

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
3/6/12**

February 7, 2012

5:30 p.m.

Present: President Barbara Flores; Vice President Michael Gallo; Board Members Margaret Hill, Judi Penman, Bobbie Perong, Lynda Savage, and Danny Tillman; Interim Superintendent Yolanda Ortega; Chief Business and Financial Officer Mohammad Islam; Associate Superintendent/Chief Administrative Officer Mel Albiso; Chief Academic Officer Eliseo Davalos; Assistant Superintendents Kennon Mitchell, John Peukert, and Harold Vollkommer; and Superintendent's Assistant Phyllis Gronek. Minutes recorded by Administrative Assistant Jennifer Owens.

SESSION ONE – Presentation

1.0 - Presentation

1.1 - Superintendent Search

Dr. George Bloch from The Cosca Group led a discussion on the Superintendent Search. Dr. Bloch worked with the Board members to develop the search and selection process and the proposed timeline (see page ____).

Representatives from The Cosca Group will meet with all stakeholders to get their input on the criteria they would like to see for the new Superintendent. All Board members were asked to include any additional community members they would like to be invited to an input meeting. The groups will be asked to prioritize their lists and the Board will receive a summary.

Board members listed the District's strengths, needs, and desired characteristics of the new superintendent.

SESSION ONE - Opening

1.0 - Opening

1.1 - Call to Order

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

1.2 - Pledge of Allegiance to the Flag

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

SESSION THREE – Closed Session

3.0 - Closed Session

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

Potential Litigation

SESSION FOUR - Special Presentations

4.0 - Special Presentations

4.1 - Recognition of Presidents' Day

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

WHEREAS Presidents' Day, also known as George Washington Day, was first implemented nationwide in 1885, and was the first federal holiday to commemorate an American citizen; and

WHEREAS the holiday was originally celebrated on February 22, the date of George Washington's actual birthday; and

WHEREAS in 1971, Presidents' Day was moved to the third Monday in February; and

WHEREAS Presidents' Day is celebrated not only to honor the father of our great country, George Washington, but also the man who led our nation through its most tumultuous of times, Abraham Lincoln; and

WHEREAS we should remember and honor all U.S. presidents for their service to our country in the defense of liberty, justice, and freedom;

THEREFORE, BE IT RESOLVED that the Board of Education and the Superintendent of the San Bernardino City Unified School District hereby express their gratitude, appreciation, and respect for the service and dedication of the presidents of the United States of America; and

BE IT FURTHER RESOLVED that the Board of Education encourages all District schools to acknowledge Presidents' Day and to undertake educational activities which commemorate the history and contributions of our American presidents.

SESSION FIVE – Student Report/School Showcase

5.0 - Student Report/School Showcase

5.1 - Pacific High School

Angela Guerra, Student Board Representative from Pacific High School, provided a report of student activities taking place at the District's high schools during the month of February. Tex Acosta, Pacific High School Principal, provided an update on the school's SIG programs.

SESSION SIX - Public Hearing

6.0 - Public Hearing

6.1 - Resolution Approving the District's School Facilities Needs Analysis, Adopting Alternative School Fees in Compliance with Government Code Sections 65995.5, 65995.6 and 65995.7

With the adoption of SB 50 and Proposition 1A in 1998, school districts that meet certain requirements have the option of adopting alternative school fees (Alternative School Fees), also known as Level 2 Fees and Level 3 Fees, in accordance with Government Code Sections 65995.5, 65995.6 and 65995.7. (All further references are to the Government Code, unless indicated.) In general, Alternative School Fees, which are calculated for an individual school district, apply solely to residential construction within that school district and are in excess of the Level 1 Fee authorized by the State Allocation Board (SAB). Alternative School Fees are calculated per square foot of assessable space (Assessable Space) of new residential construction in the District as defined in Section 65995(b)(1). The Level 2 Fee is intended to represent fifty percent (50%) of a school district's school facility costs and applies when the SAB is apportioning State Funding to school districts in California. The Level 3 Fee is intended to represent one hundred percent (100%) of a school district's school facility costs.

In order to impose Alternative School Fees, the District must prepare and adopt a School Facilities Needs Analysis (SFNA). Therefore, pursuant to Section 65995.5(b), the District has caused the Dolinka Group, LLC to prepare a 2012 SFNA, (2012 SFNA) on behalf of the San Bernardino City Unified School District (District).

In compliance with Section 65995.6(a), the 2012 SFNA includes projections of the number of unhoused elementary, middle, and high school pupils generated by various types of new residential units in each category of pupils enrolled in the District. The projection of unhoused pupils is based on the historical generation rates of new residential units constructed during the previous five (5) years that are of a similar type of unit to those anticipated to be constructed either in the District or the city or county in which the District is located, and relevant planning agency information, such as multi-phased development projects, that may modify the historical figures. In accordance with Section 65995.6, the 2012 SFNA also contains a calculation of

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existing school building capacity, calculated pursuant to Education Code Section 17071.10. The existing school building capacity has been recalculated pursuant to Section 65995.6(a).

Pursuant to the 2012 SFNA, the Level 2 Fee amount has been calculated as four and 69/100 Dollars (\$4.69) per square foot of assessable space for new residential construction within the District. The Level 3 Fee amount has been calculated as eleven and 96/100 Dollars (\$11.96) per square foot of assessable space for new residential construction; however, the Level 3 Fee has been suspended as set forth in Section 65995.7(a)(2).

The 2012 SFNA must be adopted by resolution following a public hearing conducted by the Board. The Board will conduct a public hearing and receive public comments relating to the adoption of the SFNA on February 7, 2012. The 2012 SFNA has been on file and available for public review at the District's offices since January 6, 2012. Pursuant to Section 65352.2(c), prior to the completion of the 2012 SFNA, the Board caused notice and any relevant and available information relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, including a notice of the preparation of the 2012 SFNA and offered to meet to discuss this information, to the planning commission(s) or agency(ies) of the cities and counties with land use jurisdiction within the District. In addition, the 2012 SFNA was provided to the local agencies responsible for land use planning within the District for review and comment during the thirty (30) day public review period. Notice of the time and place of the public hearing, including the location and procedure for viewing a copy of the 2012 SFNA was also published in at least one newspaper of general circulation within the District's jurisdiction not less than thirty (30) days prior to the public hearing. A copy of the 2012 SFNA was mailed not less than thirty (30) days prior to the public hearing to any person who made a written request therefor forty-five (45) days prior to the public hearing.

President Flores opened the public hearing and asked if anyone wished to comment. Michael Gallo asked John Peukert to comment. Mr. Peukert stated that fees are assessed once a year to help with the impact on the schools to allow us to make structural needs to house our students. Hearing no further comment, Dr. Flores closed the public hearing.

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

RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT APPROVING A SCHOOL FACILITIES NEEDS ANALYSIS, ADOPTING ALTERNATIVE SCHOOL FACILITY FEES IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 65995.5, 65995.6 AND 65995.7, ADOPTING RESPONSES TO PUBLIC COMMENTS RECEIVED AND MAKING RELATED FINDINGS AND DETERMINATIONS

WHEREAS, the Board of Education (Board) of the San Bernardino City Unified School District (District) provides for the educational needs for Grades K-12 students within the City of San

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Bernardino, the City of Highland, and the City of Colton (City or, collectively, Cities) and the unincorporated areas of San Bernardino County (County); and

WHEREAS, the Board has previously adopted and the District has imposed statutory school facility fees (Statutory School Facility Fees or Level I Fees) pursuant to Education Code Section 17620 and Government Code Section 65995(b)(1) and (b)(2), and alternative school fee amounts pursuant to Government Code Sections 65995.5 (Level 2 Fees) and 65995.7 (Level 3 Fees) or (collectively, Alternative School Facility Fees or ASFF), but desires to update its ASFF based upon a current school facilities needs analysis (2012 SFNA) prepared by the Dolinka Group, LLC in accordance with applicable law; and

WHEREAS, the Board of the District has previously by Resolution elected to participate in the school facilities funding program established pursuant to the Leroy F. Greene School Facilities Act of 1998 (SFP) for both modernization and new construction projects, and appointed a representative (District Representative) for the purpose of requesting an Eligibility Determination (ED) for funding under the SFP; and

WHEREAS, the District Representative caused to be accomplished the completion and certification of the Enrollment Certification/Projections (ECP) by submission of Form SAB 50-01, the Existing School Building Capacity (ESBC) by submission of Form SAB 50-02, and the Eligibility Determinations (ED) by submission of Form SAB 50-03 to the State Allocation Board (SAB) for approval pursuant to the SFP; and

WHEREAS, the District received notification from the SAB that the District meets the eligibility requirements for new construction funding pursuant to the provisions of the SFP; and

WHEREAS, the District Representative has caused the completion and certification of Form SAB 50-04, the Application for Funding (AFF), and prior to the adoption of this Resolution submitted the AFF to the SAB for approval pursuant to the SFP; and

WHEREAS, Level 2 Fees and Level 3 Fees, upon adoption of the ASFF and during the effective period thereof, are applicable to new residential construction in accordance with applicable law, subject to the suspension of Level 3 Fees pursuant to Government Code Section 65995.7(a)(2); and

WHEREAS, pursuant to Government Code Section 65995.6(f), ASFF adopted by the Board are effective for a maximum of one (1) year; and

WHEREAS, the District has met the requirements established by Government Code Section 65995.5(b)(3) in that: (i) the District has issued debt or incurred obligations for capital outlay in an amount equivalent to a specified percentage of its local bonding capacity; (ii) at least twenty percent (20%) of the teaching stations within the District are relocatable classrooms; and (iii) a substantial enrollment of the District's students are on a multi-track, year-round calendar; and

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WHEREAS, new residential construction continues to generate additional students for the District's schools and the District is required to provide school facilities for grades K-12, (School Facilities) to accommodate those students; and

WHEREAS, the District does not have sufficient funds available for the construction of the School Facilities, including the acquisition of sites, construction of permanent School Facilities, and acquisition of interim School Facilities, to accommodate students from new residential construction; and

WHEREAS, the Board has caused to be prepared the 2012 SFNA dated January 5, 2012, pursuant to applicable law including, but not by way of limitation, Government Code Section 65995.6, prior to the adoption of ASFF; and

WHEREAS, the Board has received and considered the 2012 SFNA which includes all matters required by applicable law, including an analysis of: (a) the purpose of the ASFF; (b) the use to which the ASFF are to be put; (c) the nexus (roughly proportional and reasonable relationship) between the residential construction and (1) the facilities for which the ASFF are to be used, (2) the need for School Facilities, (3) the cost of School Facilities and the amount of ASFF from new residential construction; (d) an evaluation and projection of the number of students that will be generated by new residential construction by grade levels of the District as described by Government Code Section 65995.6; (e) a description of the new School Facilities that will be required to serve such students; and (f) the present estimated cost of such School Facilities; and

WHEREAS, the 2012 SFNA in its final form has been available to the public, for at least thirty (30) days before the Board held a public hearing on February 7, 2012 (Hearing), and considered the adoption of the ASFF, including a response by the Board to written and oral comments, if any, received by the District; and

WHEREAS, all notices of the preparation of the 2012 SFNA and adoption of ASFF, including the offer by the District to meet with any affected local planning agency relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, have been given in accordance with Government Code Section 65352.2; and

WHEREAS, copies of the 2012 SFNA have been provided thirty (30) days prior to the Hearing if such written request(s) for copies were filed with the District forty-five (45) days prior to the Hearing; and

WHEREAS, the 2012 SFNA has been provided to all local agencies responsible for land use planning for review and comment in compliance with Government Code Section 65995.6(c); and

WHEREAS, the District received, considered and discussed any written and/or oral comments received by the District, and has responded to all comments, which the Board desires to adopt all such written and oral responses as the Board's response(s), if any; and

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WHEREAS, as to the approval of the 2012 SFNA and ASFF, Government Code Section 65995.6(g) provides that the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the preparation, adoption, or update of the 2012 SFNA or adoption of this Resolution; and

WHEREAS, the District desires to approve the 2012 SFNA and adopt ASFF pursuant to Government Code Sections 65995.5 and 65995.7 for the purpose of establishing ASFF that may be imposed on residential construction calculated pursuant to Government Code Section 65995(b), subject to the suspension of Level 3 Fees as set forth in Government Code Section 65995.7(a)(2).

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

Section 1. The Board does hereby find and determine that the foregoing recitals and determinations are true and correct, including not by way of limitation, its adoption of and/or responses to both written and oral comments received by the District, if any.

Section 2. The Board does hereby find and determine that the 2012 SFNA meets all applicable legal requirements, and it hereby adopts each of the findings set forth in the 2012 SFNA.

Section 3. A District Representative made a timely application to the SAB for new construction funding for which it is eligible.

Section 4. The District received notification from the SAB that the District meets the eligibility requirements for new construction funding pursuant to the provisions of the SFP.

Section 5. For purposes of Government Code Section 65995.5(b)(3): (i) the District has issued debt or incurred obligations for capital outlay in an amount equivalent to a specified percentage of its local bonding capacity; (ii) at least twenty percent (20%) of the teaching stations within the District are relocatable classrooms; and (iii) a substantial enrollment of the District's students are on a multi-track, year-round calendar.

Section 6. The District has caused to be prepared the 2012 SFNA, which is on file at the District office address and incorporated herein by this reference, which complies with all applicable statutory requirements, including the provisions of Government Code Section 65995.6.

Section 7. The Board hereby approves and adopts the 2012 SFNA for the purpose of establishing ASFF as to future new residential construction within the District, subject to the suspension of Level 3 Fees as set forth in Government Code Section 65995.7(a)(2).

Section 8. The Board finds that the purpose of the ASFF imposed upon residential construction are to fund the additional School Facilities to serve the students generated by the

residential construction upon which the ASFF are imposed as provided in the 2012 SFNA and applicable law.

Section 9. The Board finds that the ASFF are hereby established as applicable to the extent set forth herein, and will be used to fund those School Facilities described in the 2012 SFNA, and such fees that these School Facilities are to serve the students generated by the new residential construction within the District as provided in the 2012 SFNA.

Section 10. The Board finds that there is a roughly proportional, reasonable relationship between the use of the ASFF and the new residential construction within the District because the ASFF imposed on new residential construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new residential construction in accordance with applicable law as set forth in the 2012 SFNA, and such fees are less than an estimated actual cost of the School Facilities estimated to result from the new residential construction as set forth in the 2012 SFNA.

Section 11. The Board finds that there is a roughly proportional, reasonable relationship between the new residential construction upon which the ASFF are imposed, and the need for additional School Facilities in the District because new students will be generated from new residential construction within the District, and the District does not have sufficient capacity in the existing School Facilities to accommodate these students.

Section 12. The Board finds that the amount of the ASFF imposed on new residential construction as set forth in this Resolution is roughly proportional and reasonably related to, and does not exceed the cost of, providing the School Facilities required to serve the students generated by such new residential construction within the District.

Section 13. The Board finds that a separate fund (Fund) of the District and two (2) or more sub-funds ("Sub-Funds") have been created or are authorized to be established for all monies received by the District for the deposit of Level 1 Fees, Level 2 Fees and Level 3 Fees (if applicable) imposed on residential construction within the District, as well as Commercial/Industrial Fees and mitigation payments (Mitigation Payments) collected by the District and that said Fund and Sub-Funds at all times have been separately maintained, except for temporary investments, with other funds of the District as authorized by applicable law.

Section 14. The Board finds that the monies of the separate Fund or the separate Sub-Funds, described in Section 13, consisting of the proceeds of Level 1 Fees, Level 2 Fees and Level 3 Fees (if applicable), Commercial/Industrial Fees and Mitigation Payments have been imposed for the purposes of constructing those School Facilities necessitated by new residential construction and as further set forth in the 2012 SFNA, and, thus, these monies may be expended for all those purposes permitted by applicable law.

Section 15. The 2012 SFNA determines the need for new School Facilities for unhoused pupils that are attributable to projected enrollment growth from the construction of new residential units over the next five (5) years, based on relevant planning agency information and

the historical generation rates of new residential units constructed during the previous five (5) years that are of a similar type of unit to those anticipated to be constructed within the District, and/or the County.

Section 16. The Board has identified and considered, and/or subtracted, as set forth in the 2012 SFNA, the following information in determining amounts of the Level 2 Fees and Level 3 Fees:

- (a) any surplus property owned by the District that can be used as a school site or that is available for sale to finance school facilities pursuant to Government Code Section 65995.6(b)(1);
- (b) the extent to which projected enrollment growth may be accommodated by excess capacity in existing school facilities pursuant to Government Code Section 65995.6(b)(2);
- (c) local sources other than fees, charges, dedications, or other requirements imposed on residential construction available to finance the construction of school facilities needed to accommodate any growth in enrollment attributable to the construction of new residential units pursuant to Government Code Section 65995.6(b)(3); and
- (d) the full amount of local funds the Board has dedicated to facilities necessitated by new construction, including fees, charges, dedications or other requirements imposed on commercial or industrial construction pursuant to Government Code Section 65995.5(c)(2).

Section 17. The Board has calculated, as set forth in the 2012 SFNA, the maximum square foot fees, charges, or dedications to be established as ASFF that may be collected in accordance with the provisions of Government Code Sections 65995.5(c) and 65995.7(a).

Section 18. Notice and relevant and available information relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, including notice of a proposed meeting regarding such information, was provided to City and County planning officials or agencies with land use jurisdiction within the District prior to the completion of the 2012 SFNA.

Section 19. The 2012 SFNA in its final form has been made available to the public for a period of not less than thirty (30) days, and that the District has made itself available to meet with any affected city or county to discuss the preparation of the 2012 SFNA, pursuant to the requirements of Government Code Section 65352.2.

Section 20. The public has had the opportunity to review and comment on the 2012 SFNA, and the Board has responded to both written and oral comments it has received, if any, regarding the 2012 SFNA.

Section 21. In responding to written comments pursuant to Government Code Section 65995.6(c), the Board does hereby adopt any and/or all such response(s) made by District staff

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and/or its consultants as its own response(s), and/or adopts such response(s) as modified by the Board at the Hearing.

Section 22. Notice of the time and place of the Hearing to adopt the 2012 SFNA, including the location and procedure for viewing or requesting a copy of the proposed 2012 SFNA has been published in at least one newspaper of general circulation within the jurisdiction of the District at least thirty (30) days prior to the Hearing.

Section 23. The District has caused to be mailed a copy of the 2012 SFNA not less than thirty (30) days prior to the Hearing to any person who made a written request forty-five (45) days prior to the Hearing.

Section 24. The 2012 SFNA has been provided to all local agencies responsible for land use planning for review and comment in compliance with Government Code Section 65995.6(c).

Section 25. The Board conducted the required Hearing prior to adoption of the 2012 SFNA and the ASFF, at which time all persons desiring to be heard on all matters pertaining to the 2012 SFNA were heard, all responses to such comments received were made by the Board, if any, and all information presented was duly considered.

Section 26. The Board hereby adopts ASFF and establishes the ASFF on new residential construction projects within the District in the following amounts:

(a) Pursuant to Government Code Section 65995.6, Level 2 Fees in the amount of Four and 69/100 Dollars (\$4.69) per square foot of Assessable Space for new residential construction, including new residential projects, manufactured homes and mobilehomes as authorized under Education Code Section 17625.

(b) Pursuant to Government Code Section 65995.7, Level 3 Fees in the amount of Eleven and 96/100 Dollars (\$11.96) per square foot of Assessable Space for new residential construction, including new residential projects, manufactured homes and mobilehomes as authorized under Education Code Section 17625.

(c) However, these amounts shall not be imposed on any construction project used exclusively for housing senior citizens, as described in Civil Code Section 51.3, or as described in subsection (k) of Section 1569.2 of the Health and Safety Code or paragraph 9 of subdivision (d) of Section 15432 of the Government Code or any mobile home or manufactured home that is located within a mobilehome park, subdivision, cooperative or condominium for mobilehomes limited to older persons as defined by the Federal Fair Housing Amendments of 1988. Additionally, Level 3 Fees shall not be levied by the District until authorized by Government Code Section 65995.7(a)(2).

Section 27. ASFF, upon adoption and during the effective period thereof, are applicable to residential construction in lieu of Level 1 Fees in accordance with applicable law, except that Level 3 Fees are suspended pursuant to Government Code Section 65995.7(a)(2).

Section 28. The proceeds of the ASFF increased and established pursuant to this Resolution shall continue to be deposited into those Sub-Funds of the Funds identified in Section 13 of this Resolution, the proceeds of which shall be used exclusively for the purpose for which the ASFF are to be collected.

Section 29. The Superintendent, or designee, is directed to cause a copy of this Resolution to be delivered to the building officials of the affected cities and county within the District's boundaries, along with a copy of all the supporting documentation referenced herein, and a map of the District clearly indicating the boundaries thereof, advising such entities that new residential construction is subject to the ASFF increased pursuant to this Resolution, and requesting that no building permit or approval for occupancy be issued by any of these entities for any new residential construction project, mobilehome or manufactured home subject to the ASFF absent a certificate of compliance (Certificate of Compliance) from this District demonstrating compliance of such project with the requirements of the ASFF, nor that any building permit be issued for any nonresidential construction absent a certification from this District of compliance with the requirements of the applicable ASFF.

Section 30. The Superintendent, or designee, is authorized to cause a Certificate of Compliance to be issued for each construction project, mobilehome and manufactured home for which there is compliance with the requirement for payment of the ASFF in the amounts specified by this Resolution. In the event a Certificate of Compliance is issued for the payment of ASFF for a construction project, mobilehome or manufactured home, and it is later determined that the statement or other representation made by an authorized party concerning the construction project as to square footage is untrue or in the event the zoning is declared invalid, then such Certificate of Compliance shall automatically terminate, and the appropriate City or County shall be so notified.

Section 31. Regarding the timely provision of a Certificate of Compliance by the District for residential construction, although not required by applicable law, the Board hereby determines that the 2012 SFNA is a proposed construction plan for purposes of requiring payment of ASFF prior to the issuance of any building permit for new residential construction in accordance with Government Code Section 66007, and that all ASFF are appropriated for the purpose of accomplishing such construction plan.

Section 32. No statement or provision set forth in this Resolution, or referred to therein shall be construed to repeal any preexisting fee or mitigation amount previously imposed by the District on any residential or nonresidential construction.

Section 33. If any portion or provision this Resolution is held to be invalid, the remaining provisions of this Resolution are intended to be and shall remain valid.

Section 34. If the Level 2 Fees and/or the Level 3 Fees are held to be invalid (other than the suspension under Government Code Section 65995.7(a)(2)), Statutory School Facility Fees, in amounts determined by applicable law at such time, are intended to be, and shall remain, in full force and effect.

Section 35. The ASFF adopted by this Resolution shall take effect immediately upon such adoption and shall be effective for a maximum of one (1) year, subject to the suspension of Level 3 Fees as set forth in Government Code Section 65995.7(a)(2).

President Flores moved Session Nine forward on the agenda.

SESSION NINE – Other Matters Brought By Citizens

9.0 - Other Matters Brought by Citizens

Carl Greenwood thanked Mel Albiso for speaking with Wanda Banks at Rio Vista Elementary School. Mr. Greenwood stated that employees are overworked and concerned about more cuts. Mr. Greenwood recommended that School Police cars be reconditioned instead of purchasing new vehicles. Mr. Greenwood asked the Board to consider a 4-10 custodial program and to pull night custodians at elementary schools and have night crews. Mr. Greenwood expressed his concern about cutting vice principal positions.

Board members asked about the feasibility of refurbishing the School Police vehicles. Mel Albiso reported that the District has postponed purchasing vehicles and Maintenance and Operations is asking us to replace them. Danny Tillman expressed his concern with the safety of reconditioning 10-year-old cars.

Adam Abrego, Cajon High School graduate, reported that the school's wrestling team will lose funding and asked the Board to consider funding it for 10 years at \$5,000.00 per year. Margaret Hill challenged the other Board members to make a donation as she did. Barbara Flores asked Eliseo Davalos to ask all principals if they are in a similar situation. Dr. Davalos stated that they can do an assessment.

Charlie LaChance reported that Harold Vollkommer met with her and affirmed everything she had said about the former Interim Personnel Commission Director who is making more money than he should and she asked why. Yolanda Ortega reported that substitute employee pay rates are a District decision. Ms. LaChance stated that that decision is wrong. Ms. LaChance stated that the post-retirement benefit for Yolanda Ortega is a violation of policy and is a use of public funds. Barbara Flores stated that the Board can't discuss this in public. Ms. LaChance stated that a 5 percent cut, no steps and columns, and closing the District for four days would result in a 40 percent cut in pay for CSEA members.

Cindy Andrade asked why the District isn't hiring from eligibility lists and is hiring student interns and cafeteria workers. The District is rehiring Abe Flory and paying him \$1.5 to \$2 million in back pay. Harold Vollkommer reported that Staff has been given direction to hire anyone that isn't a transfer because there is an issue with transfer language. Dr. Vollkommer stated that he is going to meet with Pat Maher to come to a conclusion. Student interns are part of a separate program. John Peukert stated that no student workers are at the elementary level.

The program gives them graduation credit. Yolanda Ortega stated that there is a process and we are waiting for next steps regarding Mr. Flory.

Danny Tillman stated that it is the goal and intent of the Board to hire local people. The Board is as frustrated with the Personnel Commission as anyone. He knows people are seeking work. The Board was put in a position where the Board couldn't act. The Personnel Commission has autonomy.

Bobbie Perong stated that it is her hope and belief they can build trust and fill these positions and not enter into litigation.

Barbara Flores stated that she is concerned with building a relationship with them. She is asking for cooperation and respect as well.

Gil Navarro, San Bernardino County School Board Member, invited the Board members to the Academic Decathlon Awards Banquet on February 9, 6 p.m. at the National Orange Show.

SESSION SEVEN - Administrative Presentation

7.0 - Administrative Presentation

7.1 - Budget Cuts Plan Fiscal Year 2012-2013

Yolanda Ortega stated that Mohammad Z. Islam, Chief Business and Financial Officer, will present a list of budget cuts for Fiscal year 2012-2013 for Board review and consideration (see page __). This list is incomplete and not a recommendation. A comprehensive plan will be presented at the February 21 Board meeting and the Board will be asked to take action that night. To allow the Board sufficient time to discuss the budget, the meeting will begin at 4 p.m. on February 21.

Michael Gallo asked about the \$3.6 transportation bill. Mr. Islam stated that if the Governor signs the bill, he will increase our deficit. Mr. Gallo requested information on staffing ratios. Mr. Islam stated that the ratios are contractual.

Danny Tillman stated that if the District is looking to cut \$40 million, we are looking at shortening the school year beyond the four days. Mr. Islam stated that would be a backup plan.

Bobbie Perong asked if we could use after-school program funds to hire our own teachers. Sandy Gonerig stated that the money can only be used for state-approved SES providers; however, many SES providers hire District teachers.

Mr. Islam reported that if the tax incentive fails in November, the trigger will happen February 1, 2013. We could cut the school year to 160 days.

Harold Vollkommer reported that he received information this evening from Keenan and Associates about the SERP. The Board will have to decide on whether to offer 80 or 100 percent and whether to replace positions. We need to find out which employees are interested. Mr. Islam stated that it will have an impact on cash flow. The District has borrowed \$40 million from the Building Program and we will return the money with interest.

SESSION EIGHT - Administrative Reports

8.0 - Administrative Reports

8.1 - Williams Deciles 1-3 Schools Quarterly Report

California Education Code section 1240 requires that the County Superintendent visit all deciles 1-3 schools (Williams monitored schools currently based on the 2009 Academic Performance Index [API]) identified in the county and report the results of his findings on a quarterly basis. Commencing with 2008-09, Education Code section 52055.740 (4) requires that the visits include Quality Education Investment Act schools (even if they are not currently identified as Williams monitored schools) as they are subject to meeting all of the Williams Settlement requirements.

The instructional materials sufficiency reviews, facilities inspections, School Accountability Report Card (SARC) reviews, and California High School Exit Examination (CAHSEE) site validation reviews (as appropriate) were conducted during the first quarter of the 2011-12 fiscal year and the findings were reported in October 2011. The annual teacher assignment monitor and review process began November 30, 2011, and concludes by report to the California Commission on Teacher Credentialing on July 1, 2012. The final teacher assignment information will be provided in the fourth quarterly report.

There are no findings to report in the following areas:

1. Instructional Materials
2. School Facilities
3. SARC
4. Teacher Assignment
5. CAHSEE Intensive Instruction and Services

8.2 - 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 October to December, 2011, 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: October – December 2011

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

* Complaints received in previous quarter, July-September 2011

8.3 - Realignment of District High School Boundaries

As the Board of Education is aware, the District will be opening our much-anticipated new school, Indian Springs High School, effective 2012-2013 school year. Because of this, high school boundaries must be realigned. This new alignment will help to reduce populations of other schools and benefit students who are currently bused from greater distances. Facilities Management assessed the new boundaries based on several factors:

- proximity
- safe travel
- local neighborhoods
- reduce/eliminate capping
- reduce impact on home-to-school busing
- “feeder school” system

Indian Springs High School will open with 9th and 10th grade students, with the option for 10th grade students to remain at their current high school, via a Request for Change of School.

SESSION TEN - Reports and Comments

10.0 - Report by Board Members

Lynda Savage reported that the Black History Reception was very well done and thanked Margaret Hill for her efforts. Mrs. Savage thanked Del Vallejo Middle School for decorating the District float for the Black History Parade.

Danny Tillman thanked Margaret Hill and others for their work on the Black History Parade. Several schools also participated in the parade.

Michael Gallo reported that he attended a CSBA training session for new Board members with Margaret Hill and Bobbie Perong. Mr. Gallo distributed a copy of CSBA's professional governance standards as a reminder of their role. Mr. Gallo requested a copy of CaSA's bylaws. Mr. Gallo asked that a request for the preparation of a status log to report back to the public be agendaized for February 21. It will be a tracking and response mechanism. Barbara Flores stated that she would support that and directed Yolanda Ortega to proceed and get legal guidelines.

Margaret Hill stated that the CSBA conference was interesting and they learned a lot. Mrs. Hill thanked the Board and Staff for the Black History Reception and Parade. The parade will be aired on February 9. Mrs. Hill thanked Linda Bardere for the weekly calendar of events. Mrs. Hill recommended that Board members serve as judges for the Black History Bee next year. Mrs. Hill announced that the Black Culture Foundation awards four \$1,000 scholarships yearly. Mrs. Hill announced that Sandra Rodriguez, San Bernardino High School Principal, has been selected by ACSA as Principal of the Year and will be recognized in April. Regarding the student who addressed the funding for wrestling, Mrs. Hill stated that we don't have to give something to everyone every time, but asked the Board to get into the habit of giving to our students. Mrs. Hill announced that she is retiring from County Schools on July 2, 2012. Mrs. Hill announced that she is leaving tomorrow to attend a health conference at the White House.

Bobbie Perong announced that today is her husband's birthday and thanked him for supporting her during her campaign. Mrs. Perong stated that she was honored to be on the District's Black History float. Mrs. Perong reported that she attended a CAPS training session and the CAPS program is getting involved with the community and library.

Judi Penman thanked Linda Bardere and the Chambers of Commerce for the Principal for a Day program. This year, 44 people participated. Mrs. Penman stated that she appreciated the District for keeping CID.

Danny Tillman expressed his hope that the District can continue the CID programs. John Peukert stated that it was a commitment that we would partner with them to continue the programs. Mr. Tillman congratulated Margaret Hill on her future retirement.

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Michael Gallo reported that Eliseo Davalos and Pam Kempthorne took him to visit District ROP and Career/Tech programs. There is a student run flower shop at San Bernardino High School that is generating a profit. Other programs include a bakery, Cisco Academy, Microsoft Academy, and Print Shop.

Barbara Flores congratulated Margaret Hill. Dr. Flores announced that she gave a keynote address in Portland, Oregon. Dr. Flores announced that her daughter's sorority is sponsoring a 5K walk/run to support Child Help USA.

10.1 - Legislative Update

None.

10.2 - San Bernardino Economic Development Corporation Update

Michael Gallo distributed a chronology of the San Bernardino Economic Development Corporation and a list of its properties. The Corporation is in transition. It funds 77 employees and it will take years to unwind.

11.0 - Report by Superintendent and Staff Members

Yolanda Ortega stated that it was wonderful to see District students at the Black History Parade. Mrs. Ortega reminded the Board members of the Little Mountain Elementary School Groundbreaking ceremony on February 24, at 11 a.m. Mrs. Ortega reported that she will be attending a SIG School conference in Washington, D.C. with Eliseo Davalos, Sandy Gonerig, and Rebecca Harper.

SESSION ELEVEN - Legislation and Action

12.0 - Consent Items (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 12.4, 12.9, 12.44 and 12.45 were held for later consideration.

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

BOARD OF EDUCATION

12.1 - Agreement with The Cosca Group, Fairfield, California, to Conduct a Search for a Superintendent

BE IT RESOLVED that the Board of Education approves entering into an agreement with The Cosca Group, Fairfield, California, to conduct a search for a Superintendent, effective January 10, 2012, as approved by Board on January 10, 2012, Agenda Item 11.1. The cost, not to exceed \$39,200.00, will be paid from the Unrestricted General Fund—Superintendent’s Office, Account No. 067.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.2 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on January 10, 2012, be approved as presented.

BUSINESS SERVICES DIVISION

12.3 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$300.00, Rotary Club of San Bernardino, San Bernardino, California; \$100.00, SchoolsFirst Federal Credit Union, Santa Ana, California; \$1,000.00, The Gas Company, Los Angeles, California; \$5,000.00, San Manuel Band of Mission Indians, Highland, California; \$250.00, All Management Corporation, Los Angeles, California; \$2,000.00, Kevin Clark, Port Townsend, Washington; and \$915.00, SchoolsFirst Federal Credit Union, Santa Ana, California.

12.5 - Agreement with Vicente, Lloyd & Stutzman, LLP, Glendora, California, to Perform Proposition 39 General Obligation Financial Audit

BE IT RESOLVED that the Board of Education approves rejecting proposals received from Christy White Accountancy Corporation; Crowe Horwath; Vavrinek, Trine, Day & Co., LLP, and Vasquez & Company as non-responsive for failure of the firms to fully respond to the fee section as required by the RFP documents.

BE IT ALSO RESOLVED that a fully responsive proposal was received from Nigro & Nigro with a proposed fee of \$10,000 for the 1st year, \$10,000 Optional 2nd year audit fee, \$10,500 Optional 3rd year audit fee, and additional audit services to be provided in accordance with hourly rate fee proposal.

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BE IT ALSO RESOLVED that a fully responsive proposal was received from Vicenti, Lloyd & Stutzman, LLP with a proposed fee of \$12,500 for the 1st year, \$12,500 Optional 2nd year audit fee, \$12,500 Optional 3rd year audit fee, and additional audit services to be provided in accordance with hourly rate fee proposal.

BE IT ALSO RESOLVED that the Board of Education approves entering into an agreement with Vicenti, Lloyd & Stutzman, LLP, deemed by the selection committee to be the overall lowest responsive, responsible bidder demonstrating size, capacity, experience and expertise to perform the required services, effective February 8, 2012 with an option to extend annually, not to exceed a total of three years. The cost will be paid from the Facilities Capital Improvement Program - Fund 21.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related contract documents.

12.6 - Commercial Warrant Registers for Period from January 1, 2012, through January 15, 2012

BE IT RESOLVED that the Commercial Warrant Register for period from January 1, 2012, through January 15, 2012, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes James Cunningham, Accounting Services Director; David Moyes, Accounts Payable Supervisor; Derek Harris, Interim Employee Benefits Director; or Mohammad Z. Islam, Chief Business and Financial Officer, to sign disbursements.

12.7 - Extended Field Trip, San Bernardino High School, Palm Springs Softball Tournament, Palm Springs, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 15 San Bernardino High School students, 5 parent chaperones and 3 District employees, to attend the Palm Springs Softball Tournament, in Palm Springs, California, from March 2, 2012, through March 3, 2012. The cost of the trip, not to exceed \$1,100.00, including meals and lodging for 15 San Bernardino High School students, 5 parent chaperones and 3 District employees, will be paid from "Adopt a Cardinal" fundraiser and San Bernardino High School ASB Softball Funds. Transportation provided by Express Van Rental, not to exceed \$350.00, will be paid from "Adopt a Cardinal" fundraiser and San Bernardino High School ASB Softball Funds. Names of the students are on file in the Business Services office.

12.8 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$24,950.00 in the budgeting of revenues and expenditures for the restricted program, CTE Teach (318).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$1,972.00 in the budgeting of revenues and expenditures for the restricted program, Preschool Local (589).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$72,387.00 in the budgeting of revenues and expenditures for the restricted program, Special Ed Salaries-3310 (801).

12.10 - Renewal of the Agreement with Valley Oak Systems, Inc., dba AON e-Solutions, San Ramon, California, to Provide License and Maintenance and Support for iVOS® Hosting Services

BE IT RESOLVED that the Board of Education ratifies renewing the agreement with Valley Oak Systems, Inc., dba AON e-Solutions, San Ramon, CA, to provide a software license and maintenance and support for the iVOS® Hosting Services software for the District, effective July 1, 2011, through June 30, 2012. The iVOS® Hosting Services allows AON to review and make payment recommendations on medical treatment based on compliance with applicable fee schedules, and allows the District access to PPO networks that have negotiated contract rates with hospitals and providers. The cost, not to exceed \$30,000.00, will be paid from the Restricted General Fund—Workers’ Compensation Fund 67, Account 00D.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.11 - Request to Rescind Board Approval of Bid No. 21-11 Requirements Contract for Built-Up Roofing, Installation and Repair District-wide

BE IT RESOLVED that the Board of Education approves rescinding contract award to Inland Valley Roofing, San Bernardino, California, Agenda Item No. 8.11, approved by the Board on August 16, 2011, Bid No. 21-11 Requirements Contract for Built-Up Roofing, Installation and Repair District-wide, for failure of the contractor to meet bid specification bonding requirements.

BE IT ALSO RESOLVED that the Board of Education award the bid to the next lowest bidder, Bell Roof Company, San Bernardino, California, based on the bidder meeting District specifications as follows:

<u>BIDDER</u>	<u>COMPOSITE UNIT BID PRICE</u>
Bell Roof Company San Bernardino, California	\$ 573.00

BE IT ALSO RESOLVED that the initial contract term shall be for one year from Board award, and may be extended in 12-month increments, not to exceed a total of five years. The cost will be charged to deferred and non-deferred maintenance, Fund 01, 21, 35, and 40.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign any related contractual documents.

EDUCATIONAL SERVICES

Curriculum and Instruction

12.12 - Agreement with A2Z Educational Consultants, Inc., Hayward, California, to Provide Mathematics Targeted Support and Lesson Study

BE IT RESOLVED that the Board of Education approves entering into an agreement with A2Z Educational Consultants, Inc., Hayward, California, to provide Mathematics Targeted Support and Lesson Study, effective February 8, 2012, through May 31, 2012. The training will develop teachers' knowledge of mathematics content, how students learn mathematics, effective instructional and assessment practices, and understanding the components of a good lesson and building quality lessons as a team. The cost, not to exceed \$84,000.00, will be paid from the Restricted General Fund—Title 1 PI School Support, Account No. 524.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said all related documents.

12.13 - Agreement with San Bernardino County Probation Department, San Bernardino, California, to Provide the Foundational Achievement through Mentoring and Education (FAME) Program at District High Schools

BE IT RESOLVED that the Board of Education approves entering into an agreement with the San Bernardino County Probation Department, San Bernardino, California, to provide the Foundational Achievement through Mentoring and Education (FAME) Program at the following high schools—Arroyo Valley, Pacific, San Bernardino, and San Geronio, effective February 8, 2012, through August 10, 2012. The purpose of the FAME Program is to diminish opportunities for at-risk students to engage in risk seeking behaviors, academic sabotage, and reduce other barriers to academic achievement and pro-social leadership development. There is no cost to the District.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.14 - Amendment No. 1 of the Agreement with #1 At-Home Tutors, Inc., Los Angeles, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with #1 At-Home Tutors, Inc., Los Angeles, California, approved by the Board on October 18, 2011, Agenda Item 9.13. The amendment is necessary to add \$31,318.25 to the original fee of \$12,527.30 for an aggregate total not to exceed \$43,845.55 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child

Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.15 - Amendment No. 1 of the Agreement with 1 on 1 Academic Laptop Tutoring, Riverside, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with 1 on 1 Academic Laptop Tutoring, Riverside, California, approved by the Board on October 18, 2011, Agenda Item 9.16. The amendment is necessary to add \$52,614.66 to the original fee of \$12,527.30 for an aggregate total not to exceed \$65,141.96 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.16 - Amendment No. 1 of the Agreement with Access to Learning, Los Angeles, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Access to Learning, Los Angeles, California, approved by the Board on October 18, 2011, Agenda Item 9.19. The amendment is necessary to add \$18,790.95 to the original fee of \$12,527.30 for an aggregate total not to exceed \$31,318.25 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.17 - Amendment No. 1 of the Agreement with After School Programs, Inc., dba ASP, Deerfield Beach, Florida, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with After School Programs, Inc., dba ASP, Deerfield Beach, Florida, approved by the Board on October 18, 2011, Agenda Item 9.21. The amendment is necessary to add \$135,294.84 to the original fee of \$12,527.30 for an aggregate total not to exceed \$147,822.14 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child

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Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.18 - Amendment No. 1 of the Agreement with ¡Alpha! Innovation through Education, Lancaster, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with ¡Alpha! Innovation through Education, Lancaster, California, approved by the Board on October 18, 2011, Agenda Item 9.22. The amendment is necessary to add \$17,538.22 to the original fee of \$12,527.30 for an aggregate total not to exceed \$30,065.52 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.19 - Amendment No. 1 of the Agreement with ¡Aprende! Tutoring, Corona, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with ¡Aprende! Tutoring, Corona, California, approved by the Board on October 18, 2011, Agenda Item 9.23. The amendment is necessary to add \$40,087.36 to the original fee of \$12,527.30 for an aggregate total not to exceed \$52,614.66 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.20 - Amendment No. 1 of the Agreement with Catapult Learning, LLC, Camden, New Jersey, to Provide Title I Services to Identified Students Attending a Local Private School-Our Lady of the Assumption School

BE IT RESOLVED that the Board of Education approves amending the agreement with Catapult Learning, LLC, Camden, New Jersey, approved by Board on October 4, 2011, Agenda Item 8.22. The amendment is necessary to extend the term of the agreement to June 20, 2012, to provide Title I Services to eligible students attending Our Lady of the Assumption School. All other terms and conditions remain the same.

12.21 - Amendment No. 1 of the Agreement with the Parent Institute for Quality Education, Covina, California, to Provide Training for Parents of District Students Enrolled at San Gorgonio High School

BE IT RESOLVED that the Board of Education approves amending the agreement with the Parent Institute for Quality Education, Covina, California, approved by Board on September 6, 2011, Agenda Item 9.18. The amendment is necessary to add \$4,230.00 to the original fee of \$6,000.00 for an aggregate total not to exceed \$10,230.00 due to the increased number of parents of District students enrolled at San Gorgonio High School that graduated. The additional fee will be paid from the Restricted General Fund—Economic Impact Aid State Compensatory Education, Account No. 420.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said all related documents.

12.22 - Amendment No. 2 of the Agreement with Mustard Seed Tutorial Center, San Bernardino, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Mustard Seed Tutorial Center, San Bernardino, California, approved by the Board on October 18, 2011, Agenda Item 9.68. The amendment is necessary to add \$17,538.22 to the original fee of \$12,527.30 for an aggregate total not to exceed \$30,065.52 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.23 - Amendment No. 3 of the Agreement with ATS Project Success, Clinton Township, Michigan, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with ATS Project Success, Clinton Township, Michigan, approved by the Board on October 18, 2011, Agenda Item 9.47. The amendment is necessary to add \$56,372.85 to the original fee of \$12,527.30 for an aggregate total not to exceed \$68,900.15 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

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12.24 - Amendment No. 3 of the Agreement with Carter, Reddy & Associates, Inc., Southfield, Michigan, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Carter, Reddy & Associates, Inc., Southfield, Michigan, approved by the Board on October 18, 2011, Agenda Item 9.53. The amendment is necessary to add \$25,054.60 to the original fee of \$12,527.30 for an aggregate total not to exceed \$37,581.90 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.25 - Amendment No. 3 of the Agreement with Innovadia, LLC, Canoga Park, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Innovadia, LLC, Canoga Park, California, approved by the Board on October 18, 2011, Agenda Item 9.59. The amendment is necessary to add \$43,845.55 to the original fee of \$25,054.60 for an aggregate total not to exceed \$68,900.15 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.26 - Amendment No. 3 of the Agreement with Sure Prep Learning, LLC, Scottsdale, Arizona, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Sure Prep Learning, LLC, Scottsdale, Arizona, approved by the Board on October 18, 2011, Agenda Item 9.73. The amendment is necessary to add \$666,452.36 to the original fee of \$125,273.00 for an aggregate total not to exceed \$791,725.36 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.27 - Amendment No. 3 of the Agreement with Syntelesys, Inc., dba Academia de Servicio de Tutoria, Monterey Park, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Syntelesys, Inc., dba Academia de Servicio de Tutoria, Monterey Park, California, approved by the Board on October 4, 2011, Agenda Item 8.18. The amendment is necessary to add \$65,141.96 to the original fee of \$12,527.30 for an aggregate total not to exceed \$77,669.26 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.28 - Amendment No. 5 of the Agreement with Bright Sky Learning, Inc., Kennett Square, Pennsylvania, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Bright Sky Learning, Inc., Kennett Square, Pennsylvania, approved by the Board on October 18, 2011, Agenda Item 9.51. The amendment is necessary to add \$111,492.97 to the original fee of \$62,636.50 for an aggregate total not to exceed \$174,129.47 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.29 - Amendment No. 5 of the Agreement with Extreme Learning, Inc., dba Aavanza Online, Morgan Hill, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Extreme Learning, Inc., dba Aavanza Online, Morgan Hill, California, approved by the Board on October 18, 2011, Agenda Item 9.56. The amendment is necessary to add \$142,811.22 to the original fee of \$125,273.00 for an aggregate total not to exceed \$268,084.22 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.30 - Amendment No. 6 of the Agreement with JPR Ventures Inc., dba Sylvan Learning Center of Rialto, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with JPR Ventures Inc., dba Sylvan Learning Center of Rialto, California, approved by the Board on October 18, 2011, Agenda Item 9.60. The amendment is necessary to add \$16,285.49 to the original fee of \$25,054.60 for an aggregate total not to exceed \$41,340.09 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.31 - Amendment No. 6 of the Agreement with Rocket Learning, Rancho Cucamonga, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Rocket Learning, Rancho Cucamonga, California, approved by the Board on October 18, 2011, Agenda Item 9.71. The amendment is necessary to add \$1,178,818.93 to the original fee of \$626,365.00 for an aggregate total not to exceed \$1,805,183.93 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.32 - Amendment No. 7 of the Agreement with Brain Hurricane, Chicago, Illinois, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Brain Hurricane, Santa Fe Springs, California, approved by the Board on October 18, 2011, Agenda Item 9.50. The amendment is necessary to add \$83,932.91 to the original fee of \$375,819.00 for an aggregate total not to exceed \$459,751.91 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.33 - Amendment No. 7 of the Agreement with Leading Edge Learning Center, Riverside, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Leading Edge Learning Center, Riverside, California, approved by the Board on October 18, 2011, Agenda Item 9.62. The amendment is necessary to add \$167,865.82 to the original fee of \$62,636.50 for an aggregate total not to exceed \$230,502.32 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.34 - Amendment No. 7 of the Agreement with Learn It Systems, Baltimore, Maryland, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Learn It Systems, Baltimore, Maryland, approved by the Board on October 18, 2011, Agenda Item 9.64. The amendment is necessary to add \$947,063.88 to the original fee of \$250,546.00 for an aggregate total not to exceed \$1,197,609.88 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.35 - Amendment No. 8 of the Agreement with Professional Tutors of America, Inc., Brea, California, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Professional Tutors of America, Inc., Brea, California, approved by the Board on October 18, 2011, Agenda Item 9.70. The amendment is necessary to add \$51,361.93 to the original fee of \$125,273.00 for an aggregate total not to exceed \$176,634.93 due to the increase in the number of students tutored. The additional fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.36 - Amendment of the Agreement with Community Matters, Santa Rosa, California, to Participate in the Safe School Ambassadors® Program

BE IT RESOLVED that the Board of Education approves amending the agreement with Community Matters, Santa Rosa, California. The amendment is necessary to add the District's fee to participate in the Safe School Ambassadors® Program to reduce bullying, improve school climate and student retention, and reduce gang involvement and activity. The fee, not to exceed \$1,000.00, will be paid from Restricted General Fund—Quality Education Investment Act, Account No. 436.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

12.37 - Reimbursement of Western Association of Schools and Colleges (WASC) Visiting Committee Expenditures

BE IT RESOLVED that the San Bernardino City Unified School District Board of Education authorizes reimbursement to non-District WASC Visiting Team Members in the amount not to exceed \$7,000.00, charged to Budget 195.

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

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

12.39 - Rescission of the Renewal of the Agreement with Basic Educational Services Team, Inc., Menifee, California to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education rescinds its approval to renew the agreement with Basic Educational Services Team, Inc., Menifee, California, as approved by Board on October 18, 2011, Agenda Item 9.48. The provider was not selected to provide supplementary educational services for after-school tutoring to eligible District students. There is no cost to the District for rescinding this approval.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

Student Services

12.40 - Agreement with Patricia Imborski, Highland, California, to Provide Technical Support and Assistance to the Special Education Department

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Patricia Imborski, Highland, California, to provide technical support and assistance to the Special Education Department during the transition of key personnel as well as background information/consultation on special/high profile cases as needed, effective July 1, 2011, through March 31, 2012. The cost, not to exceed \$16,500.00, will be paid from the Restricted General Fund—Special Ed Central, Account No. 827.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.41 - Amendment No. 1 of the Agreement with Frances Armenta, Grand Terrace, California, to Administer the General Education Development (GED) Test at the Adult School

BE IT RESOLVED that the Board of Education approves amending the agreement with Frances Armenta, Grand Terrace, California, approved by the Board on July 19, 2011, Agenda Item 11.17. The amendment is necessary to add \$1,200.00 to the original fee of \$6,000.00 for an aggregate total not to exceed \$7,200.00 due to the increased number of GED tests administered. The additional fee will be paid from the Restricted General Fund—Adult Education GED, Account No. 137. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.42 - Amendment No. 1 of the Agreement with Annette Beck, Highland, California, to Administer the General Education Development (GED) Test at the Adult School

BE IT RESOLVED that the Board of Education approves amending the agreement with Annette Beck, Highland, California, approved by the Board on July 19, 2011, Agenda Item 11.18. The amendment is necessary to add \$800.00 to the original fee of \$5,600.00 for an aggregate total not to exceed \$6,400.00 due to the increased number of GED tests administered. The additional fee will be paid from the Restricted General Fund—Adult Education GED, Account No. 137. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.43 - Amendment No. 1 to the Agreement with John Duran, Indio, California, to Provide Federal Program Monitoring (FPM) Consulting Services to the Creative Before- and After-School Programs for Success (CAPS) Department

BE IT RESOLVED that the Board of Education approves amending the agreement with John Duran, Indio, California, approved by Board on November 1, 2011, Agenda Item 8.17. The amendment is necessary to add \$4,091.13 to the original fee of \$8,766.71 for an aggregate total not to exceed \$12,857.84. John Duran will provide seven additional days of Federal Program Monitoring (FPM) consulting services. The additional fee will be paid from the Unrestricted General Fund—After School Safety and Enrichment for Teens, Account No. 566 and Unrestricted General Fund—After School Education and Safety Program, Account No. 459.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.46 - Physical Education Exemptions

BE IT RESOLVED that the following students whose birth dates are listed below be exempt from physical education requirements and placed in alternative periods of instruction for the 2011-2012 school year:

8/23/93	1/10/96	6/22/96	12/24/96	3/20/97	08/20/97
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12.47 - 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)1/19/1996	*(S)7/9/1995	*(S)3/7/1995	*(S)9/15/1994	*(S)12/6/1998	***(S)1/31/1994
8/8/2000	*(S)11/8/1995	*(S)7/12/1994	*(S)10/20/1998	*(S)6/10/1993	*(S)1/3/1999

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

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

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

12.48 - Student(s) Recommended for Suspension, but Remanded Back to School Sites or Had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction

BE IT RESOLVED that the following student(s) were recommended for suspension, but suspension is deemed inappropriate based on due process errors, insufficient evidence, and/or the availability of other means of correction in compliance with Education Code Section 48900.

Therefore, although they were recommended for suspension, the suspension was reversed or modified.

4/1/1994 8/23/1999

12.49 - 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:

12.50 - Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)

Education Code Section 48915 (a) states, "Principal or the Superintendent of the schools shall recommend a pupil's expulsion...., unless the principal or superintendent finds and so reports in writing to the governing board that expulsion is inappropriate, due to the particular circumstance, which should be set out in the report of the incident."

The student(s) identified below were found to have committed a violation of Education Code Section 48900 for which a referral for expulsion is mandated; however, the principal found that due to particular circumstances, expulsion is inappropriate:

4/14/2004

12.51 - 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:

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.

12.52 - Lift of Expulsion of Student(s)

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

12/17/1998	11/28/1997	3/2/1998	12/23/1992	4/27/1996	2/4/1995
10/15/1995	11/3/1996	12/16/1994	11/12/1997	8/23/1995	9/1/1995
5/13/1998	4/25/2003				

12.53 - Failure to Recommend Mandatory Expulsion 48915

BE IT RESOLVED that the following school(s) have failed to adhere to Education Code Section 48915. Principals are required by Education Code to report guns, brandishing a knife, sexual assault, possession of an explosive device, and/or the sale of an illegal substance. The following school(s) have not followed this Education Code requirement:

12.54 - Petition to Expunge, Rescind, or Modify Expulsion

10/12/1996	2/5/2002	3/4/1994	8/5/1998	6/12/1996	8/2/1997
4/10/1995					

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

12.55 - Amendment No. 4 to the Agreement with Ruh nau, Ruh nau & Clarke Architects for Architectural and Engineering Services for the Captain F. Leland Norton Elementary School Project

BE IT RESOLVED that the Board of Education approves amending the agreement with Ruh nau, Ruh nau & Clarke Architects, Riverside, CA, for architectural and engineering services at the Capt. Leland Norton Elementary School project. This amendment is for additional fencing and an electronic marquee, including engineering, architectural designs and required processing through DSA. The cost, not to exceed \$8,040.00, plus approved reimbursables, will be paid from Funds 21, 25, 35 and 40. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 4.

12.56 - Approval to Process Payments for Pending Change Orders for the Group 1 Modernization Projects at Lincoln, Riley, and Salinas Elementary Schools - MDE Group, Inc.

BE IT RESOLVED that the Board of Education approves processing of payments for change orders pending Division of State Architect (DSA) approval for MDE Group, Inc., Riverside CA, Electrical Contractor for the Group 1 Modernization Projects at Lincoln, Riley, and Salinas elementary schools, per Board approval on April 20, 2010, as follows:

- The Architect, Construction Manager (CM), DSA Inspector of Record (IOR) and Contractor shall provide certification that all work pertaining to the pending change orders has been completed in compliance with all of the plans and specifications and applicable codes.
- The District will validate that the work pertaining to the pending change orders is satisfactorily completed.
- The Contractor will provide, with the application for payment, the above certification signed by all parties.
- If the DSA does not approve the change orders that were submitted and the payments have been released using this procedure, any potential fixes arising from DSA corrections to these change orders would have to be paid by the District which would, in turn, seek remedies through the Architect, Construction Manager, IOR or Contractor.

12.57 - Approval to Process Payments for Pending Change Orders for the San Geronio High School Modernization Project - Preferred Ceilings, Inc.

BE IT RESOLVED that the Board of Education approves processing of payments for change orders pending Division of State Architect (DSA) approval for Preferred Ceilings, Inc., Ceiling Contractor for the San Geronio High School Modernization Project, per Board of Education approval on April 20, 2010, as follows:

- The Architect, Construction Manager (CM), DSA Inspector of Record (IOR) and Contractor shall provide certification that all work pertaining to the pending change orders has been completed in compliance with all of the plans and specifications and applicable codes.
- The District will validate that the work pertaining to the pending change orders is satisfactorily completed.
- The Contractor will provide, with the application for payment, the above certification signed by all parties.
- If the DSA does not approve the change orders that were submitted and the payments have been released using this procedure, any potential fixes arising from DSA corrections to these change orders would have to be paid by the District which would, in turn, seek remedies through the Architect, Construction Manager, IOR or Contractor.

12.58 - Notice of Completion, Bid No. F08-14, Category No. 01, Group 10 – Cole, Cypress, and Highland-Pacific Elementary Schools Modernization Projects

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F08-14, Group 10 - Cole, Cypress, and Highland-Pacific Elementary Schools Modernization Projects, for the work awarded to the Prime Contractor listed below:

Category No. 01 - Hazmat Abatement and Interior Demolition
Flores Sierra Contractors, Inc.
Chula Vista, CA

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

Nutrition Services

12.59 - Bid No. NSB 2011/12-4, Nutrition Services Delivery Trucks

BE IT RESOLVED that Bid NSB 2011/12-4, Nutrition Services Delivery Trucks, be awarded to the lowest responsible bidder, Rush Truck Center, Whittier, CA, in the amount of \$203,996.22,

including deduction for trade-in of District vehicles #T12 (1994), T13 (1992), & T14 (1992). The cost will be paid from restricted Nutrition Services Account No. 92.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement and all other related documents for the bid awarded.

HUMAN RESOURCES DIVISION

12.60 - Agreement with the Law Firm of Kaufman Dolowich Voluck & Gonzo, LLP, Los Angeles, California to Provide Legal Services to the Personnel Commission

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with the law firm of Kaufman Dolowich Voluck & Gonzo, LLP, Los Angeles, California to represent the Personnel Commission regarding billing guidelines governing payment of invoices from conflict counsel and other related matters, effective September 19, 2011 through June 20, 2012. Costs, not to exceed \$8,500.00, will be paid from the Unrestricted General Fund—Legal Fees, Account No. 077.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

12.61 - Amendment to the Agreement with Musick, Peeler & Garrett, LLP, Los Angeles, California, to Provide Legal Services for Labor, Personnel and Employment Issues

BE IT RESOLVED that the Board of Education approves amending the agreement with Musick, Peeler & Garrett, LLP, Los Angeles, California, approved by the Board on December 20, 2011, Agenda Item 8.40. The amendment is necessary to add \$7,000.00, to the fee of \$354,513.00, for an aggregate total not to exceed \$361,513.00 for the Personnel Commission's request for legal opinion and conflict matter relating to Commissioner Salazar's complaint of Brown Act violations. The additional fees will be paid from the Unrestricted General Fund—Legal Fees, Account No. 077. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign any related documents.

12.62 - Payment of Intern Support – Azusa Unified School District

BE IT RESOLVED that the Board of Education approves payment of grant money for Intern Support during the 2011 school year, as provided for in the Agreement with Azusa Pacific University as follows:

Deposit in the General Fund \$4,800.00

12.63 - Payment of Master Teachers – California Baptist University

BE IT RESOLVED that the Board of Education approves payment for services as master teachers during fall session 2011, as provided for in the Agreement with California Baptist University, as follows:

GUSMAN, DANIEL - \$75.00 NARANJO, SHARON - \$37.50

12.64 - Payment of Master Teachers – University of Redlands

BE IT RESOLVED that the Board of Education approves payment for services as counseling site supervisors as provided for in the Agreement with the University of Redlands, as follows:

GRAY, ROBIN	\$100.00	SMEBY, JOHN	\$100.00
ORDAZ, LORINDA	\$100.00	SOWARD, JAMES	\$100.00
ODENING, TIMOTHY	\$300.00	SUMMERS, SANTFORD	\$200.00
ORTEGA, ANEL	\$100.00	SUMMERS, SHYLA	\$100.00
PRUTSMAN, REBEKAH	\$100.00		

PERSONNEL COMMISSION

12.65 - Agreement with Celina Garcia Ali, Long Beach, California, to Provide Consulting Services to the Personnel Commission Department

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Celina Garcia Ali, Long Beach, California, to provide consulting services, effective December 19, 2011, through June 30, 2012. The Consultant will provide assistance and analysis of personnel matters set before the Personnel Commission in accordance with applicable laws and regulations. The cost, not to exceed \$1,200.00, will be paid from the Unrestricted General Fund—Personnel Commission, Account No. 071.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.66 - Agreement with Daniel Kowallis, Moreno Valley, California, to Provide Consulting Services to the Personnel Commission Department

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Daniel Kowallis, Moreno Valley, California, to provide consulting services, effective December 19, 2011, through June 30, 2012. The Consultant will provide assistance and analysis of personnel matters set before the Personnel Commission in accordance with applicable laws and regulations. The cost, not to exceed \$1,200.00, will be paid from the Unrestricted General Fund—Personnel Commission, Account No. 071.

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BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.67 - Agreement with Patricia Padilla, Fontana, California, to Provide Consulting Services to the Personnel Commission Department

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Patricia Padilla, Fontana, California, to provide consulting services, effective December 19, 2011, through June 30, 2012. The Consultant will provide assistance and analysis of personnel matters set before the Personnel Commission in accordance with applicable laws and regulations. The cost, not to exceed \$1,200.00, will be paid from the Unrestricted General Fund—Personnel Commission, Account No. 071.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.68 - Agreement with David Prieto, San Bernardino, California, to Provide Consulting Services to the Personnel Commission Department

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with David Prieto, San Bernardino, California, to provide consulting services, effective December 19, 2011, through June 30, 2012. The Consultant will provide assistance and analysis of personnel matters set before the Personnel Commission in accordance with applicable laws and regulations. The cost, not to exceed \$1,200.00, will be paid from the Unrestricted General Fund—Personnel Commission, Account No. 071.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.69 - Agreement with Azadeh Vosoughian, Irvine, California, to Provide Consulting Services to the Personnel Commission Department

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Azadeh Vosoughian, Irvine, California, to provide consulting services, effective December 19, 2011, through June 30, 2012. The Consultant will provide assistance and analysis of personnel matters set before the Personnel Commission in accordance with applicable laws and regulations. The cost, not to exceed \$1,200.00, will be paid from the Unrestricted General Fund—Personnel Commission, Account No. 071.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.4 - Agreement with Total Compensation Systems, Inc., Agoura Hills, California for Other Post Employment Benefits (OPEB) Actuarial Services

Mohammad Islam reported that the agenda item incorrectly stated that the District's OPEB covers dental benefits.

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

BE IT RESOLVED that the Board of Education approves entering into an agreement with Total Compensation Systems, Inc., Agoura Hills, California, to perform the actuary for the District's Other Post Employment Benefits (OPEB) plan in accordance with California Public Employees Retirement System (CalPERS) actuarial assumptions, effective February 8, 2012, through June 30, 2012. Total Compensation Systems, Inc., is a noted actuarial company listed with CalPERS that performed actuaries for many school districts in the area. The fee, not to exceed \$7,300.00, will be paid from the Unrestricted General Fund—Business Services Accounting/Payroll, Account No. 068.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all related documents.

12.9 - Payment for Course of Study Activities

Bobbie Perong asked if it is common for the Board to be asked to ratify requests. Mohammad Islam stated that the information was not received in time, but it is not common.

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

BE IT RESOLVED that the Board of Education ratifies payment to the following:

Tai Mantis Kung Fu for a presentation titled, "Chinese New Year" on February 6, 2012. The cost, not to exceed \$50.00, will be paid from Marshall Elementary School Budget No. 039.

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

Bobbie Perong reported that these two items are duplicates.

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

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

Bonnie Britt, Redlands, California to conduct a two-hour one-day math in-service for teachers, effective February 9, 2012. The in-service will incorporate math games with the current adopted curriculum to enable students to meet the District's math standards. The cost, not to exceed \$200.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act Title I, Account No. 501.

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

This item was deleted.

13.0 - Action Items

13.1 - Budget Cuts Plan Fiscal Year 2012-2013

This item was tabled.

13.2 - Realignment of High School Boundaries

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

BE IT RESOLVED that the Board of Education gives approval to move forward with the realignment of the current high school boundaries to allow for the opening of Indian Springs High School, effective 2012-2013 school year.

13.3 - Quarterly Uniform Complaint Report Summary

Upon motion by Member Tillman, seconded by Member Savage, and approved by the affirmative vote of Members Flores, Gallo, Hill, Penman, 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 October to December 2011.

13.4 - Personnel Report #15, Dated February 7, 2012

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

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BE IT RESOLVED that the Personnel Report #15, dated February 7, 2012, 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 TWELVE - Closed Session

14.0 Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

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

Public Employee Discipline/Dismissal/Release

Conference with Legal Counsel: Anticipated Litigation

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

Number of Cases: 8

Public Employee Appointment

Title: Coordinator, Psychological Services
Coordinator, Special Education

SESSION THIRTEEN – Open Session

15.0 - Action Reported from Closed Session

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

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

O'CONNOR, LOREN: Coordinator, Psychological Services, effective date, work year and salary, to be determined. Budget: General.

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

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

BRATTON, KENYA: Coordinator, Special Education, effective date, work year and salary, to be determined. Budget: General.

SESSION FOURTEEN - Closing

16.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 10:30 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, February 21, 2012, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.