This policy prohibits all forms of discriminatory harassment through any means, including nonverbal, verbal (including derogatory comments, slurs, propositions, teasing, jokes or taunts), physical (including gestures, touching, obstructing or otherwise interfering with a person's movement) or visual (including leering, cartoons, drawings, magazines, notes, letters or posters).

This policy prohibits all conduct by which an employee or student because of sex, sexual orientation, or gender orientation is subjected to unwelcome, offensive, intimidating, oppressive or otherwise interfering harassment or is subject to any discrimination, thereof on district property or district/school related activities. Students and employees will not be excluded on the basis of sex, sexual orientation, or gender from participation in any educational program, curricular or extracurricular, including all sports and other activities, denied the benefits of participation, or subjected to harassment or other forms of discrimination in such programs. ***This policy also prohibits bullying based on actual or perceived gender and all such acts related to school activity or school attendance of students occurring with a school under the jurisdiction of the Superintendent of the school district.***

Gender is defined as the person's actual sex, or the perception of the person's sex, and includes the perception of the person's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with that person's sex at birth. The district may require persons to comply with reasonable workplace appearance, grooming, and dress standards consistent with state and federal law, provided that persons are allowed to appear or dress consistently with their gender identity.

Sexual Harassment

All of the foregoing apply to complaints of sexual harassment. For the purpose of clarification, prohibited sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, visual or physical conduct of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions effecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with work or educational performance or creating an intimidating, hostile, or offensive working or learning environment.

Examples of prohibited harassing acts:

- Unwelcome sexual advances or sexual propositions
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- Derogatory or demeaning comments about anyone's gender in general or gender identity or expression, epithets, slurs or jokes about one's race *or ethnicity*, color, national origin, religious creed, physical or mental disability, age (40 and over), sex, gender identity or expression, sexual orientation, or marital status
- Leering or staring at someone
- Unwelcome suggestive or insulting sounds such as whistles, kissing sounds, howling, or sucking noises
- Touching, patting, pinching, stroking, squeezing, tickling or brushing against another's body
- Displaying offensive objects, pictures, calendars, cartoons, magazines, videotapes, audio recordings or literature which are sexual in nature
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- Unwanted neck or shoulder massage
- Spreading rumors about a person's sexuality
- Graffiti about a person's sexuality
- Letters, notes, telephone calls, e-mail or materials of a sexual nature
- Stalking a person
- Attempted or actual sexual assault
- Making or threatening reprisals after a negative response to sexual advances
- Impeding or blocking of one's movement
- Repeatedly asking out a person who is not interested

Enforcement

Disciplinary action up to and including termination will be promptly taken against any employee (non-supervisory, supervisor or manager) if it becomes known to management that such person has engaged in conduct prohibited by this policy.

No Retaliation

No employee or students shall be retaliated against, in any manner, for reporting conduct which he/she believes to be a violation of this policy, for participating in an investigation of a possible violation of this policy, or for using the District's Complaint Procedure.

Retaliation against anyone reporting or perceived to have reported sexual harassment behavior *or bullying because of one's gender* is prohibited. Any retaliatory conduct shall be considered a serious violation of this policy and shall be independent of whether a complaint of sexual harassment is substantiated. Moreover, encouraging others to engage in retaliatory conduct also violates this policy.

Examples of prohibited retaliation:

- Unfair grading
- Unfair evaluation
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- Intimidation
- Destruction of property
- Further harassment

Complaints

Individuals who have been subjected to discriminatory harassment have an obligation to immediately report the incident or incidents to their immediate supervisor or the district's Affirmative Action Director, who is also the district's Title IX Coordinator. The complaint will be processed in accordance with the district's Uniform Complaint Policy and Procedure. ***School personnel who witness such bullying acts are required to take immediate steps to intervene when safe to do so.***

The procedure set forth pursuant to the district's Uniform Complaint Policy and Procedure does not deny the right of any individual to pursue other avenues of remedy under the jurisdiction of any state or federal law.

The confidentiality of the reporting or complaining party will be observed provided it does not interfere with the district's ability to investigate or take corrective action ***and will remain confidential, as appropriate.***

Notifications

Pursuant to Educational Code 212.6, a copy of this policy will be displayed in a prominent location in the main administrative building or other areas of the school site. A prominent location is a location where notices regarding the district's rules, regulations, procedures, and standards of conduct are posted.

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Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex ***and bullying***

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

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LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

7287.8 Retaliation

7288.0 Sexual harassment training and education

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

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106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

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Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS
GENERAL

Board of Education Minutes
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Protecting Students from Harassment and Hate Crime, January, 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights:

<http://www.ed.gov/about/offices/list/ocr/index.html>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

9.9 - Amendments to BP 5145.3 Nondiscrimination/Harassment (Second Reading)

San Bernardino City USD

Board Policy

Nondiscrimination/Harassment

BP 5145.3

Students

Statement of Policy

The San Bernardino City Unified School District is committed to providing all students a learning environment that is free of discrimination, **harassment, intimidation, and bullying** in accordance with applicable state and federal laws. This nondiscriminatory learning environment is for the benefit of all district students and all students are expected to fully comply with this policy. Additionally, non-district students who have contact with any of the district's students are expected to conduct themselves in accordance with this policy in any district school or district school-sponsored activity. Absolutely no one is authorized to engage in conduct prohibited by this policy.

In keeping with this commitment to a nondiscriminatory learning environment, the district maintains a strict policy prohibiting sexual harassment, discrimination, **harassment, intimidation, or bullying** or harassment based on race **or ethnicity**, ethnic group identification, color, actual or perceived sex, sexual orientation, gender, **gender identity, gender expression**, religion, national origin, ancestry, physical, or mental disability, age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in accordance with applicable state and federal laws. This policy prohibits all forms of discriminatory harassment through any means including nonverbal, verbal (including derogatory comments, slurs, propositions, teasing, jokes, or taunts), physical (including gestures, touching, obstructing, or otherwise interfering with a person's movement) or visual (including leering, cartoons, drawings, magazines, notes, letters or posters).

This policy prohibits all conduct by which any student because of actual or perceived sex, age, race *or ethnicity*, ethnic group identification, religion, color, national origin, ancestry, physical disability, mental disability, actual or perceived sex, sexual orientation, gender, *gender identity*, *gender expression* or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics is subject to unwelcome, hostile, offensive, intimidating, oppressive or otherwise interfering harassment in an educational setting. *This includes unlawful discrimination, harassment, intimidation, or bullying based on the actual or perceived characteristics as specified above.* Moreover, students will not be excluded on the basis of the aforementioned protected bases from participation in or access to any educational program, guidance and counseling programs, testing procedures, curricular or extracurricular, including all sports and other activities; denied the benefits of participation, or subjected to harassment or other forms of discrimination, *harassment, intimidation, or bullying* in such programs. *This policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the Superintendent of the school district.*

“Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, as defined, including, but not limited to, sexual harassment, hate violence, or harassment, threats, or intimidation, that has the effect or can reasonably be predicted to have the effect of placing a reasonable pupil, as defined, in fear of harm to that pupil’s or those pupils’ person or property, causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health, causing a reasonable pupil to experience substantial interference with his or her academic performance, or causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

“Electronic act” means the transmission of a communication, including, but not limited to, a message, text, sound, or image, or a post on a social network Internet Web site, by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

“Reasonable pupil” means a pupil, including, but not limited to, an exceptional needs pupil, who exercises average care, skill, and judgment in conduct for a person of his or her age, or for a person of his or her age with his or her exceptional needs.

Gender means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereo typically associated with the person's assigned sex at birth.

- (cf. 0410 - Nondiscrimination in District Programs and Activities)
- (cf. 5145.9 - Hate-Motivated Behavior)
- (cf. 5146 - Married/Pregnant/Parenting Students)
- (cf. 6164.6 - Identification and Education under Section 504)

The Board prohibits intimidation or harassment of any student by any employee, student or other person in the district. Staff shall be alert and immediately responsive to student conduct which may interfere with another student's ability to participate in or benefit from school services, activities or privileges. ***School personnel who witness such acts of discrimination, harassment, intimidation, or bullying based on actual or perceived characteristics delineated in this policy are required to take immediate steps to intervene when safe to do so.***

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 5145.7 - Sexual Harassment)

Sexual Harassment

All of the foregoing applies to complaints of sexual harassment. For the purpose of clarification, prohibited sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature where such conduct has the purpose or effect of having a negative impact upon the individual's academic performance, or creating an intimidating, hostile, or offensive educational environment; where submission to such conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress; where submission to, or rejection of, the conduct by the individual is used as the basis of academic decisions affecting the individual; where submission to, or rejection of, such conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the district and its school sites.

Examples of Prohibited Behavior

- Exposing genitals
- Shouting obscenities
- Mooning
- Streaking
- Leaving obscene messages on school computers
- Whistling at other students and/or school employees
- Threatening rape
- Intentionally pressing or rubbing oneself sexually around another person
- Teasing other students and/or school employees about their sexual activity or body

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- Â• Unwanted deliberate hugging, kissing, touching, patting, pinching, grabbing, leaning over, or cornering a student or school employee
- Â• Flipping up skirts
- Â• Pulling down someone's pants, shorts or skirt
- Â• Bra, pants, shorts or skirt snapping
- Â• Continual staring at a person's body
- Â• Sexual or dirty jokes
- Â• Actual or attempted rape or sexual assault
- Â• Unwanted pressure for sexual favors or dates
- Â• Making sexual gestures with hands or through body movements
- Â• Unwanted letters or materials of a sexual nature
- Â• Kissing sounds, howling, and smacking lips
- Â• Looking a person up and down
- Â• Sexual rumors
- Â• Comments about the body
- Â• Violating personal space
- Â• Pornographic pictures, posters, drawings or stories
- Â• Offensive displays of sex-related objects
- Â• Offensive graffiti of a sexual nature, racial nature or of any discriminatory basis
- Â• Holding a person against his or her will

Enforcement

Disciplinary action up to and including expulsion will be promptly taken against any student if it becomes known to the district and proven by school officials that such student has engaged in conduct prohibited by this policy.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

No Retaliation

No student, employee, or other individuals will be retaliated against, in any manner, for reporting conduct which he or she believes to be a violation of this policy, for participating in an investigation of a possible violation of this policy, or for using the district's Uniform Complaint Procedure. ***The identity of the complainant alleging discrimination, harassment, intimidation, or bullying will remain confidential, as appropriate.***

Complaints

Students who have been subjected to discriminatory harassment have an obligation to immediately report the incident or incidents to their principal or designee or the district's Affirmative Action Director, who is also the district's Title IX Coordinator. ***The Affirmative Action Director or designee is the responsible local educational agency officer for ensuring the district's compliance with the requirements of Chapter 5.3 (commencing with Section 4900) of Division 1 of Title 5 of the California Code of Regulations and Chapter 2 (commencing with Section 200).*** The complaint ***filed with the district's Affirmative Action Office*** will be processed in accordance with the district's Uniform Complaint Policy and Procedure. ***Students, parents, guardians, employees, or third parties may report any incidents covered by this policy to the school site administrator of the child's school who will investigate the allegations in a timely manner.*** It is encouraged and recommended that students use the district's Uniform Complaint Procedure; however, they may seek recourse by pursuing available remedies outside the district. The district's Affirmative Action Office will have available the specific rule and procedures for reporting charges of sexual harassment and for pursuing available remedies.

Notifications

Pursuant to Educational Code 231.5, a copy of this policy will be displayed in a prominent location in the main administrative building at each school site of the district or other areas

where notices regarding the district's rules, regulations, procedures and standards of conduct are posted. Also, this policy will be a part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable. At the beginning of each school year, the district's sexual harassment policy will be included in the notifications that are sent to parents/guardians and will be disseminated to each staff member annually, at the beginning of the first quarter or semester of the school year, or at the time a new employee is hired. This policy will also appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct.

This policy and the policy on bullying prevention shall be posted in all schools and offices, including staff lounges and pupil government meeting rooms.

Any teacher, counselor, or district employee who receives a sexual harassment ***or bullying*** incident report from any student or adult in the educational setting and/or if the alleged incident occurred on district property or school site, or at a district or school-related or sponsored activity, must report this information to the site administrator. Site administrators are required to submit a report to the Affirmative Action Office in order for the Affirmative Action Office to maintain a record of complaints ***for sexual harassment and bullying***.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially; ***includes bullying***

221.5 Prohibited sex discrimination

221.7 School-sponsored athletic programs; prohibited sex discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

49020-49023 Athletic programs

51006-51007 Equitable access to technological education programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Interference with constitutional right or privilege

CODE OF REGULATIONS, TITLE 5

4621 District policies and procedures

4622 Notice requirements

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

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UNITED STATES CODE, TITLE 42
 2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended
 2000h-2-2000h-6 Title IX, 1972 Education Act Amendments
 CODE OF FEDERAL REGULATIONS, TITLE 34
 100.3 Prohibition of discrimination on basis of race, color or national origin
 104.7 Designation of responsible employee for Section 504
 106.8 Designation of responsible employee for Title IX
 106.9 Notification of nondiscrimination on basis of sex
 COURT DECISIONS
 Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:
 OFFICE OF CIVIL RIGHTS PUBLICATIONS
 Notice of Non-Discrimination, January, 1999
 Racial Incidents and Harassment Against Students at Educational Institutions; Investigative
 Guidance, 59 FR 47, March, 1994
 WEB SITES
 U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/offices/OCR>
 California Department of Education: <http://www.cde.ca.gov>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT
 adopted: October 17, 2007 San Bernardino, California
 revised: June 17, 2008

9.10 - Follow Up on Requests and Questions from Board and Community Members, as of March 12, 2014

	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
COMMUNITY PARTNERSHIP – MR. MURRIETA					
1	2/18/14	How can we encourage parents to visit local colleges through field trips?	Mrs. Medina	4/1/14	In progress
2	12/17/13	Survey schools to see which are supported by nonprofits and then recognize them.	Mr. Tillman	4/1/14	In progress
3	12/17/13	How can we expand the Exceeding Expectations program here?	Mrs. Medina	4/1/14	In progress
EDUCATIONAL SERVICES – DR. ZAMORA					
1	3/4/14	Discuss providing Internet access and computers at students' homes during the LCAP process.	Mr. Tillman	4/1/14	In progress

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	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
2	3/4/14	Can a coordinator make a Board presentation on the AVID program?	Mrs. Medina	4/1/14	In progress
3	3/4/14	What is the cost for ebooks vs. textbooks?	Mrs. Perong	4/1/14	In progress
4	3/4/14	What feedback do we get from private schools that we provide funds for training?	Mrs. Hill	4/1/14	In progress
5	2/18/14	What is the pre-K data for African American students?	Mrs. Medina	4/1/14	In progress
6	2/18/14	She would like to present how classified positions are tied to LCAP priorities at a parent meeting.	Lisa Towery	4/1/14	In progress
7	2/18/14	Challenge the high school principals to make the Academic Decathlon important.	Mrs. Savage	4/1/14	In progress
8	2/4/14	Conduct a longitudinal study of student voice at the middle school level.	Dr. Flores	4/1/14	In progress
9	2/4/14	Consider offering AVID type services (study skills) at all grade levels.	Mrs. Medina	4/1/14	In progress
10	1/21/14	Provide the cost of textbook adoptions.	Mr. Tillman	4/1/14	In progress
11	1/21/14	Inform parents of 11 th grade students of the upcoming EAP test and why it will be important for the students. Have the students who don't show readiness on EAP been continuously enrolled in our district? Were the students who showed readiness on EAP once AVID students?	Mr. Tillman Mrs. Perong Mrs. Hill	4/1/14	In progress
12	1/14/14	Get more information about the District participating in the CORE waiver.	Dr. Flores	4/1/14	In progress
13	1/14/14	Agendize a workshop on Stars Renaissance benchmark testing tools.	Mr. Gallo	4/1/14	In progress

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	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
STUDENT SERVICES – DR. MITCHELL					
1	2/18/14	Include the number of credits required on the report card dashboard.	Mr. Tillman	4/1/14	In progress
2	2/4/14	CWA would like a resident OCS officer at each school.	Stephen Gianni	4/1/14	In progress
3	2/4/14	Provide less expensive options for cap and gown rentals.	Dr. Flores	4/1/14	A few students were overcharged and money was refunded.
4	2/4/14	Consider establishing a program similar to Elaine’s Hope Closet.	Mrs. Perong	4/1/14	Homeless liaison will research. In progress
5	12/7/13	Investigate Glen Singleton’s work on cultural proficiency.	Dr. Flores	4/1/14	In progress
6	11/19/13	Consider using the GRIP program in the District.	Mrs. Hill	4/1/14	In progress
7	11/19/13	Explore having some type of on-campus suspension at all or feeder schools.	Board Consensus	4/1/14	In progress
8	10/15/13	Consider reinstating the case management program.	Mrs. Hill	4/1/14	In progress
BUSINESS SERVICES – MRS. KING					
1	2/18/14	Consider providing transportation funds for extracurricular activities during the budget development.	Mr. Tillman	4/1/14	In progress
2	2/18/14	Acknowledge grant writers on the gift of donations form.	Mrs. Perong	4/1/14	In progress
3	2/18/14	Is it legal to charge parents for extracurricular activities fees/equipment?	Mr. Tillman	4/1/14	In progress
FACILITIES/OPERATIONS – MR. PEUKERT					
1	3/4/14	Can the District install a sidewalk at King Middle School?	Mrs. Hill	4/1/14	In progress
2	3/4/14	Agendize recycling efforts at schools.	Mrs. Perong	4/1/14	In progress
3	2/18/14	Agendize solar projects.	Mr. Tillman	4/1/14	In progress

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	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
COMMUNICATIONS – MRS. BARDERE					
1	3/4/14	Is there a central number for parents to call for District information?	Mrs. Hill	4/1/14	In progress
SCHOOL POLICE – CHIEF PAULINO					
1	3/4/14	What is the cost for tasers and training for School Police?	Mrs. Perong	4/1/14	In progress
HUMAN RESOURCES – DR. WISEMAN					
	12/3/13	What is the cost for offering drivers ed and work experience courses?	Mrs. Hill Mr. Tillman	3/14/14	\$941,799 annually Completed.
1	2/18/14	Give teachers training on how to address sensitive topics during parent/teacher conferences.	Mrs. Medina	3/14/14	This was added to the Professional Development Calendar. Completed.
2	1/21/14 2/4/14	Find a resolution to certificated subs working in classified positions.	Nancy Sanchez-Spears Stephen Gianni	3/14/14	Response provided in Board Correspondence. Completed
3	1/21/14	Consider reinstating the secret shopper program to ensure schools are welcoming parents.	Mrs. Medina	3/14/14	Program to be reinstated when staff and resources become available. Completed
4	1/21/14	Contract with a company to do a staffing analysis.	Mr. Tillman	4/1/14	In progress
5	1/21/14	What are the number of employees in the comparative districts that are providing similar services in offices other than Human Resources?	Mr. Gallo Mrs. Medina	3/14/14	Provided in Board Correspondence. Completed
6	1/14/14	Their children aren't learning in combo classes at Arrowhead Elementary School.	Julieta Contreras	3/14/14	Staff met with the parents. Completed
7	1/14/14	There is not enough outside seating for lunchtime.	Reyna Serrato	3/14/14	Response provided in Board

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	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
					Correspondence. Completed
8	9/17/13	Hold a job fair to advertise available positions for local residents.	Mr. Tillman	To be determined	District sponsored the CSUSB Education Fair on 3/11/14. Completed
DEPUTY SUPERINTENDENT – DR. VOLLKOMMER					
1	2/18/14	Consider expanding the Del Vallejo Middle School Youth Community Outreach committee to other schools.	Carissa Kutkowski Anabel Diaz Meghann Doane Victoria Garcia Deanna Flores	4/1/14	In progress
2	2/18/14	Have Art Gallardo share his anti-bullying presentation at a Management Team meeting.	Mrs. Hill	4/1/14	In progress
3	1/21/14	Where are we with parent engagement?	Mrs. Perong	4/1/14	In progress
4	1/14/14	How far are we with the program evaluation process?	Mrs. Perong	4/1/14	In progress
5	11/19/13	Get a legal opinion on what the School Board’s role will be with the revised CaSA.	Mr. Gallo	4/1/14	In progress
6	9/10/13	Develop a plan so students’ schedules aren’t changed after three weeks.	Elsa Valdez	4/1/14	In progress
7	8/20/13 11/19/13 1/21/14	Revisit having an Enrollment Center. Establish a Parent Engagement Center, possibly in combination with the Enrollment Center	Dr. Flores Mrs. Hill Mrs. Medina	4/1/14	In progress
8	2/5/13 7/2/13	Consider installing video cameras in all classrooms.	Richelle Capozio Stephen Gianni	4/1/14	Staff will work with SBTA to examine possibilities.
SUPERINTENDENT – DR. MARSDEN					
1	2/18/14	Recognize Academic Decathlon students and coaches.	Mrs. Perong	4/15/14	Scheduled for 4/15/14.

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	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
					Completed
2	2/18/14	Acknowledge the work of the first place winners in the Science Fair.	Mrs. Perong	4/15/14	Scheduled for 4/15/14. Completed
3	2/18/14	Acknowledge the Black History Bee winners. Thank the sorority for their work.	Mrs. Perong	4/15/14	Scheduled for 4/15/14. Completed
4	12/3/13	Consider reading "Other People's Children" or "Multiplication is for White People" for the next book study.	Dr. Flores	4/1/14	In progress
5	8/20/13	Why aren't foreign language classes offered at Richardson and Rodriguez?	Brenda Daniels	4/1/14	In progress
STRATEGIC PLANNING					
1	2/18/14	Create something similar to Richardson at other schools?	Mrs. Medina	4/1/14	In progress
2	1/21/14	Consider offering bus tickets to allow students to get to and from school safely.	Mrs. Hill	4/1/14	Added to Board SWOT Lot and Operational Strategic Planning.
3	11/5/13	Look at a later starting time for secondary students.	Mr. Gallo Mrs. Hill	4/14	To be discussed at the Cabinet Quarterly Strategic Planning meeting.
4	12/17/13	Consider teachers presenting challenging classes in a language other than English.	Ms. Sanchez-Spears	4/14	In progress

Abigail Medina asked that #5 under Educational Services be revised to ask how many students take the SAT and how many pass. Mrs. Medina asked staff to find ways to implement something for customer service. Harold Vollkommer reported that Brenda Fogg will help reenergize the program. Michael Gallo asked what other strategies there are for safe travel to and from school for students.

SESSION TEN – Consent Calendar

10.0 - Consent Calendar *(When considered as a group, unanimous approval is advised.)*

Certain items of business require review and approval by the Board of Education. Other items are for information and review only. Therefore, the following items are grouped as a consent list for receipt and approval. When members have questions about items included in the consent calendar, these items are pulled out of the group and considered separately.

Consent items 10.1 and 10.32 were held for later consideration.

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

BUSINESS SERVICES

10.2 - Amendment No. 1 to the Agreement with Public Economics Inc., Orange, California, to Provide Redevelopment Consultant Services

BE IT RESOLVED that the Board of Education ratifies amending the agreement with Public Economics Inc., Orange, California, as approved by the Board on November 20, 2012, Agenda Item No. 8.10. This amendment is necessary to allow Public Economics Inc. to complete the Phase II and III of the consulting services regarding the former redevelopment agencies, per the terms of RFP No. 25-12. This amendment is to exercise the option to extend the contract ending period from June 30, 2013, to a new ending date of June 30, 2014, and to increase the contract amount by an additional \$80,895.98.00 with a breakdown cost of \$16,205.00 – Phase II/III; \$50,000.00 – IVDA; and \$14,690.98 – Other services, and will be paid from Unrestricted General Fund – Business Services - Facilities, Account No. 068. 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.

10.3 - Bid No. 01-14, Paper – Warehouse Stock

BE IT RESOLVED that Bid No. 01-14, Paper – Warehouse Stock, be awarded to the lowest responsive and responsible bidder meeting District specifications based on the lowest unit prices as follows:

BIDDER

Paper Associates
Eastvale, California

LINES AWARDED

Line Items 1, 2 & 3

BE IT FURTHER RESOLVED that the District reserves the right to purchase more than or less than the quantity indicated, exercising unit price escalation in accordance with the bid specifications, at the sole discretion of the District, throughout the initial six-month term of the bid, and all extensions, not to exceed three (3) years in total.

10.4 - 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:

Joanna Aceves	Angel Mendez	To attend the BOOST – Best Of Out-Of- School Time Conference, from April 30, through May 2, 2014, in Palm Springs, California. Total cost, including meals and mileage per District guidelines, not to exceed \$59,211.10, will be paid from CAPS ASES Account No. 459.
Lloan Alas	Maritza Mendez	
Laura Almada	Selena Miguel	
Nathan Almendarez	Oscar Napoles	
Anetra Applewhite	Sumeya Pierce	
Rosanne Aranda	Samantha Ramirez	
Priscilla Badillo	Gabriela Rivera	
Lakeisha Baker	Crystal Rodriguez	
Juan Bernal-Romero	Suzanne Rodriguez	
Jannely Bojorquez	Jose Sanchez	
Cathlene Botello	Leslie Santana	
Irene Botello	Gloria Saucedo	
Natalie Cadena	RobEisha Sheppard	
Tami Chavez	Nicole Sorensen	
Jarrett Cline	Lorena Tarin	
Gabriela Crespo	Heather Torres	
Loreal Davidson	Lily Torres	
Monica DeLaCueva	Alexa Uribe	
Ana Delgado	Tiffany Valenzuela-Gonzalez	
Loretta Edwards	Kaleena Ward	
Nicole Ellis	Nadifa Warren	
Larissa Flores	Jerry Zuniga	
Stephanie Galvez	Patricia Castro	
Andrea Garcia	Rosa Chavez	
Ray Gonzalez	Stephanie Grajiola	
Chevaugn Green	Johanna Morales	
Melinda Hall	Reyna Rae	
Ruby Hernandez	LaKyshia Reddick	
Cory Hollamon	Eddie Griego	
Lizbett Izquierdo	(Board Representatives, YMCA	
Kena Jackson	East Valley; Boys and Girls	
Kimberly Lebel	Club; Project Life Impact)	
Melissa Maquinalez		

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Josefina Abonce	Rosa Loera	To attend the 2014 California Association for Bilingual Education (CABE) Conference on May 22, 2014, in Riverside, California. Total cost, per District guidelines, not to exceed \$6,783.00, will be paid from English Learner Programs Department Account No. 261.
Edith Aguilar	Mayra Lopez	
Teresa Alba	Joseph Mack	
Yesenia Alcaraz	Minerva Marin	
Roselia Alvarez	Maria Murillo	
Patricia Benitez	Fanny Nieto	
Ana Cervantes	Dolores Ochoa	
Daniel Chavez	Israel Orozco	
Lilia Cisnero-Felix	Maria Orozco	
Liliana Cruz	Susana Ortiz	
Carina Delgado	Josefina Perez	
Erika Delgado	Claudia Pinon	
Myrna Fernandez	Maria Plascencia	
Martha Flores	Leopoldo Ramayo	
Claudia Galicia	Sara Ramayo	
Rosalia Garcia	Isabel Ramirez	
Irma Gil	Alejandra Rosendiz	
Dolores Gonzalez	Sara Rojas	
Silvia Guerrero	Elizabeth Romero	
Maribel Hernandez	Paula Rosas	
Sandra Hernandez	Juana Vazquez	
Mayra Higuera	Lidia Vejar	
Susana Juarez	Amelida Yanez	
Liliana Lamas	(Board Representatives, English Learner Programs Department)	
Brenda Lemus		
Angeles Medrano		
Maribel Mendez		

10.5 - Commercial Warrant Registers for Period from February 16 through February 28, 2014

BE IT RESOLVED that the Commercial Warrant Register for period from February 16 through February 28, 2014, be approved.

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

10.6 - Extended Field Trip, Arrowview Middle School, Southern California University Tour, Multiple Southern California Locations

BE IT RESOLVED that the Board of Education approves the extended field trip for 40 Arrowview Middle School students and six District employees to attend the Southern California University Tour, in multiple Southern California locations, from June 3, through June 5, 2014.

The cost of the trip, not to exceed \$6,688.14, including meals and lodging for 40 Arrowview Middle School students and six District employees, will be paid from Arrowview Middle School Accounts No. 204, 420, 459, and fundraising. Transportation provided by JC Tours, not to exceed \$2,334.51, will be paid from Arrowview Middle School Account No. 420. Names of the students are on file in the Business Services Division.

10.7 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$106,554.59 in the budgeting of revenues and expenditures for the restricted program, TPP: Department of Rehabilitation Program (568).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$19,575.00 in the budgeting of revenues and expenditures for the restricted program, Preschool Local Program (589).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$9,792.00 in the budgeting of revenues and expenditures for the restricted program, Preschool Expansion Program (592).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$68,556.90 in the budgeting of revenues and expenditures for the restricted program, Fund 12-Facilities Renovation and Repair Program (105).

10.8 - Payment for Course of Study Activities

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

UCR Inland Area Writing Project for a presentation titled “Analytical Writing Placement Exam Presentation” beginning March 31, throughout the month of May 2014. The total cost, not to exceed \$600.00, will be paid from San Bernardino High School Account No. 420.

San Bernardino County Museum on the Road for a presentation titled “Animal Classification” on April 16, 2014. The cost, not to exceed \$156.80, will be paid from Lankershim Elementary School Account No. 501.

The Wild Company for a presentation titled “The Mighty Rain Forest” on April 22, 2014. The cost, not to exceed \$550.00, will be paid from Thompson Elementary School Student Council Funds.

The Humane Society of San Bernardino Valley for various presentations titled “Humane Education Program” beginning March 24, throughout the month of May 2014. The presentations will be made free of charge.

10.9 - RFP No. 19-13 Barcode, Pre-sort and Mail Service

BE IT RESOLVED that RFP No. 19-13, Barcode, Pre-sort and Mail Service be awarded to the single bidder, Inland Presort and Mailing Services.

BE IT ALSO RESOLVED that this RFP be accepted for the cost of services per Pre-sort Mail, First Class Letter, First Class Flat, Non-Profit Bulk Mail and Non-Profit Bulk Flat.

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

EDUCATIONAL SERVICES

10.10 - Facilities Use Agreement with the City of San Bernardino Parks and Recreation for Use of the Jerry Lewis Swim Center for Riley Elementary School Students

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with the City of San Bernardino Parks and Recreation, for the use of the Jerry Lewis Swim Center for the end-of-year swim party for Riley Elementary School, on May 22, 2014. The services include the rental of the pool and providing lifeguards. The cost for the use of facilities, not to exceed \$344.00, will be paid from Restricted General Fund – After School Education and Safety Program – Cohort, Account No. 459.

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

10.11 - Request for Waiver of California High School Exit Exam (CAHSEE) Passage Requirement for Students with a Disability

BE IT RESOLVED that the Board of Education approves the Waiver of CAHSEE Passage Requirement for Students with a Disability.

STUDENT SERVICES

Creative Before- and After-School Programs for Success (CAPS)

10.12 - Agreement with Center for Educational Leadership, Claremont, California, to Provide Professional Development Training on its Wellness Program to CAPS Staff

BE IT RESOLVED that the Board of Education approves entering into an agreement with Center of Educational Leadership, Claremont, California, to provide professional development to the Boys and Girls Club CAPS staff, effective March 19, 2014, through June 30, 2015. In January, the Center launched its Wellness Program featuring nutrition, physical fitness and health and

safety called Inland Child and Adult Nutritional (ICAN) live healthy program. The safety and disaster preparedness component of the program is designed by the American Red Cross to provide students in disadvantaged communities the skills to handle natural or manmade disasters. The training will provide the CAPS site youth leaders with information, curriculum and resource support for understandable and appropriate instructions for emergency response of the vulnerabilities of natural disaster. 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.

10.13 - Agreement with Santa Clara County Office of Education, San Jose, California, to Provide Professional Development Training to CAPS Staff

BE IT RESOLVED that the Board of Education approves entering into an agreement with Santa Clara County Office of Education, San Jose, California, on behalf of their ASAPConnect Program, to provide professional development trainings to CAPS staff, effective March 25, through March 26, 2014. The training will be conducted by Tom Crane, M.B.A, an experienced consultant and facilitator who specializes in working with leaders and their teams to build “feedback-rich” coaching cultures that create and sustain true “high-performance.” The Heart of Coaching workshop equips leaders and teams to create mutually supportive, highly accountable, coaching partnerships where feedback flows in all directions. The core focus is on developing awareness and skills that are grounded in organizational accountability and transformational coaching. The cost for services, not to exceed \$8,545.00, will be paid from Restricted General Fund – After School Education and Safety Program-Cohort, Account No. 459.

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

Information Technology

10.14 - Renewal of the Agreement with Communications Connectivity Solutions, Highland, California, to Provide E-Rate and Non-E Rate Technology Infrastructure Services

BE IT RESOLVED that the Board of Education approves entering into an agreement with Communications Connectivity Solutions, Highland, California, to provide E-Rate and Non-E Rate technology infrastructure services, effective March 19, through June 30, 2014. The services include bid drawings, cabinet details report, itemized pricing, cabinet photos, scope of work, statement of work, review and update of all applicable specifications, and site visits. The cost for services, not to exceed \$36,000.00, will be paid from Unrestricted General Fund – E-Rate/Phone/Technology, Account No. 172.

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

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10.15 - San Bernardino City Unified School District Resolution Authorizing Approval Of Dell Financial Services Lease Purchase Schedule Dated March 18, 2014 And Revocation Of Approval Of Lease Purchase Schedule Dated February 18, 2014

WHEREAS, on February 18, 2014, pursuant to Board Resolution entitled “Approval of Dell Financial Services Lease Purchase Agreement” (“February Resolution”), the Governing Board (the “Board”) of the San Bernardino City Unified School District (the “District”) authorized the lease purchase of computer equipment from Dell Financial Services L.L.C. pursuant to a Lease Purchase Schedule dated February 18, 2014; and

WHEREAS, after Board approval of the February Resolution, the District, in consultation with Dell Marketing L.P., determined a need to revise the computer equipment to be leased by the District, resulting in the need for a different lease schedule to accurately reflect the property to be leased; and

WHEREAS, by this Resolution, the Board desires to revoke its approval of the Lease Purchase Schedule No. 810-6215542-001 dated February 18, 2014 and replace it with approval of the Lease Purchase Schedule dated March 18, 2014, as provided for herein; and

WHEREAS, the Board of the District has determined that a true and very real need exists for the acquisition of computer equipment specified in the attached Lease Schedule No. 810-6215542-001 dated March 18, 2014 (the “Property”); and

WHEREAS, the governing board of a school district, under Section 10299 of the California Public Contract Code, may, without competitive bidding, contract with suppliers that have been awarded contracts, master agreements, multiple award schedules, cooperative agreements or other types of agreements that leverage the state’s buying power, for acquisitions authorized under Chapter 2 (commencing with Section 10290), Chapter 3 (commencing with Section 12100), and Chapter 3.6 (commencing with Section 12125) of the California Public Contract Code; and

WHEREAS, the Board of the District determined that it is in the best interest of the District to authorize the acquisition of the Property from Dell Marketing L.P. through a bid procured by the State of California Department of General Services Procurement Division under the California Multiple Award Schedule (CMAS) Contract No. 3-94-70-0012 Supplement No. 16 dated August 16, 2011 through June 30, 2016 (“CMAS Contract”); and

WHEREAS, the governing board of a school district, under Education Code section 17597 may, by direct sale or otherwise, sell to a purchaser any electronic data processing equipment or other major items of equipment owned by, or to be owned by, the district if the purchaser agrees to lease the equipment back to the district for use by the district following the sale; provided the governing board finds, by resolution, that the Property fits within the meaning of this Section, and that the sale and leaseback is the most economical means for providing electronic data processing equipment or other major items of equipment to the District; and

WHEREAS, the Board of the District has determined the need for the Property, and authorized the lease/purchase of such Property with Dell Financial Services L.L.C. (the “Lessor”), pursuant to the Master Lease Agreement No. 006215542, as amended by Amendment No. 1 and the attached Lease Purchase Schedule No. 810-6215542-001 dated March 18, 2014 (the “Lease”), attached hereto as Exhibit “A” and hereby incorporated by reference as if fully set out herein; and

WHEREAS, the Board of the District has determined that this Lease arrangement is the most economical means for providing the Property to the District.

NOW, THEREFORE, the District Board hereby finds, determines, declares and resolves as follows:

Section 1. All of the recitals set forth above are true and correct and the Board so finds and determines.

Section 2. The Board hereby revokes its prior approval of Lease Purchase Schedule No. 810-6215542-001 dated February 18, 2014.

Section 3. The Board hereby finds and determines the acquisition of the Property from Dell Marketing L.P., pursuant to the CMAS Contract and Public Contract Code section 10299, to be in the best interest of the District.

Section 4. The Board hereby finds and determines the Property fits within the meaning of Education Code section 17597 and the Lease provides the most economical means for providing the Property to the District.

Section 5. The form of the Lease by and between the District and Lessor presented to this meeting, and on file with the District, is hereby approved. The Superintendent or Superintendent’s designee is hereby authorized and directed, for and in the name of and on behalf of the District, to execute and deliver to Lessor the Lease and such other financing and related documents as necessary to the completion of the transaction contemplated by the Lease with such changes therein as such officer or person may require and approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 6. The District’s obligations under such Lease shall be subject to annual appropriation or renewal as set forth in the Lease, and the Lease shall contain such options to purchase by the District as set forth therein.

Section 7. The Superintendent or Superintendent’s designee is hereby authorized and directed to do any and all things, and to execute and deliver any and all documents which they may, in consultation with legal counsel, deem necessary or advisable in order to consummate this transaction and otherwise carry out, give effect to and comply with the terms and intent of this Resolution.

Section 8. This Resolution shall be effective as of the date of its adoption.

School-Linked Services

10.16 - Agreement with Manuel Baltierra, Grand Terrace, California, to Provide Training to Parents of District Students

BE IT RESOLVED that the Board of Education approves entering into an agreement with Manuel Baltierra, Grand Terrace, California, to provide parent training titled “The Parent Project” for parents of District students, effective March 19, through June 30, 2014. The Parent Project is a 10-week course for parents of strong-willed, out of control students. It teaches the parents the skills and tactics to deal with truancy, communication, defiant behavior, drug and alcohol issues, and gang intervention. Topics include the following: understanding our children; addressing problematic behavior; a parent’s formula for success; dynamics for change and active listening among other topics. The purpose is to guide students to be responsible for their actions and lead productive lives. The program is used nationally and is evidence-based. The cost for services, not to exceed \$7,000.00, will be paid from Restricted General Fund – Medi-Cal Billing, Account No. 585.

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

10.17 - Agreement with Terry Boykins, San Bernardino, California, to Provide Parent Engagement Workshop to African-American and Hispanic Fathers of District Students

BE IT RESOLVED that the Board of Education approves entering into an agreement with Terry Boykins, San Bernardino, California, to present 10 parent workshops for African-American and Hispanic fathers of district students, effective March 19, through December 31, 2014. The training will engage District fathers and/or active male role models of African-American and Hispanic students in a comprehensive 10-week interactive parenting curriculum focused on the following outcomes: paternal engagement; cultural dynamics; student education perspective; academic performance and assessment; home environment; and life after high school. The cost for services, not to exceed \$2,007.50, will be paid from Restricted General Fund – Medi-Cal Billing, Account No. 585.

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

School Sites

10.18 - Agreement with Albert Thomas, Highland, California, to Provide Behavior Counseling Interventions for Students at Lincoln Elementary School

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Albert Thomas, Highland, California, to provide behavior counseling interventions for up to twenty (20) students at Lincoln Elementary School, effective October 1, 2013, through May 30, 2014. The services include assistance to the school counselors for students who have difficulty in adjusting to daily school requirements and making negative choices. Parent assistance will be provided to the students' parents. The cost for services, not to exceed \$7,000.00, will be paid from Unrestricted General Fund – Economic Impact Aid State Compensatory Education, Account No. 420.

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

10.19 - Agreement with Albert Thomas, Highland, California, to Provide Mentoring Services to Students and Parents at Bing Wong Elementary School

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Albert Thomas, Highland, California, to provide mentoring and coaching services to both students and parents at Bing Wong Elementary School, effective October 1, through December 31, 2013. The services will provide the opportunity to build a better home/school connection. This added resource will help build the collaboration with teachers and school counselors by providing assistance to students having difficulties in adjusting to daily school requirements. The purpose is to promote parental and family engagement and involvement to benefit and improve student behavior through intervention. The cost for services, not to exceed \$2,772.00, will be paid from Unrestricted General Fund – Economic Impact Aid State Compensatory Education, Account No. 420.

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

Youth Services

10.20 - 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:

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*(S)5/28/1997 *(S)12/15/1995 *(S)7/15/1998 *(S)6/18/1999 **(S)5/18/2001 **(S)2/23/1996
*(S)5/17/1998 *(S)6/8/1998 **(S)1/1/2002 *(S)12/2/1996

*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.

10.21 - 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.

5/22/1998 9/30/1996 11/6/2003

10.22 - 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:

10/21/1994

10.23 - Revocation of Suspension of Expulsion

FURTHER, in accordance with Education Code Section 48917, the Board does hereby order the expulsion of the student(s) with birth date(s) as listed:

3/21/2001

This order revokes a previously suspended expulsion order and is recommended at this time because the student(s) violated the conditions of the suspension of the expulsion order.

FACILITIES/OPERATIONS DIVISION

Facilities Management

10.24 - Agreement with Government Financial Strategies, Inc. to Provide Consultant Services

BE IT RESOLVED that the Board of Education approves the agreement with Government Financial Strategies, Inc. to provide consultant services effective March 19, through September 30, 2014, for a not-to-exceed cost of \$7,500.00, to be paid from Fund 21. The scope of work will be to review and confirm that the Net Present Value Savings percentage for the bond refinance is viable. Scope of work will be assigned by the Assistant Superintendent, Facilities/Operations.

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

10.25 - Amendment No. 1 to the Agreement with Enko Systems, Inc. for the Nutrition Services Department Fire Alarm & Security Systems Replacement & Upgrade

BE IT RESOLVED that the Board of Education approves amending the agreement with Enko Systems, Inc. for the Nutrition Services Department Fire Alarm & Security Systems Replacement & Upgrade. This amendment is to add Nutrition Services Fund 92. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign said Amendment No. 1.

10.26 - Amendment No. 8 to the Professional Services Agreement for Architectural and Engineering Services for DSA Pre-Checked Two Story Classroom Buildings

BE IT RESOLVED that the Board of Education approves amending the professional services agreement with IBI Group for architectural and engineering services for DSA pre-checked two story classroom buildings for the Muscoy, Vermont, and Lincoln Elementary Schools Overcrowding Relief Grant (ORG) project, effective through June 30, 2015. This amendment is

needed at Vermont Elementary School for additional architectural and engineering services required due to additional scope of work, including redesign of proposed fire lane and underground utilities. The cost, not to exceed \$21,138.00, plus approved reimbursables, will be paid from Funds 21, 25, 35 and 40. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign said Amendment No. 8.

10.27 - Amendment No. 40 to the Professional Services Agreement with HMC Architects for Architectural and Engineering Services for Various Modernization Projects – Group 7

BE IT RESOLVED that the Board of Education approves amending the agreement with HMC Architects for contractor claims representation services for the Ramona-Alessandro Elementary School modernization project (Group 7). The cost, \$1,490.00, was paid from Fund 35.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign said Amendment No. 40.

10.28 - Request to Substitute Subcontractors, Bid No. F11-02B Re-Bid, HVAC Upgrades at Arrowview, Golden Valley and Richardson PREP HI Middle Schools (Group B)

BE IT RESOLVED that the Board of Education approves the request by the General Contractor, NKS Mechanical Contracting, Inc., Bid No. F11-02B Re-Bid, HVAC Upgrades at Arrowview, Golden Valley, and Richardson PREP HI Middle Schools (Group B), pursuant to Public Contract Code Section 4107:

- to release its plumbing subcontractor, SJL Plumbing & Piping, Inc., from their obligation on the project, and to substitute with Davis Plumbing. There is no additional cost. All other terms and conditions remain the same.
- to release its electric subcontractor, Imperial Electric, from their obligation on the project, and to substitute with Alpha One Electric, Inc. There is no additional cost. 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 any required documents to effect said substitutions.

10.29 - Resolution Approving the Forms of Preliminary Official Statement and Bond Purchase Contract Prepared in Connection with the Issuance of 2014 General Obligation Refunding Bonds

WHEREAS, a duly called election was held in the San Bernardino City Unified School District, (the “District”), San Bernardino County (the “County”), State of California, on March 2, 2004, and thereafter canvassed pursuant to law;

WHEREAS, at such election there was submitted to and approved by a vote of more than 55% of the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District for various purposes set forth in the ballot submitted to the voters, in the maximum amount of \$140,000,000.00 payable from the levy of an *ad valorem* tax against the taxable property in the District (the “2004 Authorization”);

WHEREAS, on September 29, 2004, the District caused the issuance of the first series of bonds under the 2004 Authorization styled as the San Bernardino City Unified School District (San Bernardino County, California) General Obligation Bonds, 2004 Election, Series A, in the principal amount of \$44,999,497.70 (the “2004 Series A Bonds”);

WHEREAS, on September 29, 2004, the District caused the issuance, pursuant to Section 53550 *et seq.* of the California Government Code, its 2004 General Obligation Refunding Bonds in the principal amount of \$37,055,000.00 (the “2004 Refunding Bonds”), the proceeds of which were utilized to refund certain of the District’s Election of 1999 General Obligation Bonds, Series A and Election of 1999 General Obligation Bonds, Series C;

WHEREAS, on May 18, 2006, the District caused the issuance of the second series of bonds under the 2004 Authorization styled as the San Bernardino City Unified School District (San Bernardino County, California) General Obligation Bonds, 2004 Election, Series B, in the principal amount of \$67,999,967.45 (the “2004 Series B Bonds,” and together with the 2004 Series A Bonds and the 2004 Refunding Bonds, the “Prior Bonds”);

WHEREAS, pursuant to Section 53550 *et seq.* of the California Government Code, the Board of Education (the “Board”) of the District, previously authorized the issuance of general obligation refunding bonds (the “Refunding Bonds”) pursuant to a resolution adopted May 7, 2013 (the “Bond Resolution”), to refund all or a portion of the outstanding Prior Bonds (so refunded, the “Refunded Bonds”);

WHEREAS, pursuant to Section 53550 *et seq.* of the California Government Code, on June 12, 2013, the District issued its San Bernardino City Unified School District (San Bernardino County, California) 2013 General Obligation Refunding Bonds, Series A (Federally Tax-Exempt) in the principal amount of \$86,000,000.00 (the “2013 Refunding Bonds”), pursuant to which it advance refunded a portion of the Prior Bonds, consisting of (i) \$16,175,000.00 of the 2004 Series A Bonds, (ii) \$59,995,000.00 of the 2004 Series B Bonds, and (iii) \$13,730,000.00 of the 2004 Refunding Bonds;

WHEREAS, at this time the Board of Education wishes to approve the forms of a Purchase Contract and Preliminary Official Statement and authorize the preparation of an Official Statement, as such terms are defined herein, and all in connection with the issuance and sale of additional series of Refunding Bonds (the “2014 Refunding Bonds”) pursuant to the Bond Resolution, to refund all or a portion of the remaining outstanding Prior Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT AS FOLLOWS:

SECTION 1. Purchase Contract. The form of contract for purchase of the 2014 Refunding Bonds (the "Purchase Contract") by and between the District and Piper Jaffray & Co., as representative (the "Representative") of itself, and the firms named therein (collectively, the "Underwriters"), for the purchase and sale of the 2014 Refunding Bonds, substantially in the form on file with the Board, is hereby approved and the Superintendent of the District (the "Superintendent") or the Chief Business and Financial Officer of the District, or any interims filling that role (the "Chief Business and Financial Officer"), the Assistant Superintendent, Facilities/Operations (the "Assistant Superintendent, Facilities/Operations"), or such other officers or employees of the District as the Superintendent, the Chief Business and Financial Officer, or Assistant Superintendent, Facilities/Operations may designate (collectively, the "Authorized Officers"), each alone, are hereby authorized and requested to execute such Purchase Contract; provided, however, that (i) the maximum interest rate on the 2014 Refunding Bonds shall not exceed the maximum rate permitted by law, (ii) the underwriting discount thereon, excluding original issue discount, shall not exceed 0.5% of the aggregate principal amount of 2014 Refunding Bonds issued, and (iii) and the sale of the 2014 Refunding Bonds shall produce a minimum savings to the taxpayers of at least 7.4% of the par amount of those Refunded Bonds to be refunded upon the issuance of the 2014 Refunding Bonds. The Authorized Officers, each alone, are further authorized to determine the principal amount of the 2014 Refunding Bonds to be specified in the Purchase Contract for sale by the District up to \$54,000,000.00 and to enter into and execute the Purchase Contract with the Underwriters, if the conditions set forth in this Resolution are satisfied. The Board estimates that the costs associated with the issuance of the 2014 Refunding Bonds, including compensation to the Underwriters (but excluding fees of the Bond Insurer, if any), will equal approximately 2.0% of the principal amount of the 2014 Refunding Bonds.

SECTION 2. Official Statement. The Preliminary Official Statement relating to the 2014 Refunding Bonds, substantially in the form on file with the Secretary to the Board is hereby approved and the Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deliver such Preliminary Official Statement to the Underwriters to be used in connection with the offering and sale of the 2014 Refunding Bonds. The Authorized Officers, each alone, are hereby authorized and directed, for and in the name and on behalf of the District, to deem the Preliminary Official Statement "final" pursuant to 15c2-12 of the Securities Exchange Act of 1934, prior to its distribution and to execute and deliver to the Underwriters a final Official Statement, substantially in the form of the Preliminary Official Statement, with such changes therein, deletions therefrom and modifications thereto as the Authorized Officer executing the same shall approve. The Underwriters are hereby authorized to distribute copies of the Preliminary Official Statement to persons who may be interested in the purchase of the 2014 Refunding Bonds and are directed to deliver copies of any final Official Statement to the purchasers of the 2014 Refunding Bonds. Execution of the Official Statement shall conclusively evidence the District's approval of the Official Statement.

SECTION 3. Authorized Actions. District officials and staff are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to proceed with the issuance of the 2014 Refunding Bonds, and otherwise carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

SECTION 5. Effective Date. This Resolution shall take effect immediately upon its passage.

SECRETARY'S CERTIFICATE

I, _____, Secretary to the Board of Education of the San Bernardino City Unified School District, hereby certify as follows:

The foregoing is a full, true and correct copy of a Resolution duly adopted at a regular meeting of the Board of said District duly and regularly and legally held at the regular meeting place thereof on March 18, 2014, of which meeting all of the members of the Board of said District had due notice and at which a quorum was present.

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original Resolution adopted at said meeting and entered in said minutes.

Said Resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: March ___, 2014

Secretary to the Board of Education of the
San Bernardino City Unified School District

Nutrition Services

10.30 - Cafeteria Warrant Register, February 1 - February 28, 2014

BE IT RESOLVED that the Cafeteria Warrant Register, February 1 - February 28, 2014, be approved.

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

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10.31 - Professional Services Agreement with Temporary Labor Company to Provide Nutrition Services Management Personnel

BE IT RESOLVED that the Board of Education approves entering into a professional services agreement with Accountemps to provide temporary Nutrition Services' accounting Management personnel as needed, effective March 19, through December 31, 2014. The cost, not to exceed \$95,000.00, will be paid from Nutrition Services Cafeteria Account No. 92.

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

HUMAN RESOURCES DIVISION

10.1 - Acceptance of Gifts and Donations to the District

Margaret Hill thanked the donors for their help with our students.

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

BE IT RESOLVED that the Board of Education acknowledges receipt of \$4,000.00, Kendall PTA, San Bernardino, California; \$1,000.00, James Dilday, Crestline, California; \$100.00, Robert Rock, Phelan, California; \$108.00, Alicia Smith, Yucaipa, California; \$5,000.00, Laurena Tamayo, Highland, California; \$100.00, Twyla Lee, San Bernardino, California; \$100.00, Gloria Cardona, Riverside, California; \$100.00, Dita Lehrack, San Bernardino, California; \$100.00, Charles and Cynthia Peterson, Highland, California; \$200.00, American Legion Auxiliary Unit 421, Highland, California; \$100.00, Brian T. Jackson, Highland, California; \$500.00, Elsa Maria Pedroza, Sylmar, California; \$100.00, L Francisco, Rancho Cucamonga, California; \$250.00, Kelle and Harold Vollkommer, Highland, California; \$250.00, 03 Elite Darryl Williams, Rancho Cucamonga, California; \$300.00, Schools First Federal Credit Union, Santa Ana, California; \$454.30, Museum of Latin American Art, Long Beach, California; \$500.00, Clever Crazes, Cincinnati, Ohio.

10.32 - Agreement with Performance Fact, Inc., Oakland, California, to Provide Professional Development Training to Administrators and Staff of Wilson Elementary School

Barbara Flores asked about the approval process for this item. Matty Zamora stated that agreements are approved by the principal's evaluator. It is the site's discretion and all contracts have a common core alignment.

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

BE IT RESOLVED that the Board of Education approves entering into an agreement with Performance Fact, Incorporated, Oakland, California, to present four (4) on-site trainings for administrators and staff of Wilson Elementary School, effective March 19, 2014, through June 30, 2014. The professional development workshops will provide scientifically based strategies for teachers to use in the classroom on a day-to-day basis for the improvement of the implementation of English Language Development (ELD). The scope of work will build capacity of principal and teacher leads to develop, support and monitor standards and research-based ELD plan. Evaluation will be through feedbacks from staff, common assessments, benchmarks and after-action review with staff. The cost for services, not to exceed \$10,000.00, will be paid from Restricted General Fund – School Improvement Grant (New SIG), Account No. 507.

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

SESSION ELEVEN - Action

11.0 - Action Items

11.1 - Adoption of 2014-2015 Traditional Calendar

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

BE IT RESOLVED that the Board of Education receives and adopts the 2014-2015 Traditional Calendar.

11.2 - Amendments to BP 0410 Nondiscrimination in District Programs and Activities; BP 1312.3 Uniform Complaint Procedures; BP 4030 Nondiscrimination in Employment; BP 4119.11 Sexual Harassment; BP 4219.11 Sexual Harassment; BP 4319.11 Sexual Harassment; and BP 5145.3 Nondiscrimination/Harassment

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

BE IT RESOLVED that the Board of Education approves the amendments to BP 0410 Nondiscrimination in District Programs and Activities; BP 1312.3 Uniform Complaint

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Procedures; BP 4030 Nondiscrimination in Employment; BP 4119.11 Sexual Harassment; BP 4219.11 Sexual Harassment; BP 4319.11 Sexual Harassment; and BP 5145.3 Nondiscrimination/Harassment as presented.

11.3 - Personnel Report #18, Dated March 18, 2014

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

BE IT RESOLVED that the Personnel Report #18, dated March 18, 2014, be approved as presented (see page 80.3). 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 - In Recognition of Deceased Employees

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

JOANN BARRAZA

WHEREAS Joann Barraza was a dedicated member of the classified staff for the San Bernardino City Unified School District from 1979 until 2003; and

WHEREAS Joann Barraza served the District as an instructional aide at Ramona-Alessandro Elementary School; and

WHEREAS during her 24 years in education, she touched the lives of many children; and

WHEREAS on August 11, 2012, Joann Barraza died, bringing deep sorrow to her loving family and friends; and

WHEREAS Joann Barraza is survived by her husband, Charlie; five children, Martha, Lolly, Priscilla, Michael, and Tommy; and her siblings, Olivia, Tommy, and George;

THEREFORE BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to express its gratitude for Joann Barraza's service to the District and its students and does extend its deepest sympathy to her family.

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

BERNYCE BAILEY BRIAN

WHEREAS Bernyce Bailey Brian was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 1969 until her retirement in 1989; and

WHEREAS Bernyce Brian served District students at Arrowview Middle School and San Bernardino High School; and

WHEREAS Bernyce Brian was a member of the American Legion Post 106 Auxiliary and the Emblem Club Unit 178; and

WHEREAS on September 5, 2012, Bernyce Brian died, bringing deep sorrow to her loving family and friends; and

WHEREAS Bernyce Brian is survived by a sister, brother, daughters, sons, grandchildren, and great-grandchildren;

THEREFORE BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to express its gratitude for Bernyce Bailey Brian's service to the District and its students and does extend its deepest sympathy to her family.

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

ARLENE MARQUARDT

WHEREAS Arlene Marquardt was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 1987 until her retirement in 2010; and

WHEREAS Arlene Marquardt was a beloved teacher at North Park Elementary School; and

WHEREAS Arlene Marquardt served as a full-time teacher while raising her family; and

WHEREAS on September 24, 2013, Arlene Marquardt died, bringing deep sorrow to her loving family and friends; and

WHEREAS Arlene Marquardt is survived by her husband, Michael; son, Danny; daughter, Jen; and siblings Jim, Linda, Joan, Sue, and Richard;

THEREFORE BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to express its gratitude for Arlene Marquardt's service to the District and its students and does extend its deepest sympathy to her family.

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

CHUCK PETTERSEN

WHEREAS Chuck Pettersen was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 1968 until 2003; and

WHEREAS Chuck Pettersen was a coach at Cajon and Pacific High Schools; and

WHEREAS Chuck Pettersen led his team to a CIF-SS Southeastern Division football title in 1987; and

WHEREAS on February 25, 2014, Chuck Pettersen died, bringing deep sorrow to his loving family and friends; and

WHEREAS Chuck Pettersen is survived by his wife, Sandra; his daughter, Amy; his siblings, Bill, Eleanor, and Barbara; and his grandchildren, Jacob and Zackary;

THEREFORE BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to express its gratitude for Chuck Pettersen's service to the District and its students and does extend its deepest sympathy to his family.

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

ROBERT VAUGHN WEST

WHEREAS Robert Vaughn West was a dedicated member of the classified staff for the San Bernardino City Unified School District from 1966 until his retirement in 1997; and

WHEREAS Robert West began his career as a painter and was promoted to lead painter and painting supervisor before his retirement; and

WHEREAS Robert West also worked as a painter for the Santa Fe Railroad before joining the District; and

WHEREAS on July 28, 2012, Robert West died, bringing deep sorrow to his loving family and friends; and

WHEREAS Robert West is survived by his wife, Darlene; his daughter, Rebecca Lee West; his step-daughter, Amanda; his sisters, Darlene of Highland, Carol of Hemet, Sandy of Ventura, and Christie of Upland; and his brother, Wendell of Fontana;

THEREFORE BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to express its gratitude for Robert Vaughn West's service to the District and its students and does extend its deepest sympathy to his family.

SESSION TWELVE - Closed Session

12.0 - Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

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

Public Employee Discipline/Dismissal/Release

Public Employee Appointment

Title: Elementary Principal
High School Vice Principal
Coordinator, Elementary Instruction

Anticipated Litigation

(Government Code Section 54956.9(b)(1))
Number of Cases: Six

SESSION THIRTEEN – Open Session

13.0 - Action Reported from Closed Session

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

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

PEREZ, LORRAINE: Coordinator, Elementary Instruction, effective date, work year and salary, to be determined. Budget: 031

DIXON-GONZALEZ, GWENDOLYN: Elementary School Principal, effective date, work year and salary, to be determined. Budget: 035

GUSMAN, DANIEL: High School Vice Principal, effective date, work year and salary, to be determined. Budget 035

SULLIVAN, TALISA: High School Vice Principal, effective date, work year and salary, to be determined. Budget 035

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

BE IT RESOLVED that the Board of Education approves the Settlement Authority #SS-13-14-12, in the amount of \$13,100.00.

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

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

BE IT RESOLVED that the Board of Education approves the Settlement Authority #SS-13-14-13, in the amount of \$5,300.00.

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

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

BE IT RESOLVED that the Board of Education approves the Settlement Authority #SS-13-14-14, in the amount of \$3,000.00.

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

SESSION FOURTEEN - Closing

14.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 10:50 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, April 1, 2014, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.