

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  
1/13/15**

December 2, 2014

Present: President Michael Gallo; Vice President Bobbie Perong; 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; School Police Chief Joseph Paulino; and Fiscal Services Director Janet King. Minutes recorded by Administrative Assistant Jennifer Owens.

Absent: Superintendent's Assistant Carla Cross

**SESSION ONE – Workshop**

**1.0 - Workshop**

**1.1 - District Charter School Oversight**

Education Services and Business Services staff provided a joint presentation on District Charter School Oversight (see page 37.1).

**SESSION TWO – Closed Session**

**2.0 - Closed Session**

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

**Conference with Legal Counsel – Anticipated Litigation**

Number of Cases: Four

**SESSION THREE - Opening**

**3.0 - Opening**

**3.1 - Call to Order**

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

**3.2 - Pledge of Allegiance to the Flag**

The meeting was opened with the Pledge of Allegiance to the Flag of the United States of America, led by San Bernardino High School student Travion Johnson. San Bernardino High School student Daniel Rivera sang the National Anthem.

1.3 - Adoption of Agenda

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

1.4 - Inspirational Reading

Danny Tillman discussed former issues in the District that have been resolved over the years.

**SESSION FOUR - Special Presentations**

**4.0 - Special Presentations**

4.1 - Student Report/School Showcase—San Bernardino High School

Connie Hurtado, San Bernardino High School student, reported on activities taking place at the District high schools during the month of December. Under the direction of teacher Renaldo Lowe, the Mariachi Band performed two musical selections.

**SESSION FIVE – Student Achievement**

**5.0 - Student Achievement**

5.1 - CAPS Update

Dennis Warman, CAPS coordinator, presented an update on the District’s Creative Before and After School Programs for Success (CAPS) program (see page 37.2). Danny Tillman suggested that some parents would prefer paying for the CAPS program rather than having to be placed on a waiting list.

**SESSION SIX - Reports and Comments**

**6.0 - Reports and Comments**

6.1 - Report by San Bernardino Teachers Association

Robert Rodriguez reported that SBTA donated 1,300 food items to the District homeless liaison and toiletries to a teen homeless shelter. Mr. Rodriguez stated that SBTA is working with Educational Services on the math textbook adoption. Mr. Rodriguez asked when schools will receive their technology orders. Dale Marsden stated that they will provide an update.

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6.2 - Report by California School Employees Association

No report was given.

6.3 - Report by Communications Workers of America

Ron Fletcher stated that the CAPS program costs \$1,350 per student. Mr. Fletcher asked the Board to add a budget item for resident subs.

6.4 - Report by San Bernardino School Police Officers Association

No report was given.

6.5 - Report by San Bernardino School Managers

No report was given.

6.6 - Comments by Board Members

Danny Tillman asked Staff to move forward with the purchase of 5,000 Chromebooks with Internet access. Kennon Mitchell stated that the Board subcommittee approved moving forward with iPads with the remaining Common Core funds. We have orders ready and are doing the final inventory. Mr. Tillman stated that the subcommittee authorized 1,000 Chromebooks and he asked to have this agendized for the December 9 Board meeting. Dr. Marsden stated that they will bring information to make a decision next week. Michael Gallo stated that they need to develop a deployment plan.

Abigail Medina reported that she attended a NALEO training for new Board members and discussed how some boards develop their budgets based on desired outcomes. Mrs. Medina suggested adding Board goals during budget development.

Bobbie Perong stated that they have asked schools to provide an evaluation of programs to share with other schools. Mrs. Perong asked if schools have all they computers they need. Mrs. Perong reported that Michael Gallo gave a presentation at an Education Bridge Committee meeting. Mrs. Perong announced that Jesus Medina was selected as a Building Commissioner for the City of San Bernardino.

Margaret Hill stated that schools still need more toothbrushes and suggested having a collection box in this building. Mrs. Hill asked for an update on the Special Education taskforce. Dr. Mitchell stated that a meeting is scheduled and he will give her the dates. Mrs. Hill congratulated Student Services staff for the low number of expulsions. Mrs. Hill reported that the County Sheriffs will look at each citation case. Mrs. Hill announced that her column will appear weekly in *The Sun*.

Barbara Flores reported that she attended the National Council of Teachers of English Conference in Washington, D.C. and met Rene Saldana, author of “The Jumping Tree” and Nancy Shelton, author of “Literacy Policies and Practices in Conflict.” Dr. Flores discussed two articles, “What Businesses Can Learn from Standardized Tests” and “Recognizing College and Career Readiness in the California School Accountability System.” Dr. Flores announced that her cousin was elected to the Madera School Board and Madera Superintendent Ed Gonzalez was invited to Germany to see their technology. Dr. Flores recommended that Dr. Marsden, Mr. Gallo, and she meet with them during the CSBA Education Conference to discuss his visit to Germany.

Michael Gallo stated that he chairs the Governor’s Credentialing and Certification Work Group for the Workforce Investment Board and they are looking into career readiness and how students are assessed. Education is the primary intervention to ending poverty.

#### 6.7 - Comments by Superintendent and Staff Members

Dale Marsden reported that new principals are going through an onboarding program and some of them are in the audience tonight.

President Gallo moved Session Seven forward on the agenda.

### **SESSION SEVEN – Public Comment**

#### **7.0 - Public Comment**

Joe Guerra reported that no District teachers were selected for the American Education Week contest. Mr. Guerra announced that the Kiwanis Club of Greater San Bernardino collected 4,500 toothbrushes and they will be delivered to the Assistance League on Thursday for distribution to District schools. They will continue to collect toothbrushes throughout the year.

Jessica Garth, parent of two students at Oehl Elementary School, stated that members of the School Site Council requested a bilingual resource teacher with the use of LCAP funds. Dr. Marsden stated that there will be an LCAP meeting on Thursday and asked her to leave her contact information.

Stephen Gianni stated that Windows 10 is coming out next year, so the District might want to wait until then to purchase computers.

#### 6.8 - Book Study—*The Speed of Trust*, *The Third Wave*—Organizational Trust

Barbara Flores asked how we will capture the characteristics found in high-trust organizations. Dale Marsden stated that in January, we will conduct our second round of organizational trust surveys by Franklin Covey. We will compare how we have grown. Margaret Hill asked if they could do an abbreviated version and ask about the level of trust in the District.

**SESSION EIGHT - Administrative Reports**

**8.0 - Administrative Reports**

**8.1 - Follow Up on Requests and Questions from Board and Community Members, as of November 19, 2014**

Dr. Marsden reminded the Board members that they agreed to complete a survey of their top 10 priorities by December 8. Michael Gallo stated that not all requests were characterized correctly. Abigail Medina stated that some requests were close to duplicates. Dr. Marsden asked them to do their best. Danny Tillman said they will define the top 10 so staff can tell them how long it will take to complete them. Once they are complete, the Board can move other requests up.

	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
<b>BUSINESS SERVICES – MRS. KING</b>					
1	11/19/14	Provide the entire technology budget, including staff and infrastructure.	Mrs. Perong Mr. Tillman	12/14	In progress
<b>COMMUNICATIONS – MRS. BARDERE</b>					
1	9/16/14	Challenge the District to donate toothbrushes for students.	Mrs. Perong	12/14	In progress
2	9/2/14	Create a trifold brochure listing options to volunteer.	Mrs. Perong	12/14	In progress
3	7/15/14	Have school video clubs work with the Communications Office.	Mrs. Medina	12/14	In progress
4	7/1/14	Have monthly Education Roundtable shows on Common Core to inform parents.	Mrs. Hill	12/14	In progress
5	6/3/14	Recognize SBHS's 100-year anniversary next year.	Martin Valdez	12/14	In progress
6	6/3/14	Can School Board meetings be aired on Channel 3?	Mrs. Hill	12/14	In progress
7	3/18/14	Promote our middle schools to parents.	Mrs. Savage	12/14	In progress
8	3/4/14	Is there a central number for parents to call for District information?	Mrs. Hill	12/14	In progress

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<b>COMMUNITY PARTNERSHIP – MR. MURRIETA</b>					
1	2/18/14	Organize field trips to take parents to visit colleges.	Mrs. Medina	12/14	In progress
2	11/19/13	Get a legal opinion on what the School Board’s role will be with the revised CaSA.	Mr. Gallo	12/14	In progress
<b>DEPUTY SUPERINTENDENT – DR. VOLLKOMMER</b>					
1	7/15/14	Remind principals to continue “SOT” discussions.	Robert Rodriguez	12/14	In progress
2	7/1/14	How many grants did California Consulting write for us and how much money did they bring in?	Mrs. Perong	12/14	In progress
3	5/6/14 6/3/14	She is being bullied at her daughter’s school. Her son was released to someone not on the emergency release card. Kimbark principal filed a false School Police report.	Esmeralda Negrete	12/14	In progress
4	4/15/14	Require schools that hire consultants to complete an evaluation form so teachers could review recommendations or concerns.	Mrs. Perong	12/14	In progress
5	3/18/14	Establish a structured, equitable athletic program.	Dr. Flores Mr. Gallo Mrs. Savage	12/14	In progress
6	1/21/14	Where are we with parent engagement?	Mrs. Perong	12/14	In progress
7	1/14/14	How far are we with the program evaluation process?	Mrs. Perong	12/14	In progress
8	9/10/13	Develop a plan so students’ schedules aren’t changed after three weeks.	Elsa Valdez	12/14	In progress
9	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	12/14	In progress

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10	2/5/13 7/2/13	Consider installing video cameras in all classrooms.	Richelle Capozio Stephen Gianni	12/14	Staff will work with SBTA to examine possibilities.
<b>EDUCATIONAL SERVICES – DR. ZAMORA</b>					
1	11/18/14	Can Dual Immersion be incorporated into GATE classes?	Mrs. Medina	12/14	In progress
2	11/18/14	Connect with Pilar Avila and Dorene Dominguez to help with career pathways.	Dr. Flores	12/14	In progress
3	10/21/14	Include raw data, not just percentages on KPIs.	Dr. Flores	12/14	In progress
4	10/21/14	Provide the AVID raw numbers by school and costs.	Dr. Flores	12/14	In progress
5	10/21/14	Provide the participation and completion data for A-G courses.	Dr. Flores	12/14	In progress
6	10/7/14	Invite students to visit students LLUMC subacute residence students.	Mrs. Medina	12/14	In progress
7	9/2/14	Can Valley College offer remediation courses in the summer?	Mrs. Medina	12/14	In progress
8	9/2/14	Provide copies of the report cards to the Board members.	Mrs. Perong	12/14	In progress
9	8/5/14	Consider using Underground Railroad experiences in history curriculum.	Mrs. Medina	11/14	Common Core State Standards and the History Social Studies standards currently incorporate information related to the Underground Railroad in grades 3 and 8. <b>Completed.</b>

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10	8/5/14	Ask participants on the Underground Rail Road trip to submit locations of where they will make their presentations.	Mrs. Hill	11/14	Provided in Board Correspondence. <b>Completed.</b>
11	7/15/14	As teachers use RCD units, implement a way to share successes with other schools.	Mrs. Perong	12/14	In progress
12	7/15/14	Do we teach the National Anthem to our students?	Mrs. Medina	11/14	The teaching of the National Anthem is part of the History-Social Science Framework. <b>Completed.</b>
13	7/15/14	Promote the Student Film Competition.	Mrs. Medina	12/14	In progress
14	7/15/14	Mail information to homes regarding all parent trainings.	Mr. Tillman	12/14	In progress
15	7/1/14	What is the process for making obsolete books available to parents?	Mrs. Perong	12/14	In progress with Mrs. King
16	7/1/14	Work on an enrollment priority MOU with UCR.	Dr. Flores	12/14	In progress
17	5/6/14	Create a plan and intervention team to prevent students from becoming long-term ELLs.	David Servant	12/14	In progress
18	3/18/14	Have students survey students as a research project.	Mrs. Medina	12/14	In progress
19	3/18/14	Have a plan for charter school students if their charter is revoked.	Board Consensus	12/14	In progress
20	2/4/14	Conduct a longitudinal study of student voice at the middle school level.	Dr. Flores	12/14	In progress
21	1/21/14	Provide the cost of textbook adoptions.	Mr. Tillman	12/14	In progress
<b>FACILITIES/OPERATIONS – MR. PEUKERT</b>					
1	10/21/14	Plant trees around Alessandro to help with the air quality.	Penny Newman	12/14	In progress



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<b>HUMAN RESOURCES – DR. WISEMAN</b>					
1	11/19/14	Can we add academic advisors at high schools?	Mrs. Medina	12/14	In progress
2	11/19/14	Provide the number of QEIA teachers by grade level.	Dr. Flores	12/14	In progress
3	10/21/14	She was bumped without being offered the choice to stay with fewer months.	Isabel Robinson	12/14	In progress
4	10/21/14	Provide a report on when long-term subs are required.	Mr. Tillman	12/14	In progress
5	10/21/14	Oehl Elementary School needs administrative support when the principal is out on jury duty.	Amelida Yanez	12/14	In progress
6	9/2/14	Provide the list of classroom overages.	Mrs. Perong	12/14	In progress
7	8/19/14	Provide information on the teachers not holding appropriate English Learner authorization.	Board Consensus	12/14	In progress
8	7/15/14	Ask CTA to offer the Unconscious Bias training to District staff.	Mrs. Medina Mrs. Perong	12/14	In progress
9	7/1/14	Why can't rovers get long-term pay?	Stephen Gianni	12/14	In progress
10	7/1/14	Provide training to substitutes during the summer about working with special education students.	Stephen Gianni	12/14	In progress with Dr. Zamora
11	7/1/14	Notify teachers that Cal State is offering an online certification program for special education teachers.	Mrs. Perong	12/14	In progress
12	7/1/14	How much do we pay to the JPA?	Mr. Gallo	12/14	In progress
13	6/3/14	What support will you provide to her if you abolish the Community Outreach position at Pacific?	Megan Moore	12/14	In progress

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14	6/3/14	Can the District provide sexual harassment training to teachers and staff?	Mrs. Medina	12/14	In progress
15	5/6/14	She was treated unfairly by the Thompson Elementary School principal.	Denisha Harris	12/14	In progress
16	4/15/14	Survey the schools to see how many employees in the front office are bilingual.	Maria Ochoa	12/14	In progress
17	4/15/14	The principal or vice principal at most schools should be bilingual.	Teresa Alba	12/14	In progress
18	4/8/14	Establish a formal process for internships.	Mr. Tillman	12/14	In progress
19	4/8/14	Are special education teachers properly credentialed?	Mrs. Medina	12/14	In progress
20	3/18/14	How will you collect the names and screen those people that want to be mentors?	Mrs. Medina	12/14	In progress
21	3/18/14	Why does a parent have to sign a School-Parent Compact?	Joe Mora	12/14	In progress
22	1/21/14	Contract with a company to do a staffing analysis.	Mr. Tillman	12/14	In progress
<b>SCHOOL POLICE – CHIEF PAULINO</b>					
1	9/16/14	Who will maintain the bikes?	Esmeralda Negrete	12/14	In progress
2	6/3/14	What incidents are students cited for?	Dr. Flores	12/14	In progress
3	4/15/14	Provide a wish list for the School Police Department.	Mrs. Perong	12/14	In progress
<b>STUDENT SERVICES – DR. MITCHELL</b>					
1	11/19/14	Provide a report of the number of devices per student, by school.	Mrs. Medina	12/14	In progress
2	11/19/14	Are all health aides trained to give insulin shots?	Mrs. Perong	12/14	In progress
3	10/21/14	Who can she speak with about a student who was suspended for mutual fighting?	Amelida Yanez	12/14	In progress

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	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
4	9/16/14	Consider hosting a Counselor for a Day event.	Gwen Rodgers	12/14	In progress
5	9/16/14	Do we advertise our obsolete electronic equipment to Goodwill?	Mr. Gallo	12/14	In progress
6	4/8/14 5/6/14	Consider dropping K violations for expulsions.	Mrs. Hill David Servant	12/14	Report will be included in a future presentation.
7	4/8/14	What is the proportion of Latino males that were suspended?	Dr. Flores	12/14	Report will be included in a future presentation.
8	11/19/13	Explore having some type of on-campus suspension at all or feeder schools.	Board Consensus	12/14	Report will be included in a future presentation.
<b>STRATEGIC PLANNING</b>					
1	2/18/14	Create something similar to Richardson at other schools.	Mrs. Medina	12/14	In progress
2	1/21/14	Consider offering bus tickets and look at other strategies to allow students to get to and from school safely for Strategy 9. Safe passages to school.	Mrs. Hill	12/14	Added to Operational Strategic Planning.
3	11/5/13	Look at a later starting time for secondary students.	Mr. Gallo Mrs. Hill	12/14	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	12/14	In progress
<b>SUPERINTENDENT – DR. MARSDEN</b>					
1	10/21/14	The Board should prioritize the KPIs.	Mr. Tillman	12/14	In progress
2	10/21/14	Use lobbyists or grant writers to find money to pay for the	Mr. Tillman	12/14	In progress

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	Date of Request	Question/Request	Requested by	Anticipated Completion Date	Status/Remarks/Action
		Alessandro filters.			
3	10/21/14	Lobby for funds to do a longitudinal study of the BNSF Rail Yard.	Dr. Flores	12/14	In progress
4	10/7/14	Consider having a Student Board Representative.	Ron Fletcher	12/14	In progress
5	10/7/14	Look into policy and voting rights of a Student Board member.	Mr. Gallo	12/14	In progress
6	10/7/14	Send a letter to Tom Haldorsen on behalf of the Board.	Dr. Flores	11/14	<b>Completed</b>
7	7/15/14	Agendize reports after committee meetings.	Mrs. Perong	12/14	In progress
8	12/3/13	Consider reading “Other People’s Children” or “Multiplication is for White People” for the next book study.	Dr. Flores	12/14	In progress

**SESSION NINE – Consent Calendar**

***9.0 - 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 9.3, 9.13, and 9.14 were held for later consideration.

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

**BOARD OF EDUCATION**

**9.1 - Approval of Minutes**

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on November 4, 2014, be approved as presented.

9.2 - Approval of Date for the Annual Organizational Meeting of the Board of Education

BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District establishes December 9, 2014, as the date of the official Annual Organizational Meeting.

**BUSINESS SERVICES**

9.4 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$700.00, Accurate Leak Locators, San Bernardino, California; \$100.00, Brian Mudd, San Bernardino, California; \$100.00, Doug Momberger, San Bernardino, California; \$300.00, San Bernardino School Employees Federal Credit Union, San Bernardino, California; \$100.00, Sarah Ramirez, San Bernardino, California; \$125.00, Scott McKague, San Bernardino, California; \$300.00, Atkinson Contractors, Bethesda, Maryland; plaques and services with a total value of \$8,300.00, the Vanir Foundation in Memory of H. Frank Dominguez, Sacramento, California; \$2,500.00, Cenergistic, Inc. Dallas, Texas; \$1,000.00, Blue Shield of California, Costa Mesa, California; and button machine and parts with a total value of \$422.51, Donorschoose.org, New York, New York.

9.5 - Amendment No. 1 to the Agreement with Vavrinek, Trine, Day & Co., LLP, Rancho Cucamonga, California, to Review, Document and Assist with the Reconciliation of the Asset/Inventory Tracking and General Ledger County Database Systems for FY 2012-13 and FY 2013-14

BE IT RESOLVED that the Board of Education approves amending the agreement with Vavrinek, Trine, Day & Co., LLP, Rancho Cucamonga, California, as approved by the Board on July 15, 2014, Agenda Item No. 7.7. The agreement is being amended to increase the contract amount by \$15,000.00 for an aggregate contract amount not to exceed \$30,000.00 to continue to assist with the reconciliation of the asset/inventory tracking and general ledger county database systems. The additional cost will be paid from the Unrestricted General Fund, Business Services Division, 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.

9.6 - Notice of Completion, Purchase Order No. 502063, Bid No. 13-11, 22-12 and 21-13 Technology Infrastructure Equipment and Services for Lincoln Elementary School Surveillance

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the work completed under Bid No. 13-11, 22-12 and 21-13 Infrastructure Cabling, Equipment & Services; Purchase Order No. 502063 for Lincoln Elementary School awarded to the following:

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Vector Resources, Inc.  
3530 Voyager Street  
Torrance, California 90503

BE IT FURTHER RESOLVED that Michael J. Gallo, President, Board of Education, be authorized to execute the Notice of Completion.

9.7 - Notice of Completion, Purchase Order No. 502065, Bid No. 13-11, 22-12 and 21-13 Technology Infrastructure Equipment and Services for Roberts Elementary School Surveillance

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the work completed under Bid No. 13-11, 22-12 and 21-13 Infrastructure Cabling, Equipment & Services; Purchase Order No. 502065 for Roberts Elementary School awarded to the following:

Vector Resources, Inc.  
3530 Voyager Street  
Torrance, California 90503

BE IT FURTHER RESOLVED that Michael J. Gallo, President, Board of Education, be authorized to execute the Notice of Completion.

9.8 - Notice of Completion, Purchase Order No. 502066, Bid No. 13-11, 22-12 and 21-13 Technology Infrastructure Equipment and Services for Thompson Elementary School Surveillance

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the work completed under Bid No. 13-11, 22-12 and 21-13 Infrastructure Cabling, Equipment & Services; Purchase Order No. 502066 for Thompson Elementary School awarded to the following:

Vector Resources, Inc.  
3530 Voyager Street  
Torrance, California 90503

BE IT FURTHER RESOLVED that Michael J. Gallo, President, Board of Education, be authorized to execute the Notice of Completion.

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

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

Enrique C. Ochoa, Ph.D., La Habra Heights, California, to provide consultation services for the preparation of questions for the District's Second Annual Latino/a History Bee, effective

December 3, 2014, through February 28, 2015. The work will be conducted by February 2015, and 55 copies of “Exploring/Conociendo Las Américas: A Latino/a History Bee Study Guide,” authored by Dr. Ochoa will be provided. The fee, not to exceed \$1,000.00, will be paid from the Restricted General Fund-Quality Education Investment Act (QEIA), Account No. 436.

Manuel Baltierra, Grand Terrace, California, to provide the Parent Project 10-week course for parents of strong-willed out-of-control children, effective January 15, through April 16, 2015. The training will teach parents the skills and tactics to deal with truancy, communication, defiant behavior, drug and alcohol issues, and gang intervention. The object of the training is to improve parent/child communication, decrease truancy issues, prepare parents to intervene in destruction behavior such as drugs and alcohol, gang involvement, and general defiant behavior. Parents will receive a copy of “The Parent Project Parent Guide” priced at \$25.00 each for an estimated 20 parents. The fee, not to exceed \$1,500.00, will be paid from the Restricted General Fund-Medi-Cal Billing, Account No. 585.

**EDUCATIONAL SERVICES**

**9.10 - Agreement with Various Service Providers to Provide Supplementary Educational Services to Eligible District Students**

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with the various service providers enumerated below to provide supplementary educational services to eligible District students, effective November 19, 2014, through April 30, 2015. Per the provisions of No Child Left Behind (NCLB), 2001 U.S.C. Section 6316(e)(3), supplementary educational services is described as tutoring or other supplemental academic enrichment activities beyond the regular school day. The services are to students eligible for services in Title I schools, not meeting State content standards in reading and math, and from low-income families. The cost for services, with a per pupil allotment of \$1,087.76 for the 2014-2015 fiscal year will be paid from Restricted General Fund-No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524.

<b>No.</b>	<b>Names and Locations of Service Providers</b>	<b>Estimated No. of Students</b>	<b>Total Amount</b>
1	Healthy Families Sacramento, California	10	\$10,877.60
2	Education Futures Corp. Huntington Valley, Pennsylvania	50	\$54,388.00
3	Milestones Family Learning Center Compton, California	10	\$10,877.60

BE IT ALSO RESOLVED that the Board of Education reserves the right to not enter into agreement, increase or decrease student participation with the service providers based on placement in the program by parents of participating students.

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

9.11 - Charter Petition for Pathways Academy

BE IT RESOLVED that the Board of Education accepts the charter petition of Pathways Academy.

**STUDENT SERVICES**

9.12 - Agreement with San Bernardino Community College District (SBCCD), San Bernardino, California, to Provide Development of a Nanotechnology Curriculum, Professional Development and Technical Support at Norton Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with San Bernardino Community College District (SBCCD), San Bernardino, California, to provide development of a nanotechnology curriculum, professional development and technical support, effective December 8, 2014, through June 30, 2015. SBCCD will provide four to six weeks of nanotechnology curriculum aligned to Common Core State Standards in conjunction with Norton's STEM and manufacturing engineering focus. Teachers in Kindergarten and third grade will receive professional development in nanotechnology curriculum. The cost for services, not to exceed \$10,000.00, will be paid from Unrestricted General Fund–Local Control Accountability Plan, Account No. 419.

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

**School Linked Services**

9.15 - Child Development Parent Handbook

BE IT RESOLVED that the Board of Education approves the Child Development Parent Handbook.

**Youth Services**

9.16 - Expulsion of Student(s)

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



\*\*~~(S)~~3/31/2000      \*~~(S)~~1/13/2002

\*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.

## **FACILITIES/OPERATIONS**

### **Facilities Management/Maintenance and Operations**

#### **9.17 - Amendment No. 5 to the Master Services Agreements for Real Property Survey Services for Facilities Management Projects of New, Existing, or Potential Schools and Administrative Sites Throughout the District**

BE IT RESOLVED that the Board of Education approves amending the master services agreements for real property survey services for Facilities Management projects of new, existing, or potential schools and administrative sites throughout the District. This amendment will extend the ending date through June 30, 2015, to allow completion of modernization and new construction projects. The cost will be paid from Funds 21, 25, 35, 40, and 98. All other terms and conditions remain the same.

- 1) Hillwig-Goodrow, LLC, Yucaipa, California
- 2) Joseph E. Bonadiman & Associates, San Bernardino, California

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign said Amendment No. 5.

#### **9.18 - Notice of Completion, Bid No. F12-04, Paakuma' K-8 Playfields and Park**

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F12-04, Paakuma' K-8 Playfields and Park, for the work awarded to the Contractor listed below:

Board of Education Minutes  
December 2, 2014

General Contractor  
Lennar Homes of California, Inc.  
Corona, California

BE IT FURTHER RESOLVED that Michael J. Gallo, President, Board of Education, be authorized to execute the Notice of Completion.

### **SUPERINTENDENT**

#### **9.3 - Memorandum of Understanding (MOU) with the County of San Bernardino and the City of San Bernardino, California and Other Public and Private Agencies for the Promise Initiative for San Bernardino**

Barbara Flores asked if this MOU should be approved or ratified. Dale Marsden stated that the Board indicated their consensus on November 18 to move forward with the MOU and the Board is being asked to ratify it now.

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

BE IT RESOLVED that the Board of Education ratifies entering into a memorandum of understanding (MOU) with the County of San Bernardino and the City of San Bernardino, California, and other public and private agencies for the Promise Initiative for San Bernardino, effective November 21, 2014. The partners involved in the initiative will work to prepare a successful Promise Zone application and complete the work effort to transform an area of extreme need in the City of San Bernardino into a healthy sustainable, equitable and thriving place to work, live and play. The Promise Zone Initiative is led by the Department of Housing and Urban Development (HUD) and the U. S. Department of Agriculture (USDA) that employs a place-based effort to promote economic opportunity and accelerate economic growth by explicitly connecting key federal programs that support growth, such as education, housing, economic development, and infrastructure, with locally devised strategies for broadly shared regional growth. The public and private agencies agree to develop and execute a more detailed Final MOU governing the implementation of the Plan and in defining specifics with respect to accountability, data sharing and continued Plan implementation improvement. If this Plan is not selected for the Promise Zone designation, the public and private agencies agree to meet, discuss and conclude how to proceed with the effort to achieve the goals of the Promise Zone Plan. There is no cost to the District.

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

President Gallo left the Board dais.

9.13 - Agreement with Technical Employment Training, Inc., San Bernardino, California, to Provide Support for Project Design and Professional Development at Norton Elementary School

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

BE IT RESOLVED that the Board of Education approves entering into an agreement with Technical Employment Training, Inc., San Bernardino, California, to provide support for project design and professional development, effective December 8, 2014, through June 30, 2015. Technical Employment Training, Inc., will provide design concept for technology laboratory, teacher training on Solid Works/Mastercam software, technical support on each grade level third, fourth, and fifth grade curriculum, help design learning modules to correlate with pathway standards and provide 10 hours of staff development on manufacturing processes. The cost for services, not to exceed \$7,500.00, will be paid from Unrestricted General Fund–Local Control Accountability Plan, Account No. 419.

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

President Gallo returned to the Board dais.

9.14 - Agreement with Community Action Partnership of San Bernardino County (CAPSBC)/Food Bank, San Bernardino, California, to Provide a One-Time Food Assistance to the District

Margaret Hill reported that she serves on the Community Action Partnership and will abstain from voting.

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

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Community Action Partnership of San Bernardino County/Food Bank, San Bernardino, California, to provide one-time food assistance to the District to assist and support low-income families or individuals who meet the required federal poverty guidelines, effective November 25, through November 26, 2014. The food will be provided to District students and families during the annual Thanksgiving Basket distribution to be held at the District's Family Resource Center. 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.

**SESSION TEN - Action**

**10.0 - Action Items**

**10.1 - Approve/Deny Ballington Academy for the Arts & Sciences Charter Petition and, if Denied, Adopt Board Resolution Denying the Petition for the Ballington Academy for the Arts & Sciences**

Janelle Ruley, attorney; Anne McKenzie; Kathy Vogel; Doreen Mulz; Gerald McFadden, CEO of Volunteers of America; and Fatima Cristerna-Adame, expressed their support for the charter and asked the Board to approve the petition.

Michael Gallo stated that it is staff's recommendation to deny the petition and asked if any of their clarifying points change the recommendation. District legal counsel Sukhi Ahluwalia stated that some of that information should have been included in their petition. Their attorney is aware of the Board's expectations. Other petitioners have provided facilities plans, but Ballington hasn't. The Board requires all petitioners to comply with curriculum and instruction. Mr. McFadden is the CEO of Volunteers of America and on the Ballington Board, which is a conflict, as well as other board members named McFadden. The changes would be a comprehensive change to the governance. The law requires qualifications for education and experience of employees. Mrs. Ahluwalia stated she is not changing her recommendation.

Upon motion by Member Flores, seconded by Member Hill, and approved by the affirmative vote of Members Flores, Gallo, Hill, Perong, Savage, and Tillman (Noes: Medina), the following was adopted:

**Resolution Denying the Charter School Petition for  
Ballington Academy for the Arts and Sciences  
by the Governing Board of the  
San Bernardino Unified School District**

**WHEREAS**, pursuant to Education Code Section 47600 *et seq.*, the Governing Board of the San Bernardino Unified School District ("District Board") is required to review and authorize creation; and

**WHEREAS**, on or about September 16, 2014, Doreen Mulz, on behalf of Volunteers of America, Community Education and Development Corporation ("VOA") submitted to the District office a charter petition ("Petition") for Ballington Academy for the Arts and Science San Bernardino ("BAASSB" and/or "Charter School"); and

**WHEREAS**, in accordance with the Charter Schools Act of 1992, the Petition was brought to the District Governing Board meeting of October 7, 2014, at which time it was received by the District Governing Board, thereby commencing the timelines for District

Governing Board action thereon; and

**WHEREAS**, a public hearing on the provisions of the Charter Petition was conducted on November 4, 2014, pursuant to Education Code Section 47605, at which time the District Board considered the level of public support for this Petition by teachers employed by the District, other employees of the District, and parents. During the hearing, the lead petitioners spoke in support of the Petition. No District teachers, other District employees, or parents spoke in favor of the Petition; and

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

**WHEREAS**, the District staff, working with District legal counsel, has reviewed and analyzed all information received with respect to the Petition, including information related to the operation and potential effects of the proposed Charter School, and made a recommendation to the District Board that the Petition be denied based on that review; and

**WHEREAS**, the District Board has fully considered the Petition submitted on September 16, 2014, for the establishment of the Ballington Academy for the Arts and Sciences San Bernardino and the recommendation made by District staff;

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

**BE IT FURTHER RESOLVED AND ORDERED** that the District Board, having fully considered and evaluated the Petition for the establishment of the Ballington Academy for the Arts and Sciences San Bernardino hereby denies the Petition pursuant to Education Code Section 47605 as not consistent with sound educational practice based upon the following findings:

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

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

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

- A. Overall, there is a lack of specificity of assumptions, which creates confusion and ambiguity when analyzing the budget. The District notes the following concerns with the budgeting documents submitted by Petitioners:
1. The budget does not account for expenditures consistent with its proposed academic program. The program's foundation is on combining art, science, and technology.
    - a. The budget accounts for leasing only twenty-five computers for students. The number of computers does not increase proportionally with projected enrollment. The District finds twenty-five computers are insufficient to serve as the foundation for an entire curriculum for 216-432 students.
    - b. The budget accounts for materials totaling only \$75 per student per year. The District finds this sum is far too low for a curriculum focused on arts, science and technology.
  2. VOA intends to spend significant monies on Personal Services of Instructional Consultants, Lecturers & Others from a company named Volunteers of America Education Service.
    - a. During the 2015-2016, 2016-2017, and 2017-2018 school years, the Petition budgets to pay Volunteers of America Education Service \$137,400, \$201,700, and \$267,100 respectively.
    - b. The Petition identifies "Personal Services of Instructional Consultants, Lecturers & Others" as "outside experts ... retained to provide services in Common Core, Special Education, and Local Control Accountability Plan (LCAP) needs." (Multi-Year Strategic Fiscal Plan and Budget, pg. 44.)
    - c. The Petition does not identify the qualifications of the individuals from Volunteers of America Education Service that will provide these services to the proposed school.
    - d. The Petition does not clearly explain if VOA and Volunteers of America Education Service are separate entities. The District expected the Petition to contain a comprehensive description of the interrelationship between the Consulting Service and the petitioning corporation, particularly given the similarity in the names.
  3. The budget expects a deficiency during the first two years of operation unless BAASSB obtains other sources of funding. BAASSB plans to

obtain \$250,000 from the CDE Charter School Revolving Fund Loan, a California Charter School Association (CCSA) Revolving Loan, or a loan from a local financial institution. BAASSB also plans to receive a \$100,000 corporate starter loan from VOA.

- a. The Petition does not address whether VOA requires BAASSB to pay back the \$100,000 corporate starter loan. The Petition also does not detail any terms of the loan including interest rates and repayment terms nor was a copy of the loan included with the Petition.
4. The Petition's description of facilities is inadequate. Education Code section 47605(g) states in relevant part: "[the] description of the facility to be used by the charter school shall specify where the school intends to locate." The Petition, at page 203 specifically provides:

"BAASSB will be located in the jurisdiction of the District. Volunteers of America is proposing a phased in approach to accommodate growth. The facility will accommodate a state of the art educational program and will comply with health and safety standards. The campus will be located in an external environment that addresses the effects of sound, traffic, air quality, safety, and security. BAASSB will notify the District upon locating and securing a permanent facility."

    - a. The Petition does not include the required description of facilities nor does the Petition specifically identify a building, which will be used for BAASSB. Additionally, there is no evidence of any lease or other contractual arrangement identifying a specific location for the charter school.
    - b. The Budget does not include any site acquisition, site improvement, building construction, or tenant improvement costs.
    - c. The Budget allocates \$276,000 to Rentals, Leases, and Noncapitalized Improvements; however, no lease agreement and/or rental contract has been provided nor is there any information contained in the budget assumptions to establish why this specific number was utilized.
  5. The District is aware that VOA currently operates a charter school in El Centro and the organizational chart in Appendix F indicates that another petition has been submitted to San Diego.

It appears, based on the information contained in the Petition that the same corporation oversees all of the schools, including the proposed Ballington San Bernardino. Yet, there is absolutely no discussion or plan explaining a proposed relationship between the schools and/or their staffs, administrators, or service providers. Further, there is no discussion of how the finances of the various schools would be managed, whether there would be shared costs, resources, services, staff, etc. There is also no description of any methodology that would be used to ensure a fair and appropriate distribution of services and costs and a means of assuring that all funds generated by and attributable to the Ballington proposed for San Bernardino City Unified School District would be maintained and expended for the educational benefit of the students at that particular school.

Further, the failure of the Petition and the petitioners openly and clearly to describe and explain their plans, specifically including a comprehensive description of the interrelationship between the schools operated by the same corporate entity causes serious concerns about a lack of transparency with regard to the proposed Charter School.

6. The District is concerned regarding the amount of money budgeted for services and operational expenses. It is unclear what services the Charter School is receiving for payment of these monies. More specifically, the budget provides for payment for “Subagreements for Services” in the following amounts:

2015-2016	\$142,400
2016-2017	\$208,500
2017-2018	\$275,800

Additionally, the budget includes payment for “Professional/Consulting Services and Operating Expenses” in the following amounts:

2015-2016	\$298,538
2016-2017	\$444,008
2017-2018	\$582,872



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

A. The Governance Structure of the School, including, but not limited to, the Process to Ensure Parental Involvement. [Ed. Code §47605(b)(5)(D)]

1. The Petition provides that the Charter School shall be operated by Volunteers of America, Community Education and Development Corporation, a nonprofit organized pursuant to California law. Articles of Incorporation and Bylaws for VOA are attached to the Petition as appendices.
2. The proposed governance structure of the Charter School may present conflict of interest issues that may violate applicable law, including but not limited to Government Code section 1090, incompatible public office provisions of Government Code section 1126, the common law conflict of interest provisions as well as good practices to protect the public interest. The Petition, Bylaws and the Conflict of Interest Code contain inconsistent provisions and there is no assurance in the Bylaws or conflict of interest code that BAASSB or VOA will comply with the provisions of Government Code section 1090.

a. The Bylaws of the corporation provide:

Each officer and Director of the Corporation shall disclose to the Board any potential conflict of interest he or she has as an officer or Director. ... A disclosed interest shall not prevent the Board from taking any action on the matter in question, provided an open and frank discussion is had, nor shall the disclosure of such interest prevent the Board from making any inquiries or obtaining such information or assistance from the officer or Director in question as it deems advisable under the circumstances. ...

b. VOA adopted a Conflict of Interest Code, which applies to VOA's charter school operations. The Conflict of Interest Code specifically states:

No Designated Employee [including Board Members] shall make, participate in making, or try to use his/her official position to influence any Charter Schools decision which

he/she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family.

Governing Board members shall disclose a disqualifying interest at the meeting during which consideration of the decision takes place. This disclosure shall be made part of the Board's official record. The Board member shall refrain from participating in the decision in any way (i.e., the Board member with the disqualifying interest shall refrain from voting on the matter and shall leave the room during Board discussion and when the final vote is taken) and comply with any applicable provisions of the Charter School bylaws.

- c. The VOA bylaws allow an interested director to make, participate in making, and/or try to use his/her official position to influence BAASSB decisions. While the adopted VOA Conflict of Interest Code prevents such action by a Director, the Code is inconsistent with the current bylaws and does not explicitly mention the VOA Board will comply with Government Code 1090. While such an arrangement may be permissible pursuant to the rules governing nonprofit public benefit corporations, charter schools are public entities and part of the public school system and, as such, this provision may violate the more stringent conflict of interest laws, including Government Code section 1090 et seq., as well as the common law rules against conflicts.
  - d. The Petition does not provide an affirmation or assurance that the Charter School will comply with the incompatible public office provisions of Government Code section 1126. Legal and administrative considerations, combined with the experience of charter school operators who have engaged in self-dealing with public funds, lead to a policy of requiring petitions to not only pledge compliance with all conflict of interest laws that govern public agencies generally, but to have written policies and bylaws consistently supporting the petition that demonstrates actual compliance.
- B. The Qualifications to be Met by Individuals to be Employed by the School.  
[Ed. Code. §47605(b)(5)(E)]

1. The minimum qualifications for the Principal position are unclear as the statements in the Petition and the attached position descriptions are inconsistent. The Petition does not mention whether a Principal must have a teaching credential. (Pg. 159-160.) In contrast, the position description requires the principal to have an “appropriate clear teacher’s credential.” (Appendix G.) The petition states an administrator’s credential or progress towards one is *preferred*, yet the position description indicates an administrator’s credential or progress toward one is *required*. (Pg. 160; Appendix G.) Lastly, the charter petition *recommends* the principal have a Master’s Degree, while the position description *requires* the Principal have a Master’s Degree. (Pg. 160; Appendix G.)
2. Element 4 of the Petition specifies the following individuals/position will govern, operate, or oversee the proposed BAASSB. The Petition specifically states:

The administrative functions and business services for the Charter School will be facilitated through the Department of Accountability and Compliance. This department will consist of the *President/Chief Executive Officer, Chief Operations Officer, Chief Financial Officer, Director of Human Resources*, Superintendent and support staff to include accounting, payroll services, and clerical administrative support. This department is ultimately responsible for accountability and compliance. The department will have ultimate oversight in ensuring BAASSB complies with the Education Code as it applies to charter schools, ESEA requirements, fiscal standards as defined by Generally Accepted Accounting Principles (“GAAP”) and California School Accounting Manual (“CSAM”), and ensures quality and upholds the charter.

*(Emphasis added.)*

Yet, the Petition fails to include specific qualifications, experience, and job descriptions for many of these positions.

- C. The Procedures that the Charter School Will Follow to Ensure the Health and Safety of Pupils and Staff. [Ed. Code §47605(b)(5)(F)]
  1. The Petition does not include a reasonably comprehensive description of the procedures that BAASSB will follow to ensure the health and safety of pupils and staff. The statement that BAASSB will adopt and implement procedures thirty days prior to operation is inadequate. This portion of the

Petition is required to include a “reasonably comprehensive description” of the actual health and safety procedures to protect students and staff and a promise to create such procedures in the future does not meet that requirement.

- D. A Description of the Procedures to be Used if the Charter School Closes. [Ed. Code §47605(b)(5)(P)]
1. The Petition does not designate a responsible entity to conduct closure-related activities in accordance with applicable law. [5. C.C.R. §11962(a).]
    - a. Title 5 of the California Code of Regulations section 11962 subdivision (a) require petitioners to designate a responsible entity to conduct closure related activities in the charter petition and not at a future date.
    - b. The Petition does not designate a responsible entity to conduct closure related activities and instead states the Board of Directors “will identify an entity and person or persons responsible for closure related activities.” Such language is inadequate.

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

10.2 - Approve/Deny Drucker Charter School Charter Petition and, if Denied, Adopt the Board Resolution Denying the Petition for the Drucker Charter School

This item was pulled.

10.3 - Approve/Deny United Charter School Charter Petition and, if Denied, Adopt Board Resolution Denying the Petition for the United Charter School

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

**RESOLUTION DENYING THE CHARTER SCHOOL PETITION FOR  
THE UNITED CHARTER  
BY THE BOARD OF EDUCATION OF THE  
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT**

**WHEREAS**, pursuant to Education Code Section 47600 *et seq.*, the Governing Board of the San Bernardino Unified School District (“District Board”) is required to review and consider authorization of charter schools; and

**WHEREAS**, on or about September 16, 2014, United Charter School (“United” or “Charter School”) delivered a charter school petition (the “Charter” or “Charter Petition”) to the San Bernardino City Unified School District (“District”) office; and

**WHEREAS**, in accordance with the Charter Schools Act of 1992, the Charter was brought to the District Governing Board meeting of October 7, 2014, at which time it was received by the District Governing Board, thereby commencing the timelines for District Governing Board action thereon; and

**WHEREAS**, a public hearing on the provisions of the Charter was conducted on November 4, 2014, pursuant to Education Code Section 47605, at which time the District Board considered the level of support for this Charter by teachers employed by the District, other employees of the District, and parents; and

**WHEREAS**, at the public hearing the lead petitioner and other representatives of the Charter School spoke in favor of the Charter. No parents, District teachers, other District employees, and or members of the public spoke in favor of the Charter; and

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

**WHEREAS**, the District staff, working with District legal counsel, has reviewed and analyzed all information received with respect to the Charter Petition and information related to the operation and potential effects of the proposed charter, and made a recommendation to the District Board that the Charter Petition be denied based on that review; and

**WHEREAS**, the District Board has fully considered the Charter submitted for the establishment of United and the recommendation provided by District staff;

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

**BE IT FURTHER RESOLVED AND ORDERED** that the Governing Board of the District, having fully considered and evaluated the Charter Petition for the establishment of United, hereby finds the Charter Petition not to be consistent with sound educational practice, based upon numerous grounds and factual findings including, but not limited to, the following, and hereby denies the Charter Petition pursuant to Education Code Section 47605:

- A. The Petitioners are demonstrably unlikely to successfully implement the program set forth in the Charter Petition. [Education Code Section 47605(b)(2)]
- B. The Petition does not contain an affirmation of each of the conditions described in Education Code section 47605(d). [Education Code Section 47605(b)(4)]
- C. The Charter Petition does not contain reasonably comprehensive descriptions of all of the required elements. [Education Code Section 47605(b)(5)]

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

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

**A. *Facility Location***

Education Code section 47605(g) states in relevant part: “[the] description of the facility to be used by the charter school shall specify where the school intends to locate.”

United’s facilities plan and the description thereof are entirely inadequate. The Charter merely mentions that United “intends to secure its own facility” and that if the proposed location (261 W. 8<sup>th</sup> Street, San Bernardino, CA 92401) is not granted then it will “continue to search for private facilities.”

As an initial matter, there is no school campus at the specified location. Rather, a small church is housed at that specified location. From the District’s research, including a visit to the church, the location appears to be entirely inadequate, both in terms of size and available facilities, to house even the proposed opening student enrollment of 144 students, much less United’s proposed full enrollment of 300 students. There appear to be no classroom spaces, food services/eating spaces, or recreational spaces, nor the space to convert or add such spaces. The site appears to lack the requisite support spaces and equipment, such as appropriate separate bathrooms for students and staff and safety features such as the required fire alarm and sprinkler systems. United’s proposed budget is woefully inadequate to bring the current church facility into a condition to house the proposed United nor does the Charter include any explanation of how it would assure that the First Amendment and California Constitutional issues potentially implicated by sharing a space with a church would be addressed by United to ensure compliance.

Additionally, there is nothing in the Charter or otherwise provided by the petitioners to indicate that they have had any discussions with the owners of the subject property or have made any progress towards acquiring the option to use the property and make the necessary renovations for the property to be used for the proposed school. United's proposal to locate there, without more, does not provide any assurance to the District of the likelihood of success of that proposal. Without more reason to believe that United actually could obtain the proposed site, the quoted language clearly does not identify the location at which the school would be housed, as required by law.

**II. THE PETITION DOES NOT CONTAIN AN AFFIRMATION OF EACH OF THE CONDITIONS DESCRIBED IN EDUCATION CODE SECTION 47605(D). [EDUCATION CODE SECTION 47605(b)(4)]**

While the Petition includes several statements that the Charter School will not discriminate, the list of protected characteristics in each such instance is incomplete and inadequate. This is more than a technical violation both because those persons who have protected characteristics are not identified in the Petition and are entitled to legal protection, and the Legislature determined that the inclusion of such affirmations is vital to a charter's approval as failure to include the specified affirmations is one of only five statutory grounds for denial. Thus, the failure to include the required affirmations is a serious flaw in the Petition.

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

**A. *Petition Does Not Provide a Reasonable Comprehensive Description of "the governance structure of the school, including, but not limited to the process to be followed by the school to ensure parental involvement." (Education Code section 47605(b)(5)(D).)***

The charter does not provide an assurance that the School will comply with the conflict of interest provisions of Government Code section 1090, *et seq.* The Bylaws do not contain a similar assurance and indeed allow for financial transactions that could violate Government Code section 1090. Legal and administrative considerations, combined with the experience of charter schools operators who have engaged in self-dealing with public funds, lead to a policy of requiring petitions to not only pledge compliance with all conflict of interest laws that govern public agencies generally, but to have written policies and bylaws supporting the petition that demonstrate actual compliance.

While the Petition provides United will comply with the Brown Act, many of the provisions contained in the Bylaws are contrary to the provisions of the Brown Act.

**B. *Petition Does Not Provide a Reasonable Description of “the qualifications to be met by individuals to be employed by the school.” (Education Code § 47605(b)(5)(E).)***

The Charter does not identify key staff positions or specific key qualifications appropriate for each type of professional level position within the school for special education. The Petition fails to provide that the School shall have credential staff qualified to serve students with autism and the emotionally disturbed population. All educators serving students with autism must have the autism certification or moderate to severe education specialist credential.

**C. *The Charter Fails to Provide a Reasonably Comprehensive Description of the Means to Achieve a Reflective Racial and Ethnic Balance***

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

On page 122, the Petition states: “United will maintain an accurate accounting of the ethnic and racial balance of students who enroll in the school, along with documentation that the school has made to recruit a student population with **demographics that are within 10% of the local school ethnic make-up**. Yet, the very next sentence contains a contradictory statement that the school will make every effort to have a racial and ethnic makeup reflective of the District. The inclusion of these contradictory statements creates confusion and also leads the District to believe Petitioners will in fact not make the necessary efforts to attain a racial and ethnic balance reflective of the District.

**D. *Procedures the Charter School will Follow to Ensure the Health and Safety of Pupils and Staff. [Ed. Code §47605(b)(5)(F)]***

The Charter does not include a reasonably comprehensive description of the procedures that the United will follow to ensure the health and safety of pupils and staff. The statement United will adopt and implement such procedures, along with a non-comprehensive list of some of the subjects that will be covered by such procedures, is inadequate. This portion of the Petition is required to include a “reasonably comprehensive description” of the actual health and safety procedures to protect students and staff and a promise to create such procedures in the future does not meet that requirement

**E. *Procedures to be used by the District and the Charter School for Resolving Disputes Relating to Provisions of the Charter. [Education Code Section 47605(B)(5)(N)]***

The dispute resolution process between the Charter School and the District is unacceptable and the District would not agree to such a process. There are multiple proposed steps of



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the process, which includes mediation and arbitration that can take many months to complete. Having disputes remain unresolved for such an inordinate amount of time impedes the District from being able to properly exercise its oversight obligations as required by the Education Code.

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

10.4 - Personnel Report #11, Dated December 2, 2014

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

BE IT RESOLVED that the Personnel Report #11, dated December 2, 2014, be ratified and/or approved as presented (see page 37.3). 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.

10.5 - Future Agenda Items

Request	Date	W	SP	SA	AP	AR	BQS	BC
Alessandro Filters								X
Mr. Arce's Research on High Graduation Rates		X						
Course Syllabi						X		
First Period Interim Financial Report	12/9/14							
Budget	1/15 or 2/15	X						
Great Kindness Challenge			X					
Joint Powers Authority								
Key Failure Indicators					X			
Marshall RCD Units								
Report Cards—A-G Requirements				X				
Resident Substitute Plan						X		

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Request	Date	W	SP	SA	AP	AR	BQS	BC
Salinas Elementary School Student SCIPP Projects			X					
Schoolwide Achievement Data and Student Discipline		X						
Student Fees								X
Unconscious Bias Training		X						

AP-Administrative Presentation  
AR-Administrative Report  
BC-Board Correspondence  
BQS-Board Quarterly Strategic  
SA-Student Achievement  
SP-Special Presentation  
W-Workshop

Board Quarterly Strategic Meeting Dates

Thursday, March 19, 2015  
Friday, June 19, 2015

10.6 - In Recognition of Deceased Employee

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

**LT. WARREN CRAIG**

**WHEREAS** Warren Craig was an outstanding District Police Lieutenant for the San Bernardino City Unified School District from 1995 until his retirement in 2005, and even after he retired, he continued to serve the District as a substitute employee until 2010; and

**WHEREAS** Warren Craig began serving the District in 1970 in a variety of positions, starting as a security officer II. In 1982, he was promoted to security sergeant, and in 1984 he became a police sergeant; and

**WHEREAS** Warren Craig was a proud veteran of the Marine Corps, having been a radio operator assigned to Adak, Alaska, and later to Germany and Hawaii; and

**WHEREAS** after serving the Marines, he moved from Oklahoma to California and in the early 1960s he worked for Kaiser Steel Iron Mine in Eagle Mountain. Later, he earned

an Associate of Arts degree from San Bernardino Valley College and completed the police academy; and

**WHEREAS** after retiring from the District, Warren loved traveling and spending time with his children and grandchildren, and was in charge of the food ministry at his church; and

**WHEREAS** on October 29, 2014, Warren Craig died, bringing deep sorrow to his loving family, friends, and former colleagues; and

**WHEREAS** Warren Craig is survived by his loving wife of 30 years, retired District administrator Karen Craig; a daughter, Tabatha Silva; a son, Toby Craig; a brother, Irvin Craig; a half-brother, Gilbert Bright; two grandsons, Ryan and Ethan Silva; a granddaughter, Jennifer; the mother of his children, Frankie Craig; and several nieces and nephews;

**THEREFORE BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District does take this opportunity to express its deep gratitude for Warren Craig's many fine years of service and does extend its deepest sympathy to his family.

### **SESSION ELEVEN - Closed Session**

#### **11.0 - 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: Perry Wiseman  
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**

##### **Anticipated Litigation**

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

Number of Cases: One

##### **Public Employee Appointment**

Title: High School Vice Principal

## **Superintendent's Evaluation**

### **SESSION TWELVE – Open Session**

#### **12.0 - Action Reported from Closed Session**

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

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

DEL CASTILLO, ALEJANDRA: High School Vice Principal, effective date, work year and salary to be determined. Funding: 035

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

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

DANESH, JEYAN: High School Vice Principal, effective date, work year and salary to be determined. Funding: 035

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

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

GALLARDO, RAYNALDO: High School Vice Principal, effective date, work year and salary to be determined. Funding: 035

### **SESSION THIRTEEN - Closing**

#### **13.0 - Adjournment**

By the affirmative vote of the members, the meeting was adjourned at 9:40 p.m.

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A special meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, December 9, 2014, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District to be held on Tuesday, December 16, 2014, has been canceled.