

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  
6/4/13**

April 16, 2013

Present: President Barbara Flores; Vice President Michael Gallo; Board Members Margaret Hill, Bobbie Perong, Lynda Savage, and Danny Tillman; Superintendent Dale Marsden; Chief Academic Officer Eliseo Davalos; Assistant Superintendents Kennon Mitchell, John Peukert, and Harold Vollkommer; and Fiscal Services Director Janet King. Minutes recorded by Administrative Assistant Jennifer Owens.

Absent: Board Member Judi Penman

**SESSION ONE - Closed Session**

**1.0 - Closed Session**

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

**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

**Anticipated Litigation**

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

**SESSION TWO - Opening**

**2.0 - Opening**

**2.1 - Call to Order**

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

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

The meeting was opened with the Pledge of Allegiance to the Flag of the United States of America. A moment of silence was observed for the victims of the Boston Marathon bombing.

2.3 - Adoption of Agenda

Superintendent Marsden recommended pulling from the Personnel Report the items listed under Abolishments starting with Account Analyst on page 30 of the Personnel Report through Student Assistance Program Facilitator on page 39 of the Personnel Report.

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

2.4 – Inspirational Reading

Barbara Flores read passages from a book regarding definitions of gratitude.

**SESSION THREE - Special Presentations**

**3.0 - Special Presentations**

3.1 - Recognition of the Bronze Schools of Achievement Awards

The Schools of Achievement recognition program honors schools that have met their academic growth targets during the 2011-12 school year. The Board of Education recognized and congratulated the following schools that earned a Bronze School of Achievement Award by meeting all API or AYP targets: Ramona-Alessandro, Anton, Bradley, Emmerton, Fairfax, Hunt, Monterey, Mt. Vernon, Muscoy, Urbita, Vermont, Wilson, and Wong Elementary; Arrowview, Curtis, and Serrano Middle; and Cajon, Pacific, and San Bernardino High Schools.

3.2 - Wellness Committee Presentation

The Board recognized the winners of the District’s Get Fit on Route 66 Challenge. These employees made a commitment to lead a healthier lifestyle.

Fritz Ward--Two Disneyland one-day park hopper tickets  
Faith Hurst--Mountain bike  
John Chamberlain--\$25 Sports Authority gift card

3.3 - School Showcase—Rodriguez PREP Academy

Under the direction of instrumental music director Darren Haynes, the Rodriguez PREP Academy Advanced Orchestra performed. Members of the Odyssey of the Mind team completed an assignment, while coach Shawn Graves explained the process.

3.4 - Recognition of Asian/Pacific-American Heritage Month

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

**WHEREAS** during the month of May 2013, the San Bernardino City Unified School District joins others in California and the United States in celebrating the contributions of Asian/Pacific Americans; and

**WHEREAS** this observance allows us to consider the valuable contributions of Asian/Pacific Americans to the growth and development of our great state and nation in the areas of agriculture, business, government, industry, literature, science, and the fine arts; and

**WHEREAS** the Board of Education of the San Bernardino City Unified School District serves many Asian/Pacific students and recognizes the cultural diversities among the different Asian/Pacific-American groups, including Bengali, Burmese, Cambodian, Chinese, Filipino, Hawaiian, Hmong, Indonesian, Japanese, Korean, Lao, Malayan, Okinawan, Thai, Pakistani, Vietnamese, Samoan, Asian-Indian, and others; and

**WHEREAS** the San Bernardino City Unified School District has a responsibility in promoting the knowledge and understanding that can be gained by all, regardless of race, through appropriate ceremonies and activities celebrating Asian/Pacific-American heritage;

**THEREFORE, BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District declares May 2013 Asian/Pacific-American Heritage Month.

3.5 - Recognition of Cinco de Mayo

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

**WHEREAS** the date May 5, 1862, marks a vital and significant time in the battle for Mexican independence; and

**WHEREAS** promoting knowledge of the importance and meaning of this date, *Cinco de Mayo*, is necessary so that our students know about the bravery and courage displayed by the Mexican people in their struggle for independence; and

**WHEREAS** all students in our community need to be aware of Mexican history and how it affects the Mexican people north of the United States/Mexico border, as well as south of the border; and

**WHEREAS** we live in a diverse community in which all groups have shared in the American dream and made the sacrifices and contributions to make America a great country; and

**WHEREAS** a special recognition of the meaning of *Cinco de Mayo* is taking place in California and nationwide this month;

**THEREFORE, BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District declares that schools in the District acknowledge the historical importance and heroism commemorated in the celebration of *Cinco de Mayo* and further that schools recognize the impact of Mexican culture and tradition on the history and friendship between Mexico and the United States.

#### **SESSION FOUR - Public Hearings**

##### **4.0 - Public Hearings**

##### **4.1 - Tier III State Categorical Programs Flexibility for Fiscal Year 2013-14**

Education Code 42605 grants districts flexibility in Tier III categorical programs and authorizes districts to use these funds for any educational purpose. For the 2008-09 fiscal year through the 2014-15 fiscal year, inclusive, local educational agencies that use the flexibility provision of this section shall be deemed to be in compliance with the program and funding requirements contained in statutory, regulatory and provisional language. As a condition of receipt of the funds, the governing board is required, at a regularly scheduled open public hearing held prior to and independent of a meeting where the governing board of the district adopts the annual budget, to take testimony from the public, identify any program that is proposed to be closed, discuss, approve or disapprove the proposed use of funding, and make explicit the purposes for which the funding will be used.

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

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

**WHEREAS** as a condition of receipt of the funds, the governing board is required, at a regularly scheduled open public hearing, to take testimony from the public, discuss, and approve or

disapprove the proposed use of funding and to make explicit the purposes for which the funding will be used; and

WHEREAS Assembly Bill (AB) 189, became effective January 1, 2012, and requires the Tier III public hearing to be held prior to and independent of a meeting at which the budget is adopted. AB 189 also requires a governing board to identify in the notice of the public hearing, any Tier III program that is proposed to be closed;

THEREFORE, BE IT RESOLVED that, following a public hearing in which public testimony was taken, discussion regarding the proposed uses of the funds took place; the San Bernardino City Unified School District adopts this Resolution approving the proposed uses of the funds.

4.2 - Acknowledge Receipt of Initial Contract Proposal for Successor Agreement from Chapter 183 of the California School Employees Association (CSEA)

Section 3547 of the Government Code requires that all initial proposals of exclusive representatives must be presented at a public meeting of the public school employer. At that meeting, any interested parties shall have the opportunity to comment on the proposal. Now is the time for such public comment from any interested person or persons.

Article XXIV, Section 3, of the Collective Bargaining Agreement between the District and the California School Employees Association (CSEA), provides that no sooner than June 1 and no later than July 1 preceding expiration of this Agreement, the Association shall submit its initial proposals.

On April 12, 2013, the Human Resources Division received the initial proposal from CSEA, Chapter 183, as follows:

**Initial Proposal from  
San Bernardino Chapter No. 183, CSEA**

CSEA and its San Bernardino Chapter No. 183 CSEA hereby submit the following initial proposal for the 2010-2013 successor contract:

**Article I – Recognition**

Sec. 2 – Exclusions: CSEA hereby revokes its waiver of the statutory right to seek clarification or amendment, i.e., unit modification. The language at 1:11-13 shall not continue in the successor collective bargaining agreement.

**Article III – District Rights**

Sec. 3 – Emergencies: CSEA will propose language clarifying that the District cannot suspend any provision of statute or regulation, whether or not the subject matter has been incorporated into the collective bargaining agreement.

Article IV – Association Rights

Sec. 7.C. – Association Leave: CSEA proposes to have the language of the contract conformed to the revision of Ed. Code Sec. 45210(b), which extends release time to “reasonable number of unelected classified employees for the purpose of enabling an employee to attend important organizational activities authorized by the public employee organization.”

Article V – Association Security

Sec. 1 – Payroll Deduction of Dues and Maintenance of Membership: CSEA proposes changing reference to “Payroll Deduction Form” to “CSEA membership application.”

Article VI – Wages

CSEA proposes a fair and equitable salary adjustment, including both cost of living increase and enhancement.

CSEA proposes a one-time repayment to compensate bargaining unit members who loaned the District operating funds by taking furlough days to carry the District through its budget crisis.

CSEA proposes adding as Section 2.e., a fifth longevity increment of ½ range for unit members who have completed 30 years service.

CSEA proposes striking Section 4 – Denial of Step Increases

Sec. 6 – Differential Pay: CSEA proposes modification of A. to provide a higher differential to compensate food service workers with five year certificates, and striking reference to American School Food Service Association.

Sec. 6 – Differential Pay: CSEA proposes increase of C. to one range.

Sec. 6 – Differential Pay: CSEA proposes an increase of D. to 1.5%; CSEA proposes striking existing language which reads, “full time custodians and dispatchers who have” to state “any bargaining unit member who has...”.

Sec. 6 – Differential Pay: CSEA proposes adding a differential for pesticide application licenses.

Sec. 6 – Differential Pay: CSEA proposes adding a differential for different levels of Brail technician proficiency as demonstrated by the standardized state standards for Brail.

Sec. 9 – Substitute Work by Unit Member: CSEA proposes adding language to Section 9 whereby existing bargaining unit members shall be given preference to non-employees whenever substitute opportunities become available.

Sec. 10 – Technology Professional Growth Incentive: CSEA proposes expansion of the existing professional growth incentive program to include the other classifications in the bargaining unit.

Article VII – Benefits

CSEA proposes the District pick up any increased cost of health coverage.

CSEA proposes to compensate employees for not receiving health coverage due to their spouse working for the District and receiving the health coverage.

Article VIII – Retiree Health Insurance

CSEA proposes to change references to “age of sixty-five (65)” to “eligible for medicare” and make it clear that eligibility is for 10 years or reaching medicare eligibility, whichever comes first.

CSEA proposes to increase the cap from \$2,100 to \$2,500, and to increase the cap in succeeding years by the same percentage which rates increase.

Article IX – Hours

Sec. 1 – CSEA proposes clarifying that once established, employee work schedules cannot be changed without negotiation; further, CSEA proposes striking p. 33:6-8.

Sec. 5 and 10 – Overtime Compensation/Compensatory Time: CSEA proposes combining Sec. 5 and 10. CSEA proposes adding language to track compensatory time on paychecks and adding language requiring the payout of compensatory time which is not used within 12 months of the date earned. CSEA proposes further to strike existing language, “Compensatory time shall be used during periods, which do not impair the operation of the District, as determined by the District.” P. 37:4-5. CSEA proposes new language prohibiting substitute employees from working overtime in any classified position for which an available, qualified classified permanent unit member is available to perform the overtime work.

Sec. 5 – Overtime Compensation: CSEA proposes striking p. 35:2-3 and p. 35:6-8 which are references to Campus Security Officer and School Security Officer.

Sec. 6 – Overtime Distribution: CSEA proposes a uniform system of overtime distribution in place of giving each supervisor authority to establish their own system of distribution.

Sec. 9 – Standby: CSEA proposes increasing standby pay from \$22 to \$40/day.

Sec. 11 – Compressed Workweek: CSEA proposes striking p. 36:15-17 which are references to Campus Security Officer and School Security Officer.

Sec. 15 – Eleven Month Work Year: CSEA proposes striking 39:17-22 and inserting Appendix E in its place.

Article X – Holidays

CSEA proposes correcting reference to Art. X, Section 10 at 43:21 to read Article IX, Section 5.

Article XI – Employee Evaluation Procedures

CSEA proposes incorporating language into the collective bargaining agreement which includes objective criteria for evaluations and eliminates from evaluations subjective criteria which reflect individual manager’s personalities instead of District requirements.

Article XIII – Transfer

Sec. 2, CSEA will propose that with respect to voluntary transfers, the opportunity will first be given to qualified permanent bargaining unit members who are in the same classification, then to those permanent bargaining unit members for whom it would be a

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promotion, then to any bargaining unit member, then open the position for outside hires.  
Sec. 3, CSEA proposes adding language to the effect that any involuntary transfer must be to the same shift hours, i.e., 7:00 a.m. to 3:30 p.m. can go only to 7:00 a.m. to 3:30 p.m.

Article XIV – Leaves

Sec. 17 – Vacation: CSEA proposes that payout of unused vacation be permitted for 12-month employees.

Article XV – Reimbursement, Expenses & Materials

Sec. 4(8), CSEA proposes changing “factory/dealer” to “professionally installed.”

Sec. 4(9)c., p. 87:1, CSEA proposes striking the term, “Theft must be by a District student.”

Sec. 9 – Tuition Reimbursement: CSEA proposes changing 50% to 100% at 89:19.

Sec. 11 – Joint Study Committee: CSEA proposes striking language after the word, “members.” 92:12-14.

Article XVI – Safety

Sec. 2: CSEA proposes adding OSHA’s telephone numbers.

Sec. 3: CSEA proposes adding reference to Form RM9.

Article XVII – Layoff and Reemployment

CSEA proposes this Article is updated to reflect changes in the law, i.e., notice period increased from 45 to 60 days.

Article XIX – Classification

CSEA proposes modifying Section 1 – Authority of the District, consistent with PERB precedent, to clarify that after the initial establishment of any new classification, any subsequent modification of the job description must be negotiated with the union.

CSEA will propose language relating to vacant positions (108:2-3) which will require rotation of employees working out of classification to fill vacant positions.

CSEA will propose language relating to working out of classification in Sections 3 and 5 and how employees are compensated while working out of classification.

Article XX – Drug and Alcohol Use

Sec. 4 and Sec., 5: CSEA proposes striking p. 110:1-22 and 111:1-112:19.

Article XXII, Section 3 – Termination of the Merit System

CSEA proposes modification of the article to include features which both parties recognize shall be included in the contract if the merit system should be terminated, including but not limited to submitting progressive discipline to final and binding arbitration.

Article XXIV – Term of the Agreement

CSEA proposes a 3-year agreement effective April 1, 2013 through March 31, 2016 with reopens in the second and third year for wages, benefits and one additional article of each party's choice.

Appendix A – CSEA proposes updating to include all current classifications.

Appendix C – CSEA proposes moving it to Article 7 of the CBA.

Appendix D – CSEA proposes striking this Appendix.

Appendix E – As stated above, CSEA proposes inserting Appendix E in place of existing language for Article IX – Hours, Sec. 15 – Eleven Month Work Year which is currently at 39:17-22.

President Flores opened the public hearing and asked if anyone wished to comment. Margaret Hill asked for clarification. Harold Vollkommer stated that this is CSEA's initial proposal. Hearing no further comment, Dr. Flores closed the public hearing.

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

BE IT RESOLVED that the Board of Education receives the Initial Contract Proposal for Successor Agreement from Chapter 183 of the California School Employees Association (CSEA).

**SESSION FIVE - Reports and Comments**

**5.0 - Reports and Comments**

**5.1 - Report by San Bernardino Teachers Association**

Rebecca Harper thanked the Board for approving the resolutions recognizing Asian/Pacific-American Heritage Month and Cinco de Mayo. Mrs. Harper invited Board members to the SBTA Retirement and Monte Awards Dinner on May 2, to show they value teachers. Mrs. Harper stated that she didn't have a problem with rescinding layoffs for classified employees, but there are still 166 teachers on the layoff list. Teachers have gone through this process for six years in a row and they have done their share. They have taken pay cuts and increased class size. Barbara Flores reported that the May Revise is coming and the Board will be setting priorities. Dale Marsden thanked Mrs. Harper for her comments. They are being thoughtful in their decisions. Danny Tillman stated that the Governor has committed additional money for the District. Michael Gallo stated that it would behoove them to come up with another process to avoid the drama. Dr. Flores stated that we have to follow state mandates.

5.2 - Report by California School Employees Association

Charles Arroyo thanked Dr. Marsden for pulling the layoffs from the Personnel Report. Mr. Arroyo stated they are eager to negotiate in good faith. Mr. Arroyo introduced the CSEA Executive Board members.

5.3 - Report by Communications Workers of America

Ron Fletcher reported that there have been shootings near Lincoln Elementary School and asked how many counselors are at the school. Mr. Fletcher thanked staff for considering awarding a Golden Apple Award to a substitute teacher next year. Mr. Fletcher reported there was an orientation today for six substitutes, he is happy the District pulled the CSEA layoffs, he doesn't agree with consent item 8.3, and recommended that staff look at a later school start time for teenagers.

5.4 - Report by San Bernardino School Police Officers Association

No report was given.

5.5 - Report by San Bernardino School Managers

No report was given.

5.6 - Comments by Board Members

Danny Tillman invited all to attend the Links Scholarship Breakfast Ball on May 11. Mr. Tillman reported that he attended a Families in School Conference that was sponsored by the Irvine Foundation. Mr. Tillman spoke with John Chiang, State Controller, who wasn't aware that charter schools were having trouble borrowing money. Mr. Tillman reported that Abigail Medina spoke at a GATE Conference and Mr. Tillman recommended that the District restore funds to the GATE program to the former level when money is restored.

Margaret Hill congratulated school leaders. King Middle School received an excellence award and their goal is to become the next Richardson. The school had 104 parents graduate from a parenting program. The awards program at Cole Elementary School was well done, but not well attended. Mrs. Hill recommended bringing the awards back to School Board meetings. Mrs. Hill reported she attended a ceremony at Cypress Elementary School, a Middle College High School luncheon, the Cardinal City crowning event, the CAPS Day at the 66ers baseball game, the ROTC Military Ball, and a Cambodian event in Westminster. Mrs. Hill reported that she has been presenting the Student of the Month at City Council meetings for four years. During the Inland Empire Prayer Breakfast, the District received a D report card, and she will be in contact with the minister to discuss this.

Bobbie Perong reported that the District is doing wonderful things such as music, the docent program, and wellness programs, and Odyssey of the Mind. We need to advertise this. Classified staff is important. Mrs. Perong asked staff to investigate the cost of an in-house school for expelled students.

Michael Gallo requested that staff to couple anticipated additional money with Strategic Planning to maintain its priority. There will be a count of homeless people on April 24. The District, Housing Authority, and other organizations are rallying to address this. He will forward the proposals to Dr. Marsden. They want to see students stabilize and surround them with supportive services.

Barbara Flores reported that there were inspirational speakers at the Families in Schools Conference in Sacramento. School Board members, superintendents, parents, and workers attended, and Dolores Huerta was the main speaker. Dr. Flores reported that she met with ICUC parents who are requesting parent engagement, ongoing staff development, and allowing 20 to 30 parents per school to attend the CAFE Project to Aspire program. The parents would like to know the process and the role of parents for reclassification and why the seal of Biliteracy is not available at the middle schools. Dr. Davalos stated that it is a secondary program. Dr. Flores asked Dr. Davalos to clarify this for the parents. Dr. Flores stated that Sandra Rodriguez, San Bernardino High School principal, would like to initiate a Latino History Bee. Dr. Flores thanked the CSEA members for all they do.

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

Dale Marsden invited people to follow him on Facebook to see what has been going on in the District. He attended a successful credit rating meeting with Standards and Poors. They are excited about the Strategic Planning. He attended a High Reliability Organization with oil industry, health, and the National Transportation Safety Board professionals. He spent a day at Oakland Unified School District looking at their successes. He attended the Families in Schools Conference with COPE and ICUC as partners. During a meeting with the Westside Action Group, Dr. Marsden committed to fully implementing the TIIP policy in the District. It mirrors much of the Strategic Plan. Dr. Marsden and his Cabinet met today with the San Bernardino Valley College Cabinet to discuss how to achieve results for student success.

Harold Vollkommer presented an update on teacher layoffs. Since March 15, six additional teachers have retired--five elementary and one secondary. On May 7, the Board will take action on the final layoff list.

### **SESSION SIX – Public Comment**

#### **6.0 - Public Comment**

Christina Marquez, Fairfax Elementary School teacher, thanked the Board for returning sixth grade to Fairfax next year. Ms. Marquez volunteered to teach sixth grade.

Nikki Frazier expressed her concern about racial tension at Cajon High School. A teacher verbally and racially harassed her son. Dr. Marsden ensured her that she will get a response.

Carl Greenwood reported that classified staff hasn't had a raise in seven years. There are 480 vacancies due to a dysfunctional Personnel Commission. There aren't enough custodians, but the schools are clean. Mr. Greenwood requested that lights be left on after 11:30 p.m. to give the custodians time to lock the gates and get to their cars.

Tara Bradley, Andrew Halstead, Christian Colunga, Elizabeth Kockery, Madison Prank, Keenan Oakes, Diana Vierra, Quinton Doswell, and Chad Bliss expressed their support of a Cajon High School employee.

Shonda Gilchrest reported that she was treated rudely at Cajon High School. Dr. Marsden stated that his office would follow up with her tomorrow.

### **SESSION SEVEN - Administrative Reports**

#### **7.0 - Administrative Reports**

##### **7.1 - Quarterly Uniform Complaint Report Summary**

Pursuant to legislation passed as a result of the Williams Case and Valenzuela Settlement Agreements, districts must report summarized data on the nature and resolution of all complaints on a quarterly basis to the governing board, at a regularly scheduled board meeting. The following is the quarterly report for the period from January to March 2013, pursuant to Section 4686(b) of Title 5, Division 1, Chapter 5.1, Subchapter 1, Article 8 of the California Code of Regulations.

#### **Williams and Valenzuela Settlement Legislation Quarterly Report Summary**

##### **Quarterly Uniform Complaint Report Summary**

For submission to school district governing board and county office of education

District Name: San Bernardino City Unified School District  
Quarter covered by this report: January – March 2013

UCP Areas	Number of Complaints Received in Quarter	Number of Complaints Resolved	Number of Complaints Unresolved (Quarter)	Number of Complaints Unresolved (Historic)
Instructional Materials	0	0	0	0
Facilities	2	2	0	0

Teacher Vacancy and Misassignment	0	0	0	0
CAHSEE Intensive Instructions for High School Exit Exam	0	0	0	0
Totals	2	2	0	0

7.2 - Vision Statement

Linda Bardere announced that New America Alliance is holding a tour and special reception for elected officials on May 9.

It was the consensus of the Board to use the Wordle document as the District’s Vision Statement (see page \_\_\_\_).

Board members reviewed samples and made suggestions for a new District logo.

It was the consensus of the Board to move Action Item 9.2 forward on the agenda.

9.2 - Resolution Approving the Charter School Petition for the Center for Learning and Unlimited Educational Success by the Governing Board of the San Bernardino City Unified School District

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

**RESOLUTION APPROVING THE  
 CHARTER SCHOOL PETITION FOR THE  
 CENTER FOR LEARNING AND UNLIMITED EDUCATIONAL SUCCESS  
 BY THE GOVERNING BOARD OF THE  
 SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT**

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

**WHEREAS**, on or about November 15, 2012, Tommy Morrow and David Morrow, lead petitioners for Center for Learning and Unlimited Educational Success (“CLUES” or “School”), submitted to the District a charter petition (“Petition”) for the establishment of the Center for Learning and Unlimited Educational Success; and

**WHEREAS**, the District staff, including experts from the District’s various departments, reviewed and analyzed all information received with the Petition and information related to the

operation and potential effects of the CLUES Charter, including speaking to and meeting with CLUES representatives relative to the Petition. Pursuant to that analysis, the District staff determined that the Petition included a variety of issues and deficiencies; and

**WHEREAS**, after being made aware of the deficiencies by the District staff, the Petitioners submitted a revised Petition on February 4, 2013; and

**WHEREAS**, the District staff analyzed the revised Petition submitted by CLUES on February 4, 2013. Pursuant to that analysis District staff had determined some issues and deficiencies remain with respect to the Revised Petition and, based on that review, made a recommendation to the District Board that revisions to the Revised Charter be made prior to final approval of the revised Petition; and

**WHEREAS**, the Petitioners again revised the Petition to address the concerns and deficiencies identified by the District staff and on April 12, 2013, submitted another revised Petition. It is that Petition submitted on April 12, 2013, that the District Board is considering and taking action upon; and

**WHEREAS**, in reviewing the Petition for the approval of this Charter, 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**, a public hearing on the provisions of the Charter was conducted on December 18, 2012, 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**, the District staff, working with District legal counsel, has reviewed and analyzed all information received with respect to the Petition and information related to the operation and potential effects of the proposed School, including speaking to and meeting with CLUES representatives relative to this request, and made a recommendation to the District Board that the Petition submitted April 12<sup>th</sup> be approved based on that review; and

**WHEREAS**, the District Board finds that certain changes and revisions to the Charter Petition needed to be made to support the approval. The District administration has pursued the implementation of such changes and revisions. CLUES has made a number of revisions to the Charter based on the District's concerns and requests and submitted a revised Petition to the District on April 12, 2013; and

**WHEREAS**, the District Board has fully considered the Petition submitted for the approval of CLUES and the recommendation provided by District staff; and

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**NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS**, that the Governing Board of the San Bernardino City Unified School 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 District Board hereby approves the Petition submitted on April 12, 2013, for a term from April 17, 2013, through and including June 30, 2015.

7.3 - Follow Up on Requests and Questions from Board and Community Members, as of April 10, 2013

	Date of Request	Question/Request	Requested by	Assigned to	Anticipated Completion Date	Status/Remarks/Action
1	2/19/13 3/5/13	Expressed concern of Belvedere administrators' intimidation of staff.	Aurora McElroy Lourdes Hauchbaum Erika Guerrero	Dr. Vollkommer	5/2/13	Investigation in progress.
2	2/5/13	Consider installing video cameras in all classrooms.	Richelle Capozio	Dr. Vollkommer	5/13	Staff will work with SBTA to examine possibilities.
3	1/22/13	Consider installing connecting doors between classrooms at Shandin Hills Middle School.	Lindy Bliss	Mr. Peukert	5/13	Building Code requirements for egress were met when school was constructed. <b>Completed.</b>
<b>EDUCATIONAL SERVICES – DR. DAVALOS</b>						
1	12/4/12	Provide a report on TK projections.	Dr. Flores	Dr. Davalos	5/13	Projections provided in Board Correspondence. <b>Completed.</b>
2	1/22/13	Expand Richardson PREP HI enrollment policy so all students living in District boundaries are eligible for the lottery.	Mr. Tillman	Dr. Davalos	5/13	Educational Services staff will bring a recommendation to amend the policy.
3	1/22/13	Contract with an agency to conduct a program evaluation.	Mrs. Penman	Dr. Davalos	5/13	Work in progress.

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	Date of Request	Question/Request	Requested by	Assigned to	Anticipated Completion Date	Status/Remarks/Action
4	1/22/13	Register parents for the Parent Portal as part of the enrollment process.	Mr. Gallo	Dr. Davalos	5/13	The registration form will be included in 6-12 school enrollment packets. <b>Completed.</b>
5	3/19/13	Show the alignment of benchmark 3 with CST performance.	Mr. Gallo	Dr. Davalos	Summer 2013	Staff will conduct an evaluation upon release of official 2013 CST scores.
6	3/19/13	Review the Rodriguez PREP Academy entrance requirements policy.	Mr. Gallo Mr. Tillman	Dr. Davalos	5/2/13	Staff is currently conducting a review and will present findings in a future Board Correspondence.
7	4/2/13	Ensure Salinas Elementary School retains a creative arts focus or change the name.	Mrs. Hill	Dr. Davalos	5/21/13	
8	4/2/13	The Board needs to look at where to prioritize funds for common core.	Dr. Flores	Dr. Davalos	5/7/13	This will be included in May 7 Workshop.
<b>STUDENT SERVICES – DR. MITCHELL</b>						
1	11/6/12	Consider visiting Oakland and Santa Ana to see what they are doing to have lower suspension rates than ours?	Dr. Flores Mr. Tillman	Dr. Mitchell	6/1/13	Will visit by June 30 and provide a report. <b>Completed.</b>
2	4/2/13	Prepare a resolution to support homeless students.	Board Consensus	Dr. Mitchell	5/7/13	
3	4/2/13	Include a discipline policy for next Policy Committee meeting.	Mr. Gallo	Dr. Mitchell	6/30/13	A recommendation will be presented to the

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	Date of Request	Question/Request	Requested by	Assigned to	Anticipated Completion Date	Status/Remarks/Action
						Policy Committee by 6/30/13.
4	4/2/13	Which bandwidth bottlenecks need to be upgraded?	Mr. Tillman	Dr. Mitchell		Average and peak network traffic analysis was provided in Board Correspondence. <b>Completed.</b>
5	4/2/13	Can we create wireless access points to create hotspots in schools?	Mr. Gallo	Dr. Mitchell		The cost would be \$100 million. <b>Completed.</b>
6	4/2/13	Do we have funds to upgrade computers at all sites?	Dr. Flores	Dr. Mitchell		The Board can choose to prioritize this using general and/or bond funds. <b>Completed.</b>
7	4/2/13	Are funds available to provide health centers at schools?	Mr. Tillman	Dr. Mitchell	5/7/13	
<b>BUSINESS SERVICES – DR. SAUL</b>						
1	2/5/13	Have a workshop on School Services' report.	Mrs. Savage	Dr. Saul	6/13	Update will be provided of next steps during 6/13 meeting.
<b>HUMAN RESOURCES – DR. VOLLKOMMER</b>						
1	3/5/13	Agendize Personnel Commission to find a way to fill positions. How many positions are vacant and not backfilled?	Mr. Tillman Mr. Gallo Mrs. Perong	Dr. Vollkommer		Date to be determined.
2	1/8/13	Train teachers in peer tutoring, possibly with Ed Equity.	Mrs. Perong	Dr. Vollkommer	5/13	Report will be prepared for future Board Correspondence
<b>COMMUNICATIONS – MRS. BARDERE</b>						
1	4/2/13	Contact the New American Alliance about partnering.	Dr. Flores	Mrs. Bardere	6/3/13	

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	Date of Request	Question/Request	Requested by	Assigned to	Anticipated Completion Date	Status/Remarks/Action
<b>SUPERINTENDENT – DR. MARSDEN</b>						
1	4/2/13	Talk to legislators about TRANs taking away funds from students.	Dr. Flores	Dr. Marsden		Will share information with our state lobbyists.
2	4/2/13	Tell legislators that support charter schools they need to offer them a funding source to address cash flow problems.	Mr. Tillman	Dr. Marsden		Will share information with our state lobbyists.

**SESSION EIGHT – Consent Calendar**

***8.0 - 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 item 8.3 was held for later consideration.

Upon motion by Members Flores, Gallo, Perong, Savage and Tillman (Noes: None; Absent for Vote: Hill), the following were adopted:

**BOARD OF EDUCATION**

**8.1 - Approval of Minutes**

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on March 5, 2013, be approved as presented.

**8.2 - Compensation for School Board Member**

BE IT RESOLVED that the Board of Education approves compensation for Board Member Lynda Savage for the April 2, 2013 School Board meeting.

**School Police**

**8.4 - Bid No. 03-13, Mobile Data Computers (MDC) School Police**

BE IT RESOLVED that RFP's were received from Advanced Electronics, Inc., Ontario, California.

BE IT ALSO RESOLVED that Bid No. 03-13 Mobile Data Computers (MDC) School Police be awarded to Advanced Electronics, Inc. the single responsive bidder in accordance with (PCC 20103.8).

<u>BIDDER</u>	<u>PROPOSED AMOUNT TAX NOT INCLUDED/ ENVIRONMENTAL FEES</u>	<u>DISCOUNT OFF MANUFACTURER'S PUBLISHED LIST</u>
Advanced Electronics, Inc. Ontario, California	\$191,285.75	21%

BE IT ALSO RESOLVED that Bid No. 03-13 Mobile Data Computers (MDC) School Police be awarded for the initial one (1) year term, and any other extensions not to exceed a five (5) year term.

BE IT ALSO RESOLVED that the District reserves the right to purchase more than or less than the quantities indicated on a line item basis per the terms of the Bid, as needed throughout the term of Bid, and all extensions.

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

**BUSINESS SERVICES DIVISION**

**8.5 - Acceptance of Gifts and Donations to the District**

BE IT RESOLVED that the Board of Education acknowledges receipt of \$120.00, Andria and Kevin Dennert, San Bernardino, California; \$110.00, Daisy Flores, San Bernardino, California; \$700.00, Scholarship America, Saint Peter, Minnesota; \$180.00, Roosevelt 5<sup>th</sup> Grade Parents, San Bernardino, California; \$130.00, Wilma Gutierrez, San Bernardino, California; \$1,000.00, Corona Riverside Triple A, Perris, California; and \$3,500.00, Vanir Construction Management, Inc., Sacramento, California.

8.6 - Bid No. 01-13, Requirements Contract for Sprayed Polyurethane Roofing System (SPRS) Repair and Recoat District-Wide

BE IT RESOLVED that bids were received from Bell Roof Company, Inc., San Bernardino, California; Cook Coatings, Inc., Menifee, California; Foam Experts Roofing, Inc., Mesa, Arizona; and Universal Coatings, Inc., Fresno, California as follows:

Item	Bell Roofing Co. Inc. San	Cook Coating, Inc. Menifee,	Foam Experts Roofing, Inc. Mesa, CA	Universal Coating, Inc. Fresno, CA
Repair & Recoat (1-2 Classrooms/Site)	\$5,000.00	\$3,290.00	\$1,200.00	\$22,600.00
Repair & Recoat (3-5 Classrooms/Site)	\$4,000.00	\$3,140.00	\$1,200.00	\$33,900.00
Re-roof incl Panels (1-2 Classrooms/Site)	\$10,000.00	\$8,990.00	\$5,310.00	\$33,600.00
Re-roof incl Panels (3-5 Classrooms/Site)	\$9,000.00	\$8,630.00	\$5,310.00	\$64,600.00
Labor/Material/Equip.(Roofer/8 Hr. Day)	\$1,000.00	\$692.00	\$960.00	\$2,800.00

BE IT ALSO RESOLVED that the correction from hourly rate to daily rate on Item 5, Labor/ Material/Equipment-(Roofer per 8 Hr. Day), of Foam Experts, Inc., bid, which does not alter or change the bid amount and does not give the bidder an unfair advantage over other bidders, be waived as a minor irregularity in accordance with the bid specification and public contract case precedence.

BE IT ALSO RESOLVED that Bid No. 01-13, Requirements Contract for Sprayed Polyurethane Roofing System (SPRS) Repair and Recoat District-Wide, be awarded to Foam Experts, Inc., lowest responsive/responsible bidder meeting District specifications.

BE IT ALSO RESOLVED that work shall be performed on an as-required basis in accordance with the proposed cost schedule for an initial contract award period of one year, with an option to extend annually up to five years.

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

8.7 - 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:

Brandy Autry  
 Rosa Chavez  
 Bruse Gibson  
 Marcelle Baber  
 Cynthia Iniguez  
 Laura Almada

To attend BOOST – Best Of Out-Of- School Time Conference, in Palm Springs, California from May 2, through May 4, 2013. Total cost, including meals and mileage per District guidelines, not to exceed \$40,742.00, will be paid from CAPS ASES Account No. 459.

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Gracie Almanza  
Cat Botello  
Porsche Bowie  
Melina Canedo  
Cynthia Chavarin  
Tami Chavez  
Leslie Contreras  
Maha Damsis  
Loreal Davidson  
Ana Delgado  
Chevaugn Green  
Shadi Hatoum  
Sara Imbriani  
Danielle Jones  
Kristin Krell  
Kimberly Lebel  
Sara Mendoza  
Selena Miguel  
Bryan Morris-Brand  
Shealyn Patton  
Maria Perez  
Darling Ramirez  
Reyna Rea  
La-Kyshia Reddick  
Suzanne Rodriguez  
Krystal Royce  
Chazdney Russell  
Jennifer Sanchez  
Nicole Sorenson  
Jeremiah Swearingen  
Vaigafa Tanielu  
Lily Torres  
Gloria Vigil  
Nadifa Warren  
Elizabeth Zarembo  
(Board Representatives, Boys and Girls Club  
of San Bernardino; Project Life Impact, San  
Bernardino; YMCA East Valley)

Maria Murillo  
(Board Representative, English Learners)

To attend the 26<sup>th</sup> Annual San Bernardino  
County Multilingual Recognition Awards  
Dinner in Ontario, California on May 3, 2013.  
Total cost, per District guidelines not to exceed

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\$50.00, will be paid from English Learners Account No. 261 and Account No. 262.

Patricia Godsy  
John Griffin  
Laura Hall  
Sue Long  
Manuel McMillan  
Lauren Martinez  
Pieter Nystrom  
Rebecca Ryan  
Kristin Stevens  
David Vasquez  
Rachel Visco  
(Board Representatives, Our Lady of the Assumption)

To be paid a one-day stipend at \$150.00 per day for attending the Tech Saturdays Workshop in San Bernardino, California on April 27, 2013. The total stipend for all attendees, not to exceed \$1,650.00, will be paid from Categorical Programs Account No. 536.

8.8 - Commercial Warrant Registers for Period from March 16, 2013 through March 31, 2013

BE IT RESOLVED that the Commercial Warrant Register for period from March 16, 2013, through March 31, 2013, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes James Cunningham, Accounting Services Director; David Moyes, Accounts Payable Supervisor; or Derek Harris, Interim Employee Benefits Director, to signed disbursements.

8.9 - Extended Field Trip, CAPS Central Programs, Camp Sky Meadows, Angelus Oaks, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 126 CAPS students, 9 adult chaperones, and 5 District employees, to attend the Camp Sky Meadows, in Angelus Oaks, California, from June 17, through June 19, 2013. The cost of the trip, not to exceed \$11,882.00, including meals and lodging for 126 CAPS students, 9 adult chaperones, and 5 District employees, will be paid from CAPS Central Programs Packard Summer Learning Budget No. 145 and CAPS Central Programs Account No. 567. Transportation provided by Durham School Services, not to exceed \$4,500.00, will be paid from CAPS Central Programs Packard Summer Learning Budget No. 145 and CAPS Central Programs Account No. 567. Names of the students are on file in the Business Services Division.

8.10 - Extended Field Trip, CAPS Central Programs, Western Regionals Headquarters Little League Baseball, San Bernardino, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 150 CAPS students, 9 adult chaperones, and 5 District employees, to attend the Western Regionals Headquarters Little League Baseball, in San Bernardino, California, from June 17, through June 19, 2013. The cost of the trip, not to exceed \$12,250.00, including meals and lodging for 150 CAPS students, 9 adult chaperones, and 5 District employees, will be paid from CAPS Central Packard Summer Learning Budget No. 145 and CAPS Central Programs Account No. 567. Transportation provided by Durham School Services, not to exceed \$3,000.00, will be paid from CAPS Central Programs Account No. 567. Names of the students are on file in the Business Services Division.

8.11 - Extended Field Trip, CAPS Central Programs, YMCA Camp Edwards, Angelus Oaks, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 144 CAPS students, 9 adult chaperones, and 5 District employees to attend the YMCA Camp Edwards, in Angelus Oaks, California, from June 17, through June 19, 2013. The cost of the trip, not to exceed \$22,750.00, including meals and lodging for 144 CAPS students, 9 adult chaperones, and 5 District employees, will be paid from CAPS Central Programs Packard Summer Learning Budget No. 145 and CAPS Central Programs Account No. 567. Transportation provided by Durham School Services, not to exceed \$3,000.00, will be paid from CAPS Central Programs Account No. 567. Names of the students are on file in the Business Services Division.

8.12 - Payment for Course of Study Activities

BE IT RESOLVED that the Board of Education considers the following activities to be a part of the regular course of study for the 2012-13 school year and approves payment to the following:

Bob Harper, Gandolf Productions Inc., for a presentation titled "Frederick Douglass Ruminations" at Rio Vista Elementary School on April 22, 2013, at Bradley Elementary School on April 26, 2013, at Inghram Elementary School on April 30, 2013, at Thompson Elementary School on April 30, 2013, at Mt. Vernon Elementary School on May 3, 2013, at Highland Pacific Elementary School on May 8, 2013, at Cole Elementary School on May 10, 2013, at Urbita Elementary School on May 9, 2013, at Barton Elementary School on May 14, 2013, at Hunt Elementary School on May 15, 2013, at Norton Elementary School on May 16, 2013, at Jones Elementary School on May 17, 2013, at Lankershim Elementary School on May 28, 2013 and at E. Neal Roberts Elementary School on June 11, 2013. The cost, not to exceed \$900.00 per school site, will be paid from Elementary Instruction Account No. 325. The total cost is \$12,600.00.

San Bernardino County Museum for a presentation titled “Star and Planet Lab” on May 2, 2013. The cost, not to exceed \$346.09, will be paid from Kimbark Elementary School ASB funds.

8.13 - Sale of Used District Covered Electronic Waste (CEW/Non-CEW)

BE IT RESOLVED that the Board awarded RFP 11-09 for the Sale of CEW/Non-CEW to eWaste Center, Inc., Commerce, California, on August 4, 2009, to include the purchase of additional CEW/Non-CEW equipment and peripherals for recycling from the District for a one (1) year term, and all extensions, not to exceed five (5) years. During the awarded term, the District will present new Board-approved computer and peripheral surplus lists to the awarded bidder with option to buy CEW at \$.21 per pound and Non-CEW at \$.03 per pound. Proceeds from the sale shall be deposited into the Warehouse Recycling Fund.

BE IT FURTHER RESOLVED that in accordance with California Education Code Section 17545, the Board of Education declares the following items as surplus to District needs and unsatisfactory or no longer suitable for school use: List of Salvage Computer Equipment and Peripherals dated March 6, 2013.

8.14 - Signature Authorization – Business Services Division

BE IT RESOLVED that the Board of Education ratifies delegating signature authority for James Cunningham, Director, Accounting Services, to sign any documents, including grants, contracts, agreements, reports and financial forms and, specifically on the following District documents and related materials on behalf of the Board of Education effective April 17, 2013:

- Purchase Orders
- Journal Entries
- Interfund Transfers
- Budget Transfers
- Revolving Cash Fund Authorization Forms
- Revolving Cash Fund Checks; District Revolving Cash Account, Salary Replacement Account
- Bank of America, District Account

**EDUCATIONAL SERVICES**

8.15 - Agreement with Mark Dearing Consulting, Inc., Huntington Beach, California, to Provide Positive Behavior Intervention Supports and Jiu-Jitsu Explorations to District Students

BE IT RESOLVED that the Board of Education approves entering into an agreement with Mark Dearing Consulting, Inc., Huntington Beach, California, to provide Positive Behavior Intervention Supports (PBIS) and Jiu-Jitsu Explorations, effective April 17, through May 22, 2013. The training will focus on promoting pro-social behaviors and positive self-efficacy for

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students. Classes will be provided three days a week at a cost of \$700.00 per day. The cost, not to exceed \$12,600.00, will be paid from the Restricted General Fund—Title II Secondary Math/Science, Account No. 541.

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

8.16 - Facilities Use Agreement with Jerry Lewis Swim Center, San Bernardino, California

BE IT RESOLVED that the Board of Education authorizes Riley Elementary School to enter into a facilities use agreement with Jerry Lewis Swim Center, San Bernardino, California, for an end-of-year Creative Before and Afterschool Programs for Success (CAPS) party on June 3, 2013. The total cost, not to exceed \$380.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

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

8.17 - 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:

CABE, Covina, California, to provide a presenter for the Alternative Bilingual Education (ABE)/Dual Immersion Pre-Service, effective May 25, 2013. The presenter will emphasize the critical components of bilingual programs, including bilingual instructional strategies, academic language development in English and Spanish, accelerated and enrichment education pedagogy, English language development, cultivating student voice in instructional practice, and school-community partnerships. The fee, not to exceed \$500.00, will be paid from the Restricted General Fund-Title III LEP Student Subgrant, Account No. 544.

National Geographic Learning, San Diego, California, to provide two presenters for the Structured English Immersion (SEI) Pre-Service, effective May 24, 2013. The presenters will emphasize the importance of preparing English learners with rich academic language with a focus on the Common Core State Standards and the English Language Development (ELD) Standards as well as on the importance of preparing students for tomorrow's future utilizing various resources and technology. There is no cost to the District.

Kaplan K12 Learning Services, New York, New York, to provide two five-hour CAHSEE professional development workshops to 25 District teachers per Kaplan consultant, effective April 17, through June 30, 2013. The training will focus on effective pedagogical practices found to improve student achievement, the structure and format of the Kaplan program, and strategies to best implement the Kaplan program in the classroom. The fee, not to exceed

\$5,800.00, will be paid from the Restricted General Fund-CAHSEE Intensive Instruction and Services, Account No. 403.

The Leadership and Learning Center, Englewood, California, to provide a one-day Rigorous Curriculum Design (RCD) Administrator Overview to 50 District administrators, effective April 17, through June 30, 2013. The training will assist in the implementation of the Common Core State Standards. The RCD process produces a set of intentionally aligned components, including powered, “unwrapped” standards, common formative assessments, performance tasks, instructional strategies, and curriculum map lesson plans. The fee, not to exceed \$8,563.95, will be paid from the Restricted General Fund-Title II, Secondary Math/Science, Account No. 541.

## **STUDENT SERVICES**

### **Special Education**

#### **8.18 - Agreement to Provide Residential and Mental Health Services to Certain District Special Education Students with San Diego Center for Children Academy, San Diego, California**

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with San Diego Center for Children Academy, San Diego, California, to provide residential and mental health services to identified District Special Education students, effective February 1, through June 30, 2013. The State of California is no longer providing such services. The monthly rate of \$9,419.00, for room and board, mental health related services daily rate of \$131.00 and other approved related services at agreed-upon rates, will be paid from Restricted General Fund—Special Education, Mental Health Services, Account No. 807.

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

#### **8.19 - Amendment No. 1 of the Agreement with San Bernardino County Superintendent of Schools, San Bernardino, California, Desert Mountain Special Education Local Plan Area (SELPA) to Provide Mental Health Counseling to District Special Education Students**

BE IT RESOLVED that the Board of Education approves amending the agreement with San Bernardino County Superintendent of Schools, San Bernardino, California, Desert Mountain Special Education Local Plan Area (SELPA) approved by Board on August 7, 2012, Agenda Item 8.17. The amendment is necessary to add \$67,000.00 to the original fee of \$200,000.00 for an aggregate contract not to exceed \$267,000.00, to provide mental health counseling to District special education students. The additional fee will be paid from the Restricted General Fund—Mental Health Services, SB 87, Account No. 508. All other terms and conditions remain the same.

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

**Youth Services**

8.20 - 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:

5/10/1995    \*(S)9/3/1999    \*(S)2/13/1997    \*(S)12/31/1994    \*(S)3/11/2001  
\*(S)8/3/1999    \*(S)2/17/1995    \*(S)12/7/1994

\*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.

8.21 - 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:

9/5/2001

8.22 - 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:

8/21/1998

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.

8.23 - Lift of Expulsion of Student(s)

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

7/20/1995      1/14/1998

8.24 - Petition to Expunge, Rescind, or Modify Expulsion  
(Prepared by Youth Services Department)

8/3/1995      6/3/1998

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

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

**FACILITIES/OPERATIONS DIVISION**

**Facilities Management**

8.25 - Amendment No. 2 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, Irvine, California, for architectural and engineering services for DSA

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pre-checked two story classroom buildings for the Vermont Elementary School Overcrowding Relief Grant project. This amendment is needed for additional architectural and engineering design services to revise the onsite sewer system to include a sewer lift station needed to connect the new building to the existing septic system. The cost, not to exceed \$10,512.00, plus approved reimbursables, will be paid from Funds 21, 25, 35 and 40. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Debra Love, Director, Purchasing Department, to sign said Amendment No. 2.

8.26 - Amendment No. 4 to the Professional Services Agreement with OJB Engineering, Inc. to Provide Construction Management Services for the San Bernardino High School Modernization Project

BE IT RESOLVED that the Board of Education approves amending the professional services agreement with OJB Engineering, Inc., for construction management services for the San Bernardino High School Modernization Project. This amendment is for services through July 2013, with two (2) OJB staff for the management of the project due to the termination of the General Contractor and Surety Takeover Agreement with the District. The cost, not to exceed \$222,365.00, plus approved reimbursables, will be submitted to the Surety for reimbursement according to the Takeover Agreement. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board authorizes Debra Love, Director, Purchasing Department, to sign said Amendment No. 4.

8.27 - Bid No. F12-03, San Gorgonio High School Modernization Project - Phase 2

BE IT RESOLVED that the Bid No. F12-03, San Gorgonio High School Modernization Project - Phase 2, be awarded to the lowest responsible bidder meeting the specifications, based on base bid. The cost will be paid from Fund 35.

<b>CONTRACTOR</b>	<b>BASE BID (including Allowances)</b>
M.S. Construction Management Group 32565-B Golden Lantern, #475 Dana Point, California 92629	\$1,555,000.00

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

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8.28 - Notice of Completion, Bid No. F08-18, Category No. 01 - New Construction for the Captain Leland F. Norton Elementary School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F08-18, New Construction for the Captain Leland F. Norton Elementary School, for the work awarded to the Prime Contractor listed below:

Category No. 01 - Demo, Earthwork & Asphalt  
FM & Sons, Inc.  
Santa Ana, California

BE IT FURTHER RESOLVED that Barbara Flores, President, Board of Education, be authorized to execute the Notice of Completion.

*Nutrition Services*

8.29 - Cafeteria Warrant Register, March 1, 2013 through March 31, 2013

BE IT RESOLVED that the Cafeteria Warrant Register, March 1, 2013 through March 31, 2013, 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; or James Cunningham, Director, Accounting Services; to sign disbursements. Two signatures are required on all cafeteria warrants.

8.30 - Delegation of Purchasing Authority - Nutrition Services Department

BE IT RESOLVED that the Board of Education, per Education Code Section 17605, authorizes Ponciano Vidaurri, Nutrition Services Assistant Director, and Gina Martin, Secretary III, to sign purchase orders for non-biddable supplies and services directly related to food and food products, and biddable products directly related to food and food products, effective July 1, 2013, through June 30, 2014.

BE IT FURTHER RESOLVED that the Board of Education, per Education Code Section 17605, authorizes Lisa Falcone and Joanna Nord, Nutrition Services Administrative Analysts, and Becky Hickey, Nutrition Services Buyer, to sign purchase orders under \$15,000.00 for non-biddable supplies and services directly related to food and food products, and biddable products directly related to food and food products, effective July 1, 2013, through June 30, 2014.

8.31 - Food Service Agreements with Altus Academy, Boys & Girls Club, Catholic Charities, and Rock Church

BE IT RESOLVED that the Board of Education approves entering into meal program food service agreements with Altus Academy, Rialto California; Boys & Girls Club, San Bernardino, California; Catholic Charities, San Bernardino, California; and Rock Church, San Bernardino, California, effective July 1, 2013, through June 30, 2014. These standardized agreements may be extended by mutual written consent one (1) fiscal year at a time up to a total of three (3) years, subject to the terms and conditions agreed upon by the parties by June 30 of each year. Written notice of changes to terms and conditions may include, but not be limited to, price changes, location(s), and number/style of meals served. There is no cost to the District.

District pricing schedule for 2013-14 is as follows:

20-meal minimum for delivery; 10-meal minimum for pick up.  
 Delivery fee = \$.90/mi. if >15 mi. from Nutrition Services.

	<b>Breakfast</b>		<b>Student Lunch</b>		<b>Adult Lunch</b>		<b>Snack</b>
	<u>Family-Style</u>	<u>Box -Style</u>	<u>Family-Style</u>	<u>Box-Style</u>	<u>Family-Style</u>	<u>Box-Style</u>	
Reimbursable	\$2.10	\$2.10	\$3.10	\$3.00	\$3.25	\$3.15	\$1.45
Non-Reimbursable	1.85	1.85	3.00	3.00	3.15	3.20	1.05

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

8.32 - Reach Trucks Trade In for RFQ for Narrow Aisle Reach Trucks

BE IT RESOLVED that the trade in of two (2) reach trucks, District #'s 1004552 and 1006650, be awarded to Yale Chase Equipment & Services, in the amount of \$71,779.54 including the deduction of the trade-in. The cost will be paid from Nutrition Services Account No. 92.

**SUPERINTENDENT**

8.3 - Consultant Services Agreement with Leadership Associates, La Quinta, California, to Serve as Executive Coach for the Superintendent

Bobbie Perong stated that she supports staff development, but has a hard time with the timing of the agreement and recommended waiting. Dr. Marsden reported that coaching and mentoring is in the Strategic Plan. He is leading by example. ACSA named Dr. Kent Bechler Superintendent of the Year. Margaret Hill, Barbara Flores, and Lynda Savage expressed their support.

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

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BE IT RESOLVED that the Board of Education approves entering into a consultant services agreement with Leadership Associates, La Quinta, California, to serve as executive coach, effective April 17, 2013, through June 30, 2014. Leadership Associates will provide 10 days of service during the 2012-2013 school year and 20 days of service during the 2013-2014 school year at a daily cost of \$1,200.00. The cost, not to exceed \$36,000.00, will be paid from the Unrestricted General Fund—Superintendent’s Office, Account No. 067.

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

### **SESSION NINE - Action**

#### **9.0 - Action Items**

##### **9.1 - Quarterly Uniform Complaint Report Summary**

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

BE IT RESOLVED that the Board of Education approves the findings of the Quarterly Uniform Complaint Report Summary for the period of January to March 2013.

##### **9.3 - Personnel Report #20, Dated April 16, 2013**

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

BE IT RESOLVED that the Personnel Report #20, dated April 16, 2013, be approved as presented (see page \_\_\_\_). 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.

### **SESSION TEN - Closed Session**

#### **10.0 - Closed Session**

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

##### **Student Matters/Discipline**

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**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**

**Anticipated Litigation**

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

Number of Cases: Seven

**SESSION ELEVEN – Open Session**

**11.0 - Action Reported from Closed Session**

No reportable action was taken.

**SESSION TWELVE - Closing**

**12.0 - Adjournment**

By the affirmative vote of the members, the meeting was adjourned at 12:00 a.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, May 7, 2013, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.