

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  
4/17/12**

March 20, 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 Academic Officer Eliseo Davalos; Assistant Superintendents Kennon Mitchell, John Peukert, and Harold Vollkommer. Minutes recorded by Administrative Assistant Jennifer Owens.

Absent: Chief Business and Financial Officer Mohammad Islam; Associate Superintendent/Chief Administrative Officer Mel Albiso.

**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 TWO - Special Presentations**

**2.0 - Special Presentations**

**2.1 - Outstanding Student Awards and Outstanding Parent Award**

Board of Education Outstanding Student Awards were presented to the following students:

Daejon Barnes, Gilbert Garcia, and Iris Dalila Morales, Riley Elementary School  
Hannah Dang, Mariel Flores-Cantu, and Isela Medina Guzman, Roosevelt Elementary School  
Jose Manuel Flores, Marisol Suarez, and Sarahi Torres, Vermont Elementary School

Board of Education Outstanding Parent Awards were presented to the following:

Dianna Heine, Riley Elementary School  
Siuao Satele, Roosevelt Elementary School  
Julia Ramirez, Vermont Elementary School

## 2.2 - Outstanding Customer Service Awards

The Board of Education recognized the following recipients for their outstanding performance in the area of customer service:

Sandra Amendola, Mt. Vernon Elementary School  
Benita Aprile, Transportation Department  
Bonnie Barrera, San Bernardino High School  
Williams Evans, Vermont Elementary School  
Lani Gomez, Pacific High School  
Joyce Knutson, Oehl Elementary School  
Xenia Ocampo, San Bernardino High School  
Angelica Quiroga, English Learners Department  
Charles Schindler, San Gorgonio High School  
Dennis Wolbert, Del Rosa Elementary School

## 2.3 - Special Presentation

The Board of Education recognized Lauryn Wild for being selected to serve on the California State Instructional Quality Commission. Ms. Wild will help the commission determine the curriculum for common core standards.

## 2.4 - Check Presentation by Southern California Edison

Maya Aubrey, Account Executive; Beverly Powell, Region Manager; Robert Carbajal, Technical Specialist; and Jessica Mack, Savings by Design Manager, Southern California Edison presented a check in the amount of \$156,712.00 for energy incentives as part of the Savings By Design program. This statewide program offers financial incentives to non-residential entities by encouraging energy-efficient building design and new construction. These funds will be used to fund energy efficiency strategies in our new schools.

## 2.5 - In Recognition of César E. Chávez

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

**WHEREAS** César E. Chávez, a Mexican-American labor leader in California, was a heroic figure of the 20th century who led a movement dedicated to improving the lives of farm laborers; and

**WHEREAS** César E. Chávez is a recognized national leader in the fight for civil rights and meaningful social change by peaceful means for Mexican Americans, Latinos, all

racial minorities, and women; and under his leadership, many Latinos were mobilized to register to vote; and

**WHEREAS** the Board of Education of the San Bernardino City Unified School District recognizes the contributions made by César E. Chávez and designated a new middle school to be named Cesar E. Chavez Middle School in honor of this great man;

**THEREFORE, BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District hereby recognizes the many contributions and accomplishments of César E. Chávez and encourages all District schools to conduct appropriate activities in observance of his birthday on March 31; and

**BE IT FURTHER RESOLVED** that the Board of Education encourages all the schools of the District to take this opportunity to express their heartfelt appreciation for César E. Chávez and to honor his legacy as a man of dignity and strength.

President Flores moved Action Item 10.1 forward on the agenda.

10.1 - Request for Proposal (RFP) No. 02-12 Telecommunications/Data; Long Distance; Cell Phone and Broadband Services

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

**BE IT RESOLVED** that proposals were received from AT&T, Sprint Solutions, Time Warner Cable, Verizon Business, Verizon Wireless, and Windstream.

**BE IT ALSO RESOLVED** that Proposals received from Time Warner Cable and Windstream for Section I be rejected as non-responsive.

**BE IT ALSO RESOLVED** that RFP No. 02-12 be awarded as follows for current territories and services being offered in accordance with (PCC 20103.8) and E-Rate evaluation guidelines.

VENDOR

AT&T Rancho Cucamonga, California	Section I: Section II:	Telecommunications/Data Services Long Distance Service
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Sprint Solutions Reston, Virginia	Section III	Cell Phone/Broadband Services
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Verizon Business  
Bloomington, California

Section I: Telecommunications/Data Services  
Section II: Long Distance Service

Verizon Wireless  
Laurel, Maryland

Section III Cell Phone/Broadband Services

BE IT ALSO RESOLVED that RFP No. 02-12 Telecommunications/Data; Long Distance; Cell Phone and Broadband Services term shall be July 1, 2012, through June 30, 2017 and any other extensions.

BE IT ALSO RESOLVED that the District reserves the right to add or decrease the amount of service as needed throughout the term of RFP and all extensions.

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

### **SESSION THREE - Public Hearing**

#### **3.0 - Public Hearing**

3.1 - Resolution to Adopt the Reports “Residential Development School Fee Justification Study for the SBCUSD” and “Commercial/Industrial Development School Fee Justification Study for the SBCUSD” and Approval of an Increase in Statutory School Fees Imposed on New Residential and Commercial/Industrial Construction Pursuant to Education Code Section 17620 and Government Code Section 65995

San Bernardino City Unified School District (District) Staff believes that the facts set forth in the fee justification studies entitled, “Residential Development School Fee Justification Study for San Bernardino City Unified School District” and “Commercial/Industrial Development School Fee Justification Study for San Bernardino City Unified School District”(Studies), prepared by Dolinka Group, LLC as of February 2012, are reflective of the average student generation rates, amount of future development and costs of school facilities to accommodate the students generated from such development. Based on the facility cost impacts to the District for the average new home and for commercial/industrial construction as set forth in the Studies, it appears that the District may collect the maximum Statutory School Fees in the amounts of Three and 20/100 Dollars (\$3.20) per square foot for residential construction within the District and Fifty-One Cents (\$0.51) per square foot for commercial/industrial construction within the District.

President Flores opened the Public Hearing and asked if anyone wished to comment. Judi Penman asked what the increase will be. Justin Rich from Dolinka Group reported that level 1 residential construction fees are increasing from \$2.97 to \$3.20 and commercial/industrial

construction fees are increasing from forty-seven cents to fifty-one cents. John Peukert reported that levels 2 and 3 are decreasing.

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:

**RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT APPROVING AN INCREASE IN STATUTORY SCHOOL FEES IMPOSED ON NEW RESIDENTIAL AND COMMERCIAL/INDUSTRIAL CONSTRUCTION PURSUANT TO EDUCATION CODE SECTION 17620 AND GOVERNMENT CODE SECTION 65995**

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

WHEREAS, the Board has previously adopted and imposed statutory school fees pursuant to Education Code Section 17620 and Government Code Section 65995 in the amounts of Two and 97/100 Dollars (\$2.97) per square foot of assessable space of new residential construction in the District (Residential Statutory School Fees), and Forty-Seven Cents (\$0.47) per square foot of chargeable covered and enclosed space for all categories of new commercial/industrial construction in the District (Commercial/Industrial Fees) (collectively, Statutory School Fees); and

WHEREAS, the Board has previously adopted by Resolution alternative school fees pursuant to Government Code Sections 65995.5, (ASF/Level 2 Fees) and 65995.7 (ASF/Level 3 Fees) (collectively, Alternative School Fees); and

WHEREAS, on January 25, 2012, the State Allocation Board authorized an adjustment in the Statutory School Fee amounts pursuant to Government Code Section 65995(b)(3) to Three and 20/100 Dollars (\$3.20) per square foot for assessable space of new residential construction and Fifty-One Cents (\$0.51) per square foot of chargeable covered and enclosed space for the categories of new commercial/industrial construction, as long as such increases are properly justified by the District pursuant to law; and

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

WHEREAS, overcrowded schools within the District have an impact on the District's ability to provide an adequate quality education and negatively impact the educational opportunities for the District's students; and

WHEREAS, the District does not have sufficient funds available for the construction or reconstruction 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 and commercial/industrial construction; and

WHEREAS, the Board has received and considered the reports entitled, "Residential Development School Fee Justification Study for San Bernardino City Unified School District" and "Commercial/Industrial Development School Fee Justification Study for San Bernardino City Unified School District," (Studies) which include information, documentation, and analysis of the School Facilities needs of the District, including: (a) the purpose of the Statutory School Fees; (b) the use to which the Statutory School Fees are to be put; (c) the nexus (roughly proportional and reasonable relationship) between the residential and commercial/industrial construction and (1) the use for Statutory School Fees, (2) the need for School Facilities, (3) the cost of School Facilities and the amount of Statutory School Fees from new residential and commercial/industrial construction; (d) a determination of the impact of the increased number of employees anticipated to result from the commercial/industrial construction (by category) upon the cost of providing School Facilities within the District; (e) an evaluation and projection of the number of students that will be generated by new residential construction; (f) the new School Facilities that will be required to serve such students; and (g) the cost of such School Facilities; and

WHEREAS, the Studies pertaining to the Statutory School Fees and to the capital facilities needs of the District has been available to the public for at least ten (10) days before the Board considered at a regularly scheduled public meeting the increase in the Statutory School Fees; and

WHEREAS, all notices of the proposed increase in the Statutory School Fees have been given in accordance with applicable law; and

WHEREAS, a public hearing was duly held at a regularly scheduled meeting of the Board relating to the proposed increase in the Statutory School Fees on March 20, 2012; and

WHEREAS, as to the Statutory School Fees, Education Code Section 17621 provides that the adoption, increase or imposition of any fee, charge, dedication, or other requirement, pursuant to Education Code Section 17620 shall not be subject to the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code.

NOW, THEREFORE, BE IT RESOLVED THAT THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATIONS DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board accepts and adopts the Studies.

Section 2. That the Board finds that the purpose of the Statutory School Fees imposed upon new residential construction are to fund the additional School required to serve the students generated by the new residential construction upon which the Statutory School Fees are imposed.

Section 3. That the Board finds that the Statutory School Fees imposed on new residential construction will be used only to finance those School described in the Studies and related documents, and that these School are required to serve the students generated by the new residential construction within the District; and that the use of the Statutory School Fees will include construction or acquisition of additional School Facilities, remodeling existing School to add additional classrooms, and technology, and acquiring and installing additional portable classrooms and related School Facilities, with the specific location of new schools, remodeling of existing School Facilities, and additional portables to be determined based on the residence of the students being generated by such new residential construction, as well as any required central administrative and support facilities, within the District.

Section 4. That the Board finds that there is a roughly proportional, reasonable relationship between the use of the Statutory School Fees and the new residential construction within the District because the Statutory School Fees 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.

Section 5. That the Board finds that there is a roughly proportional, reasonable relationship between the new residential construction upon which the Statutory School Fees 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 student capacity in the existing School Facilities to accommodate these students.

Section 6. That the Board finds that the amount of the Statutory School Fees 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 7. That the Board finds that the purpose of the Statutory School Fees imposed on new commercial/industrial construction is to fund the additional School Facilities required to serve the students generated by the new commercial/industrial construction upon which the Commercial/Industrial Fees are imposed.

Section 8. That the Board finds that the Statutory School Fees imposed on new commercial/industrial construction (by category) will be used only to finance those School Facilities described in the Studies and related documents and that these School Facilities are required to serve the students generated by such new commercial/industrial construction; and

that the use of the Statutory School Fees will include construction or acquisition of additional School Facilities, remodeling existing School Facilities to add additional classrooms and technology, and acquiring and installing additional portable classrooms and related facilities, with the specific location of new schools, remodeling of existing School Facilities, and additional portables to be determined based on the residence of the students being generated by such new commercial/ industrial construction, as well as any required central administrative and support facilities within the District.

Section 9. That the Board finds that there is a roughly proportional, reasonable relationship between the use of the Statutory School Fees and new commercial/industrial construction by category within the District because the Statutory School Fees imposed on commercial/industrial construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new commercial/industrial construction.

Section 10. That the Board finds that there is a roughly proportional, reasonable relationship between the new commercial/industrial construction by category, upon which the Statutory School Fees are imposed, and the need for additional School Facilities in the District because new students will be generated from new commercial/industrial construction within the District and the District does not have student capacity in the existing School Facilities to accommodate these students.

Section 11. That the Board finds that the amount of the Statutory School Fees imposed on new commercial/industrial construction by category 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 commercial/industrial construction within the District.

Section 12. That the Board finds that a separate fund (Fund) of the District has been created or is authorized to be established for all monies received by the District for the deposit of Residential Statutory School Fees, ASF/Level 2 Fees and ASF/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 said monies received at all times have been separately maintained, except for temporary investments, from other funds of the District as authorized by applicable law.

Section 13. That the Board finds that the monies of the separate Fund or the separate Sub-Funds described in Section 12, consisting of the proceeds of Statutory School Fees, ASF/Level 2 Fees, ASF/Level 3 Fees and Mitigation Payments have been imposed for the purposes of constructing and reconstructing those School Facilities necessitated by new residential and/or commercial/industrial construction, and thus, these monies may be expended for all those purposes permitted by applicable law. The Statutory School Fees may also be expended by the District for the costs of performing any study or otherwise making the findings and determinations required under subdivisions (a), (b), and (d) of Section 66001 of the Government

Code. In addition, the District may also retain, as appropriate, an amount not to exceed in any fiscal year, three percent (3%) of the fees collected in that fiscal year pursuant to Education Code Section 17620 for reimbursement of the administrative costs incurred by the District in collecting the Statutory School Fees.

Section 14. That the Board hereby increases the Statutory School Fees as a condition of approval of new residential development projects and imposes the Statutory School Fees on such development projects in the following amounts:

a. Three and 20/100 Dollars (\$3.20) per square foot of assessable space for new residential construction, including new residential projects, manufactured homes and mobile homes as authorized under Education Code Section 17625, and including residential construction or reconstruction other than new construction where such construction or reconstruction results in an increase of assessable space, as defined in Government Code Section 65995, in excess of five hundred (500) square feet.

b. Fifty-One Cents (\$0.51) per square foot of assessable space, for new residential construction used exclusively for the housing of senior citizens, as described in Section 51.3 of the Civil Code or as described in subdivision (k) of Section 1569 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 mobile home park, subdivision, cooperative or condominium for mobile homes limited to older persons as defined by the Federal Fair Housing Amendments of 1988.

Section 15. That this Board hereby increases the Statutory School Fees as a condition of approval of new commercial/industrial construction projects and levies the Statutory School Fees on such development projects in the following amounts per square foot of chargeable covered and enclosed space for all categories of commercial/industrial construction to Fifty-One Cents (\$0.51).

Section 16. That the proceeds of the Statutory School Fees increased and established pursuant to this Resolution shall continue to be deposited into those Sub-Funds of the Funds identified in Section 12 of this Resolution, the proceeds of which shall be used exclusively for the purpose for which the Statutory School Fees are to be collected, including, as to Statutory School Fees, accomplishing any study, findings or determinations required by subdivisions (a), (b) and (d) of Section 66001 of the Government Code, or retaining an amount not to exceed in any fiscal year, three percent (3%) of the fees collected in that fiscal year pursuant to Education Code Section 17620 for reimbursement of the administrative costs incurred by the District in collecting the Statutory School Fees or in financing the described Studies or in defending the imposition of Statutory School Fees.

Section 17. That the District's Superintendent, or designee, is directed to cause a copy of this Resolution to be delivered to the building officials of the Cities, the County, as well as to the

Office of Statewide Health Planning and Development (OSHPD), along with a copy of all the supporting documentation referenced herein and a map of the District clearly indicating the boundaries thereof, advising the Cities, the County, and the OSHPD that new residential and commercial/industrial construction is subject to the Statutory School Fees 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 development project, mobile home or manufactured home subject to the Statutory School Fees absent a certification of compliance (Certificate of Compliance) from the District demonstrating compliance of such project with the requirements of the Statutory School Fees, 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 Statutory School Fees.

Section 18. That the Board hereby establishes a process that permits the party against whom the Commercial/Industrial Fees are imposed, the opportunity for a hearing to appeal that imposition of Commercial/Industrial Fees for commercial/industrial construction as required by Education Code Section 17621(e)(2). The appeal process is as follows:

- a. Within ten (10) calendar days of being notified, in writing, (by personal delivery or deposit in the U.S. Mail) of the Commercial/Industrial Fees to be imposed or paying the Commercial/Industrial Fees, pursuant to Education Code Section 17620, a party shall file a written request for a hearing regarding the imposition of Commercial/Industrial Fees. The party shall state in the written request the grounds for opposing the imposition of Commercial/Industrial Fees and said written request shall be served by personal delivery or certified or registered mail to the Superintendent.
- b. The possible grounds for that appeal include, but are not limited to, the inaccuracy of including the project within the category pursuant to which the Commercial/Industrial Fees are to be imposed, or that the employee generation or pupil generation factors utilized under the applicable category are inaccurate as applied to the project.
- c. Within ten (10) calendar days of receipt of the written request for a hearing regarding the imposition of Commercial/Industrial Fees, the Superintendent, or designee, shall give notice in writing of the date, place and time of the hearing to the party appealing the imposition of Commercial/Industrial Fees. The Superintendent, or designee, shall schedule and conduct said hearing within thirty (30) calendar days of receipt of the written request. The Superintendent, or designee, shall render a written decision within ten (10) days following the hearing on the party's appeal and serve it by certified or registered mail to the last known address of the party.
- d. The party against whom the Commercial/Industrial Fees are imposed may appeal the Superintendent or designee's decision to the Board.
- e. The party appealing the Superintendent's or designee's decision shall state in the written appeal the grounds for opposing the imposition of the Commercial/Industrial Fees and said

written appeal shall be served by personal delivery or certified or registered mail to the Superintendent.

f. The possible grounds for that appeal to the Board include, but are not limited to, the inaccuracy of including the project within the category pursuant to which the Commercial/Industrial Fees are to be imposed, or that the employee generation or pupil generation factors utilized under the applicable category are inaccurate as applied to the project.

g. Within ten (10) calendar days of receipt of the written request for a hearing regarding the imposition of Commercial/Industrial Fees, the Superintendent, or designee, shall give notice in writing of the date, place and time of the hearing to the party appealing the imposition of Commercial/Industrial Fees. The Board shall schedule and conduct said hearing at the next regular meeting of the Board, provided that the party is given notice at least five (5) working days prior to the regular meeting of the Board. The Board shall render a written decision within ten (10) days following the hearing on the party's appeal and serve the decision by certified or registered mail to the last known address of the party.

h. The party appealing the imposition of the Commercial/Industrial Fees shall bear the burden of establishing that the Commercial/Industrial Fees are improper.

Section 19. That the Superintendent is authorized to cause a Certificate of Compliance to be issued for each development project, mobile home and manufactured home for which there is compliance with the requirement for payment of the Statutory School Fees in the amounts specified by this Resolution. In the event a Certificate of Compliance is issued for the payment of Statutory School Fees for a development project, mobile home or manufactured home and it is later determined that the statement or other representation made by an authorized party concerning the development 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 Cities, County, or the OSHPD shall be so notified.

Section 20. That 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 21. That if any portion or provision hereof is held invalid, the remainder hereof is intended to be and shall remain valid.

Section 22. That the District's Statutory School Fees will become effective sixty (60) days from the date of this Resolution, unless a separate resolution adopting the fees immediately on an urgency basis is adopted by the Board.

## **SESSION FOUR - Administrative Presentation**

### **4.0 - Administrative Presentation**

#### **4.1 - Child Development Classes and Funding**

Cynthia White-Piper, Director of School-Linked Services, provided information regarding Child Development Classes and Funding (see page \_\_\_\_). Danny Tillman stated that the District receives \$1.6 million in services by paying \$190,950. It wouldn't make sense to not continue funding the program and the District would lose ADA if students with children don't have child care. Ms. White-Piper stated that they also serve the community. Margaret Hill stated that they need to find a way to fund this. Kennon Mitchell reported that the Board will be asked to take action during Action Item 10.2. Bobbie Perong expressed her support for the program. Judi Penman stated that this is a great program for the District and the community. Michael Gallo stated that this would require the Board to reprioritize their unfunded priorities. Barbara Flores stated that our children need preschool. Lynda Savage expressed her support for the program and stated that it is important for student parents to get an education.

## **SESSION FIVE - Administrative Reports**

### **5.0 - Administrative Reports**

#### **5.1 - Acknowledge Receipt of Initial Contract Proposal From San Bernardino Teachers Association (SBTA)**

Section 3547 of the Government Code requires that all initial proposals of exclusive representatives must be presented at a public meeting of the public school employer. At that meeting, any interested parties shall have the opportunity to comment on the proposal.

Article XXVIII, Section 2, of the Collective Bargaining Agreement between the District and the San Bernardino Teachers Association (SBTA), states, in part, "No sooner than March 1, and no later than April 1, preceding expiration of this Agreement, the Association shall present its initial proposals. No later than April 15, the Parties shall commence meeting and negotiating for a successor agreement." On January 23, 2012, the Certificated Human Resources Division received the initial proposal from SBTA, as follows:

1. That the Agreement remain in full force and effect from July 1, 2012 through June 30, 2014 without any re-openers; and
2. That the Parties meet and negotiate the "impact" of any actions which affect the SBTA bargaining unit through the use of Memorandum(s) of Understanding.

5.2 - Budget Update

Janet King, Fiscal Services Director, stated that there is no new information to report. Michael Gallo reported that he heard that revenue projections are less than they anticipated.

**SESSION SIX – Other Matters Brought By Citizens**

**6.0 - Other Matters Brought by Citizens**

Rebecca Harper, SBTA President, stated that the adoption for common core standards has been extended until the 2013-14 school year. The State Superintendent of Instruction invited publishers to submit materials that bridge the gap between programs and they will approve supplemental materials to purchase in 2013. Mrs. Harper asked the Board to wait until the State Board acts.

Liz Madera asked the Board if the new English Learner director position is necessary, to minimize legal fees and payouts of judgments, to not keep a Human Resources manager that gets paid too much, and the cost for advertising in *The Sun*.

Gil Navarro, education advocate, reported that the graduation rate is down statewide. Mr. Navarro clarified his prior request--after each semester, the Board should request a student report by high school, gender, ethnicity, grade level, and subjects with F grades. Mr. Navarro reported that RTI is not being done at San Gorgonio High School. President Flores asked Mr. Navarro to send his request in writing to all Board members.

Eva Puente, Casa Ramona ELAC President, stated that there was a report that parents are spending too much money on school uniforms, but Ms. Puente stated that the maximum is \$300. The school has a clothes closet for parents that can't afford to buy uniforms.

**SESSION SEVEN - Reports and Comments**

**7.0 - Report by Board Members**

Margaret Hill reported that Dorothy Inghram was her mentor and she passed away on March 14, at the age of 106. Mrs. Hill reported that she attended a workshop on Effective Boardmanship with Jack O'Connell and Kevin Gordon as presenters. Mrs. Hill announced that Toni Smith, Arroyo Valley High School student, was named Student of the Month at the March 19 City Council meeting and she received a \$1,500 award from CABA for her poster. Mrs. Hill reported that she led a workshop at a conference in Washington and thanked Ray Culberson for his help.

Michael Gallo asked Staff to agendaize an extension of the SERP timeline on a case-by-case basis to provide a smooth transition for the new superintendent. Judi Penman and Lynda Savage

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agreed with Mr. Gallo. Mr. Gallo reported that while at a Workforce Investment Board meeting in Washington, D.C., he met with Arne Duncan. There are proposals that the District may want to respond to regarding innovations we are doing. Mr. Gallo asked that the Request for Consultant Services form be agendaized for the Board to adopt as a policy. Yolanda Ortega stated that she hasn't had the opportunity to share it with site administrators yet.

Judi Penman reported that Rotary Life students gave their speeches today and she stated that middle and high school principals aren't promoting the program enough. Mrs. Penman recommended having security at Wong Elementary School when no one is there to prevent future thefts. John Peukert stated that he can bring a proposal for security.

Danny Tillman thanked the staff at Anderson School for the Special Olympics event. Mr. Tillman reported that the District Band and String Orchestra showcases were excellent.

Bobbie Perong stated that her goal is to visit all schools by the end of the school year. Mrs. Perong thanked all the employees that have taken her on tours. Mrs. Perong asked how many employees that take the SERP aren't going to be replaced. Yolanda Ortega stated that they will have that information after the April 16 deadline.

Barbara Flores reported that she was at the CAFE Conference when Toni Smith received the award for her poster, Belvedere Elementary School was recognized for its Dual Language program, and she presented a speech. Dr. Flores thanked staff for all their work on the tracking and response mechanism, Kennon Mitchell for his MAA report, Eliseo Davalos and his team for their hard work and research, Harold Vollkommer for his intense work, Mohammad Islam for the budget, John Peukert for facilities, and Yolanda Ortega for her leadership.

7.1 - Legislative Update

None.

**8.0 - Report by Superintendent and Staff Members**

Yolanda Ortega announced that Arroyo Valley High School JROTC Cadets were named an Honor Unit with Distinction. They are in the top 10 percent of ROTC programs nationwide.

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8.1 - Tracking and Response Mechanism to Follow Up on Requests and Questions from Board and Community Members, as of March 14, 2012

	Date of Request	Question/Request	Requested by	Assigned to/ Date	Anticipated Completion Date	Status/ Remarks/Action
1	3/6/12	Which districts has Leal & Trejo audited their special education programs?	Danny Tillman	Yolanda Ortega 3/7/12		Provided in Board Correspondence
2	3/6/12	Include columns on the reduction of PKS chart to indicate which are Board cuts, loss of ADA due to new charter schools, QEIA waiver not being approved, principals making categorical cuts, and changes to enrollment projections.	Michael Gallo Judi Penman	Harold Vollkommer 3/7/12		Provided in Confidential Board Correspondence
3	3/6/12	Agendize budget for every Board meeting.	Danny Tillman	Yolanda Ortega 3/7/12		It is currently agendized for every Board meeting.
4	3/6/12	Agendize naming a school for Jack Oakes.	Board Consensus	Yolanda Ortega 3/7/12		Agendized for March 20, 2012.
5	3/6/12	Little Mountain Elementary School could be renamed Jack Oakes Elementary School.	Lynda Savage	Yolanda Ortega 3/7/12		Agendized for March 20, 2012.
6	3/6/12	Agendize a program effectiveness review process.	Michael Gallo	Yolanda Ortega 3/7/12	May 1, 2012	In Progress
7	3/6/12	Bring forward the form for evaluating unsolicited proposals.	Michael Gallo	Yolanda Ortega 3/7/12		Draft form provided in Board Correspondence

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	Date of Request	Question/Request	Requested by	Assigned to/ Date	Anticipated Completion Date	Status/ Remarks/Action
8	3/6/12	Agendize William Prouty's funding mechanism.	Michael Gallo	Yolanda Ortega 3/7/12		Attempted multiple calls to contact Mr. Prouty. No response as of yet. We will set up a meeting with the Superintendent and Business Services to get information.
9	3/6/12	Provide a plan for MAA program implementation.	Michael Gallo	Kenon Mitchell 3/7/12		District Staff planning meetings and job-alike training schedules have been created.
10	3/6/12	Change the organization chart to reflect the current positions.	Board Consensus	Yolanda Ortega 3/7/12	April 3, 2012	
11	3/6/12	What would the cost be for using MOU days and our own staff for new common core standards training?	Bobbie Perong	Eliseo Davalos 3/7/12	April 3, 2012	
12	3/6/12	Agendize the top 4 priorities to restore funds and cutting \$2.9-5 million if the District purchases textbooks now.	Michael Gallo Danny Tillman	Yolanda Ortega 3/7/12		Agenized for March 20, 2012
13	3/6/12	Agendize norms for Board meetings.	Margaret Hill	Yolanda Ortega 3/7/12		Norms were not found, but we have included the CSBA Professional Governance Standards for School Boards.

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	Date of Request	Question/Request	Requested by	Assigned to/ Date	Anticipated Completion Date	Status/ Remarks/Action
14	2/21/12	How many students take part in the BESTILL program? What is the success rate? Do we track it?	Judi Penman	Eliseo Davalos 2/22/12		497 students are currently enrolled. District is researching any measurable that can be used to measure the effectiveness.
15	2/7/12	Provide the grid, based on Board criteria, the Cosca Group will use to rank Superintendent candidates.	Board Consensus	Jennifer Owens 2/8/12	April 2012	TCG will give the grid to the Board when they begin the review of the candidates. Once the Board approves the brochure, they will develop the grid.
16	1/17/12	Provide a list of failing students by the second week of school.	Barbara Flores	Eliseo Davalos 2/18/12		Staff has reviewed the request and the list would be several hundred pages long. Staff needs further direction from the Board on the specifics of failing. We will await direction from the Board.
17	1/17/12	Add the topic of a better control system for any outside procured services to the first Policy Committee meeting.	Michael Gallo	Staff 1/18/12	See 7	Draft provided in Board Correspondence 3/16/12.

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	Date of Request	Question/Request	Requested by	Assigned to/ Date	Anticipated Completion Date	Status/ Remarks/Action
18	1/10/12	Consider receiving a monthly report of every student that has an F and how many students are taking A-G courses.	Gil Navarro	Eliseo Davalos 1/11/12		This will be removed from Follow Up until Board direction is received.
19	12/6/11	Establish a policy for how to evaluate programs and establish criterion for proposals.	Michael Gallo	Staff 12/7/11	See 7	Draft provided in Board Correspondence 3/16/12.
20	8/16/11	Present a report on Youth Action Project after the project is halfway completed in January 2012.	Elsa Valdez	Eliseo Davalos 8/17/11		See Board Correspondence.
21	8/9/11	Lobby our legislators about the difference additional money can make, i.e., for SIG schools.	Danny Tillman	Yolanda Ortega 8/10/12		Ongoing
22	12/2/10	Provide a presentation on special education mediations and rulings.	Danny Tillman	Kennon Mitchell 7/11		There was only one, so information was provided in Confidential Board Correspondence

**SESSION EIGHT - Legislation and Action**

***9.0 - 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.

Yolanda Ortega announced that the District has declared an emergency and is requesting that an additional consent item for emergency electrical repair at Bing Wong Elementary School be added to the agenda.

Consent item 9.1 was pulled for later consideration.

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 were adopted:

### **BUSINESS SERVICES DIVISION**

#### 9.2 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$100.00, A.S.P.C., Highland, California; \$298.80, General Mills Box Tops for Education, Young America, Minnesota; \$1,000.00, Rodolfo Serrato, Perris, California; \$1,000.00, Jenco Productions Inc., San Bernardino, California; \$1,000.00, J.T.W., New York, New York; \$500.00, San Bernardino Rotary Foundation, San Bernardino, California; \$100.00, Terri Burke, Crestline, California; \$100.00, Awad Midway Inc., Midway Carniceria Market, San Bernardino, California; \$100.00, Gordon Amerson, Fontana, California; and \$1,765.00, April Smith (PTO), Highland, California.

#### 9.3 - Bid No. 90-008-08, Purchase of Classroom Supplies, Equipment, and Chemicals

BE IT RESOLVED that the Board of Education approves the use of Bid No. 90-008-08, awarded by the San Diego Unified School District, San Diego, California, for the purchase of chemicals, equipment and classroom supplies. Use of this bid allows the District to purchase products from a diverse pool of suppliers at a discounted price based on percentage discounts off the published price list established in the Bid. Prices and discounts are comparable to those that the District would receive if it were to issue its own bid.

BE IT FURTHER RESOLVED that the District reserves the right to purchase more than or less than the quantities indicated, on an as-needed basis, throughout the term of the bid.

#### 9.4 - Business and Inservice Meetings

BE IT RESOLVED that the Board of Education approves the attendance and participation of the following individuals in scheduled business and inservice meetings:

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Abigail Medina  
Valeria Dixon

(Board Representatives, Equity & Targeted  
Student Achievement)

To attend the Level 1-Leadership Training for Achievement-Focused Partnerships Conference, in Riverside, California, April 24, through April 25, 2012. Total cost, including meals and mileage per District guidelines, not to exceed \$540.00, will be paid from Equity & Targeted Student Achievement Account No. 501.

Chris Barrows  
Jim Brennan

(Board Representatives, Aquinas High  
School)

To attend the 2012 NCEA Convention & Expo Conference in Boston, Massachusetts, April 10, through April 14, 2012. Total cost, including meals and mileage per District guidelines, not to exceed \$2,100.00, will be paid from Accountability Department Account No. 536.

Isoovel Andino  
Virginia Gomez  
Ma Carmen Hernandez  
Maria Portillo  
Yasmin Solis

(Board Representatives, Pacific High School)

To attend the 2012 California Association for Bilingual Education (CABE) Para-Educator/Parent Conference, in Riverside, California, May 2, 2012. Total cost, including meals and mileage per District guidelines, not to exceed \$500.00, will be paid from Pacific High School Account No. 501.

9.5 - Commercial Warrant Registers for Period from February 16, 2012, through February 29, 2012

BE IT RESOLVED that the Commercial Warrant Register for period from February 16, 2012, through February 29, 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.

9.6 - Delegation and Authorization – Nutrition Services Department

BE IT RESOLVED that the Board of Education approves authorization and delegation for Adriane Robles, Director, Nutrition Services Department, effective March 21, 2012, through June 30, 2012, for the following:

Journal Entries (for those not authorized for District or payroll orders)

9.7 - Extended Field Trip, Arroyo Valley High School, Hollywood Connection Dance Competition & Convention 2012, Las Vegas, Nevada

BE IT RESOLVED that the Board of Education approves the extended field trip for 12 Arroyo Valley High School students and 3 District employees to attend the Hollywood Connection Dance Competition & Convention 2012, in Las Vegas, Nevada, March 30, through April 1, 2012. The cost of the trip, not to exceed \$3,426.66, including meals and lodging for 12 Arroyo Valley High School students and 3 District employees, will be paid from Arroyo Valley High School ASB Account. Transportation provided by Canada Express Rental, not to exceed \$899.80, will be paid from Arroyo Valley High School ASB Account. Names of the students are on file in the Business Services office.

9.8 - Extended Field Trip, Arroyo Valley High School, USA 2011-2012 Spirit High School Cheer and Dance Competition, Anaheim, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 26 Arroyo Valley High School students and 2 District employees to attend the USA 2011-2012 Spirit High School Cheer and Dance Competition in Anaheim, California, March 29, through April 1, 2012. The cost of the trip, not to exceed \$6,741.30, including meals and lodging for 26 Arroyo Valley High School students and 2 District employees, will be paid from Arroyo Valley High School Cheer ASB Account. Transportation provided by Durham Bus Services, not to exceed \$800.00, will be paid from Arroyo Valley High School ADA Incentive Funds Account No.039. Names of the students are on file in the Business Services office.

9.9 - Extended Field Trip, Cajon High School, 2012 California State Thespian Festival, Highlander Auditorium, Upland, California

BE IT RESOLVED that the Board of Education approves the extended field trip for nine Cajon High School students and two District employees to attend the 2012 California State Thespian Festival, Upland, California, March 23, through March 25, 2012. The cost of the trip, not to exceed, \$1,535.00, including meals and lodging for nine Cajon High School students, and two District employees, will be paid from sponsorship by students' parents and Cajon High School Drama Club Account No. 730. Transportation will be provided by private vehicles driven by District employees at no cost. Names of the students are on file in the Business Services office.

9.10 - Extended Field Trip, Cajon High School, Girls Varsity Basketball Tournament, San Diego, California

BE IT RESOLVED that the Board of Education approves the extended field trip for eight Cajon High School students and two District employees to attend the San Diego Basketball Tournament in San Diego, California, July 19, through July 22, 2012. The cost of the trip, not to exceed \$1,900.00, including meals and lodging for eight Cajon High School students and two District employees, will be paid from Cajon High School Girls Basketball ASB Account No.

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751. Transportation provided by Express Van Rentals, not to exceed \$500.00, will be paid from Cajon High School Girls Basketball ASB Account No. 751. Names of the students are on file in the Business Services office.

9.11 - Extended Field Trip, San Gorgonio High School, Odyssey of the Mind State Competition, Brentwood, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 13 San Gorgonio High School students and 2 District employees to attend Odyssey of the Mind State Competition, in Brentwood, California, March 31, through April 1, 2012. The cost of the trip, not to exceed \$4,000.00, including meals and lodging for 13 San Gorgonio High School students and 2 District employees, will be paid from San Gorgonio High School Account No. 039. Transportation provided by Xpress Van Rental and one private vehicle, not to exceed \$800.00, will be paid from San Gorgonio High School Account No. 039. Names of the students are on file in the Business Services office.

9.12 - Payment for Course of Study Activities

BE IT RESOLVED that the Board of Education considers the following activities to be a part of the regular course of study for the 2011-12 school year and approves payment to the following:

Seegerstrom Center for the Arts for a presentation titled, "Arte Flamenco Dance Theatre" on April 27, 2012. The cost, not to exceed \$865.00, will be paid from San Bernardino High School Library Block Grant Budget No. 422.

Anthony Hernandez for a presentation titled, "Anthony the Magic" on March 30, 2012. The cost, not to exceed \$300.00, will be paid from Monterey Elementary School ASB Account.

**EDUCATIONAL SERVICES**

**Curriculum and Instruction**

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

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

**Student Services**

9.14 - Facilities Use Agreement with California State University, San Bernardino, California

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with California State University, San Bernardino, California, effective March 26, through May

27, 2012, for the CAPS mini-conference. The fee will be paid from the Restricted General Fund, After School Education and Safety Program, Account No. 459.

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

9.15 - Facilities Use Agreement with the City of San Bernardino, Parks, Recreation and Community Services, San Bernardino, California, for the Use of the Roosevelt Bowl for High School Graduation Ceremony

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with the City of San Bernardino, Parks, Recreation and Community Services, San Bernardino, California, effective May 21, 2012, for the use of the Roosevelt Bowl for the high school graduation ceremony. The fee will be paid from the Unrestricted General Fund, INAP, Account No. 203.

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

9.16 - Facilities Use Agreement with YMCA of the East Valley, San Bernardino, California

BE IT RESOLVED that the Board of Education ratifies entering into a facilities use agreement with YMCA of the East Valley, San Bernardino, California, effective March 6, through May 9, 2012, for the perfect attendance pool party. The fee will be paid from the Unrestricted General Fund, ADA Incentive Plan, Account No. 039.

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

9.17 - Memorandum of Understanding with San Bernardino Valley College District, Disabled Student Programs and Services, San Bernardino, California, to Provide On-Campus Employment of District Special Education, Working on Real Careers (WORC) Students

BE IT RESOLVED that the Board of Education approves entering into a Memorandum of Understand (MOU) with San Bernardino Valley College District, Disabled Student Programs and Services, San Bernardino, California, to provide On-Campus Employment of District's Special Education, Working on Real Careers (WORC) students, effective July 1, 2012, through June 30, 2017. San Bernardino Valley College District will provide meaningful employment opportunities to high school students with developmental delays through the District's Special Education, Working on Real Careers (WORC) Program. The WORC Program will provide supervision, job coaching and transition instruction and services to students in the program. San Bernardino Valley College staff will not provide supervision of District students. Students are paid for work experience through the District's Special Education WorkAbility Program. 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.

9.18 - 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)**12/6/1997   \***(S)**5/9/1996   \***(S)**5/13/1999   \***(S)**6/10/1997   \*\***(S)**5/5/1995   \*\***(S)**1/29/1997  
\***(S)**10/8/1994   \***(S)**10/11/1997   \***(S)**11/21/1998   \***(S)**7/13/1997   \*\*7/18/1996   \***(S)**1/21/1997  
\***(S)**      12/23/1995

\*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.

9.19 - 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.

12/5/2000

9.20 - Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction

BE IT RESOLVED that the following student(s) were recommended for expulsion, but expulsion is deemed inappropriate based on due process errors, insufficient evidence, and/or the availability of other means of correction in compliance with the Education Code section 48900. Therefore, although they were recommended for expulsion, the expulsion is not granted:

4/16/1995      2/15/1999

9.21 - 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:

12/7/2000      12/3/2000

9.22 - Revocation of Suspension of Expulsion

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

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.

9.23 - Lift of Expulsion of Student(s)

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

7/13/1996      12/6/1998      7/9/1995      3/16/1996      3/16/1996      10/4/1998  
8/5/1999

9.24 - 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:

9.25 - Petition to Expunge, Rescind, or Modify Expulsion

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.

9.26 - 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:

3/23/92      7/20/94      9/5/95 3/8/96 12/25/96

**FACILITIES/OPERATIONS DIVISION**

**Facilities Management**

9.27 - Amendment No. 5 to the Professional Services Agreement with HMC Architects for Architectural and Engineering Services for Various Modernization Projects

BE IT RESOLVED that the Board of Education approves amending the agreement with HMC Architects for additional services to evaluate existing structural conditions related to the termite damage found in classroom C2 at Lytle Creek Elementary School. The cost, not to exceed \$4,600.00, plus approved reimbursables, will be paid from Funds 21, 25 or 35. 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. 5.

9.28 - Amendment No. 6 to the Professional Services Agreement with HMC Architects for Architectural and Engineering Services for Various Modernization Projects

BE IT RESOLVED that the Board of Education approves revising the scope of services in the agreement with HMC Architects, to provide additional scope of work to redesign the structural support of mechanical unit AC-1a on Building A at Kendall Elementary School due to the discontinuation of the specified unit by the manufacturer. The cost, not to exceed \$3,900.00, plus approved reimbursables, will be paid from Funds 21, 25 or 35. 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. 6.

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

BE IT RESOLVED that the Board of Education approves amending the agreement with HMC Architects due to extended construction administration and project closeout support beyond the original construction period. The cost, not to exceed \$81,517.00, plus approved reimbursables, will be paid from Funds 21, 25, or 35.

Site	Deferred Maint.	Modernization	Total
Arrowhead Elementary School	\$12,495.00	\$20,028.00	<b>\$32,523.00</b>
Carmack Elementary School	--	\$16,404.00	<b>\$16,404.00</b>
Kendall Elementary School	\$ 8,404.00	\$24,186.00	<b>\$32,590.00</b>
		<b>Total Amount</b>	<b>\$81,517.00</b>

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 7.

9.30 - Amendment No. 11 to the Professional Services Agreement with HMC Architects to Provide Architectural and Engineering Services for Indian Springs High School New Construction/Old Curtis Middle School Modernization Project

BE IT RESOLVED that the Board of Education approves amending the agreement with HMC Architects to provide additional scope of work and improvements to the Building R kitchen and for elimination of existing temporary canopy support posts at Buildings P and Q. The cost, not to exceed \$17,800.00, plus approved reimbursables, will be paid from Funds 21, 25 or 35. 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. 11.

9.31 - Amendment No. 12 to the Professional Services Agreement with HMC Architects to Provide Architectural and Engineering Services for Indian Springs High School New Construction/Old Curtis Middle School Modernization Project

BE IT RESOLVED that the Board of Education approves amending the agreement with HMC Architects due to extended construction administration and project closeout support beyond the original construction period. The cost, not to exceed \$92,736.00, plus approved reimbursables, will be paid from Funds 21, 25, or 35. 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. 12.

9.32 - Bid No. F11-02C, HVAC Upgrades at Cajon, Pacific and San Bernardino High Schools

BE IT RESOLVED that Bid No. F11-02C, HVAC Upgrades at Cajon, Pacific, and San Bernardino High Schools be awarded to the lowest responsible bidder meeting the specifications of the project including Base Bid and Alternate Nos. 4, 5, 6, 7, 8, 9 and 10. Alt. Nos. 1 - 3 were pulled by the District. The cost will be paid from Funds 21, 25, 35, 40 and 98.

<b>Contractor</b>	<b>Base Bid including Allowances</b>
Angeles Contractors, Inc.	\$5,140,000.00
Alt. No. 4 (Paint High Gym Walls at Cajon HS)	22,949.00
Alt No. 5 (Paint High Gym Walls at Pacific HS)	27,338.00
Alt. No. 6 (Paint High Gym Walls at San Bernardino HS)	26,891.00
Alt. No. 7 (Paint Gym Ceiling at Pacific HS)	15,381.00
Alt No. 8 (Paint Gym Ceiling at San Bernardino HS)	15,381.00
Alt No. 9 (Replace Toilet Room Fixtures & Finishes at Gym @ Pacific HS)	\$132,424.00
Alt No 10 (Replace Toilet Room Fixtures & Finishes at Gym @ SBHS)	\$144,232.00
<b>Award Total</b>	<b>\$5,524,596.00</b>

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

9.33 - Bid No. F11-02D, Pacific High School Modernization, Sierra and San Andreas High Schools Modernization/HVAC Upgrades

BE IT RESOLVED that Bid No. F11-02D, Pacific High School Modernization, Sierra and San Andreas High Schools Modernization/HVAC, be awarded to the lowest responsible bidder

meeting the specifications of the project including Base Bid and Alternate Nos.1 and 2. The cost will be paid from Funds 21, 25, 35, 40 and 98.

<b>Contractor</b>	<b>Base Bid including Allowances</b>
PacWest Corporation	\$4,867,000.00
Alt. No. 1 (Energy Management System at San Andreas HS)	\$61,000.00
Alt. No. 2 (Energy Management System at Sierra HS)	\$50,000.00
<b>Award Total</b>	<b>\$4,978,000.00</b>

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

9.34 - Ratification of Approved Change Orders

BE IT RESOLVED that the Board of Education ratifies the District approved change orders from July 1, through December 31, 2011, for the following projects:

**Group 2 - Modernization**

Mt. Vernon ES

Rio Vista ES

Roosevelt ES

**Group 5 - Modernization**

Hillside ES

Hunt ES

**Group 6 - Modernization**

Anderson ES

Del Rosa ES

Monterey ES

**Group 7 - Modernization**

Ramona-Alessandro ES

Bradley ES

Marshall ES

Warm Springs ES

**Group 9 - Modernizations**

Inghram ES

Lytle Creek ES

Richardson PREP

Serrano MS

Urbita ES

**Group 11 - Modernization**

Barton ES

Burbank ES

Emmerton ES

Lankershim ES

**New Sites**

Indian Springs HS/Curtis Modernization

Middle College HS

**Other Projects**

Hunt ES - Phase II

**Nutrition Services**

9.35 - Cafeteria Warrant Register, February 1, 2012, through February 29, 2012

BE IT RESOLVED that the Cafeteria Warrant Register, February 1, 2012, through February 29, 2012, be approved.

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

**HUMAN RESOURCES DIVISION**

9.36 - Payment of Master Teacher – National University

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during Fall 2011, as provided for in the Agreement with National University, as follows:

Daniel Gusman            \$300.00

9.37 - Payment of Master Teachers – California State University San Bernardino

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during the Winter Session 2012, as provided for in the Agreement with California State University San Bernardino, as follows:

Barker, Edmund	\$166.70	Massicotte, Steve	\$166.70
Barta, Deborah	\$166.70	Montpas, Angela	\$166.70
Brading, Darla	\$166.70	Morris, Cassandra	\$166.70
Bunyea, Jeff	\$166.70	Moyer, Marsha	\$166.70
Burke, Terri	\$166.70	Paige, Rosalinda	\$166.70
Cheney, Karrie	\$166.70	Paz, Elva	\$166.70
Cook, Adrienne	\$166.70	Posiviata, Susan	\$166.70
De Jesus, Gloria	\$166.70	Quesada, Rebecca	\$166.70
Dogero, Diana	\$166.70	Ross, Tracey	\$166.70
Erwin, Karen	\$166.70	Sadlier, Catherine	\$166.70
Gomez, Elizabeth	\$166.70	Stanfield, Sherri	\$166.70
Hallberg, Lisa	\$166.70	Tesmer, Christina	\$166.70
Kubitza, Andrew	\$166.70	Thomson, Clifford	\$166.70
Light, Larry	\$166.70	Williams, Miriam	\$166.70
Loera, Denise	\$166.70	Williams, Vicky	\$166.70

9.38 – Emergency Electrical Repair at Bing Wong Elementary School

BE IT RESOLVED that the Board of Education unanimously approves an emergency request to the County Superintendent of Schools asking for approval to enter into any necessary contract(s) in writing or otherwise on behalf of the District for the repair and restoration of the electrical distribution system at Bing Wong Elementary School without advertising for or inviting bids.

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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 documents deemed necessary for the restoration of the buildings.

### **SUPERINTENDENT**

#### **9.1 - Amendment No. 6 of the Agreement with Michael J. O'Day and Associates, Victorville, California, to Conduct Background Investigations for School Police and Security Personnel Employee Candidates**

Judi Penman asked for clarification. Yolanda Ortega reported that this company does background checks for School Police applicants.

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 amending the agreement with Michael J. O'Day and Associates, Victorville, California, approved by Board on June 7, 2011, Agenda Item 9.51. The amendment is necessary to add \$5,200.00 to the original fee of \$6,000.00 for an aggregate total not to exceed \$11,200.00 to conduct background investigations for School Police and security personnel employee candidates. The additional fee will be paid from the Unrestricted General Fund—School Police, Account No. 079. 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.

### **10.0 - Action Items**

#### **10.2 - Child Development Classes and Funding**

Lynda Savage made a motion to maintain current levels of Child Development classes. Bobbie Perong seconded the motion.

Michael Gallo stated that new cuts from the General Fund will need to be made to cover this. Mr. Gallo recommended that the Board discuss funds first.

Judi Penman agreed with Mr. Gallo. They have to look at things practically.

Danny Tillman stated that the District will lose more money from lost ADA than the program will cost.

Lynda Savage withdrew her motion so she could hear Yolanda Ortega's report. Bobbie Perong withdrew her second.

Yolanda Ortega stated that Tier 3 programs are the best place to look for additional budget cuts (see page \_\_\_\_).

Danny Tillman stated that the Board hasn't agreed to change their priorities.

Bobbie Perong asked if Staff finds money for programs that the Board sweeps if they run out of supplies. Yolanda Ortega stated that sites have other resources.

Danny Tillman recommended waiting to take action on the budget until Mohammad Islam is present. The May Revise could be worse. There is no reason to be in an emergency mode. This agenda item does not properly notify people of this discussion.

Michael Gallo asked what Mr. Islam thinks of this. Yolanda Ortega stated that Mr. Islam provided the list. Mr. Gallo asked if anyone could address the program side. Kennon Mitchell stated that he would need a day or two to analyze the impact. Eliseo Davalos stated that schools have become accustomed to end-of-the-year sweeps. The reduction to the School & Library Improvement Block Grant could be a problem. Sandy Gonerig stated that the program is the only flex money that schools have.

It was the consensus of the Board to table any action on the budget until April 3.

Lynda Savage stated that she wants the preschool program to continue, but doesn't want it to be the #1 funding priority.

Upon motion by Member Savage, 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 as amended.

BE IT RESOLVED that the Board of Education authorizes maintaining current levels of Child Development classes and absorbing a general fund encroachment of \$190,950.00 for the 2012-13 school year, based on the Board's funding priorities.

President Flores moved action item 10.6 forward on the agenda.

#### 10.6 - School Name Request

The Board has received a request to name a school after former Ramona Alessandro Elementary School Principal Jack Oakes.

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Member Tillman made a motion to rename Little Mountain Elementary School the Jack Oakes Elementary School; Member Gallo seconded the motion. Because unanimous Board approval is required, the motion failed by the following vote: Yeses: Gallo, Hill, Savage, and Tillman; Noes: Flores, Penman, and Perong.

Judi Penman stated that she wants to be consistent with the process. Jack Oakes was well respected, but her role is to look at the entire picture. Bob Henley, Chuck Terrell, Rabbi Hillel Cohen, Lou Yeager, and Colonel Paul Green have given a lot to our community. Mrs. Penman recommended that they name a field or library for Mr. Oakes instead, or send his name to the Superintendent's School Naming Committee.

Bobbie Perong stated that we have a process in place and can't keep breaking the rules. The Board can request sending it to the committee. We need to follow our own rules.

Margaret Hill stated that Dorothy Inghram doesn't have a school named for her, but it didn't bother her. Mrs. Hill stated that she doesn't see anything wrong with doing things with passion. The Board doesn't always follow policy.

Mr. Tillman stated that the Board does things out of the ordinary. Board members changed their minds on budget priorities after they voted on them.

Barbara Flores reported that she served on the School Naming Committee and agrees with Judi Penman and Bobbie Perong. We need to follow the policy. Dr. Flores recommended submitting Dorothy Inghram's name to the committee as well.

Michael Gallo asked if Little Mountain Elementary School is an existing school. John Peukert stated that it has a CDE number that has been recorded. Mr. Tillman stated that it is a new school. Dr. Flores stated that it is an existing school. They already had a groundbreaking ceremony. Mr. Peukert offered to meet with Mr. Oakes' family to see if there is another option.

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 approves sending the request to name a school after former Ramona Alessandro Elementary School Principal Jack Oakes to the Superintendent's School Naming Committee.

### 10.3 - Board Meeting Norms

Margaret Hill read a proposal for Norms for Effective Deliberation. Barbara Flores stated that this will be agendized for the April 3 Board meeting.

10.4 - Unfunded Priorities

At the February 21, 2012 Board meeting, the Board adopted a budget cut plan to reach the \$21.7 million in estimated required cuts. As a part of the Board Adopted Cut Plan, the Board identified and prioritized three (3) categories to be restored and a 4<sup>th</sup> category of expenditure if negotiations resulted in additional savings to be applied toward the restoration of the cuts and additional expenditures in the following priority:

<u>Restoration</u>	<u>FTE</u>	<u>Estimated Amount</u>	
<b>Priority #1</b>			
Elementary Counselors – Shared Schools	10.00	\$ 905,621	(ongoing)
Middle School Counselors	4.00	\$ 329,776	(ongoing)
<b>Priority #2</b>			
Class Size Increase from 30:1 to 33:1	24.52	\$1,561,826	(ongoing)
<b>Priority #3</b>			
Increase Walking Distance by ½ mile (K-6)		\$ 750,000	(ongoing)
Eliminate High School Transportation		\$ 643,848	(ongoing)

Purchase

<b>Priority #4</b> Textbooks – New Adoption (to be paid over three years @ \$3,000,000 per year)		\$9,000,000	(one-time)
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Priorities cannot be implemented until funding is available.

Michael Gallo made a motion to revise the list of priorities, placing textbooks as #1. Mr. Gallo stated that less than 20 percent of our students are proficient in Language Arts and Math. Twenty percent of our schools are in some form of program improvement. Math scores improved after getting new textbooks. In 2009, the Board said they would do this in the 2011-12 school year. Michael Gallo asked the publishers how long they will extend their financing offer. Stan Paz, Vice President, McGraw Hill, stated that there is no guarantee it will be extended.

Judi Penman seconded the motion. We need to trust and believe our managers. We need to cater to high-achieving students and have these books.

Danny Tillman stated that he is opposed to having textbooks as the #1 priority. There is no direct correlation to buying books for tests in 2014-15. The state is recommending supplemental materials. Mr. Tillman recommended moving Child Development Programs to #1 and leaving the rest in the same order.

Bobbie Perong stated that the program improvement status is because of the community, not the lack of books. She is not sure they need the new books now. Reestablishing transportation will generate ADA. Mrs. Perong asked for the cost of staff development. Eliseo Davalos stated that there are three options—purchase *Treasures*, create our own materials, or do nothing. The next opportunity to purchase books is 2018-19. Mrs. Perong asked if the publishers would let us buy them next year if we have the money. Dr. Davalos stated that we don't know if they will offer the financing next year. Mrs. Perong stated that she is not in favor of changing their priorities.

Margaret Hill reported that four District schools have the highest scores in California. They will do well with what they have. The Board voted that they want students to have hands-on opportunities, and now we want to give them books. Books aren't the most important thing. Mrs. Hill stated that the Board voted on priorities and she doesn't support books as a priority.

Lynda Savage stated that she supports the Child Development Program and transportation as the top two priorities. They can wait another year for books.

Barbara Flores stated that staff is important, but we have 50,000 students that are low performing. Common core standards are rigorous and teachers don't have the tools to meet these high standards. Dr. Flores stated that they should move up transportation and preschool and move textbooks ahead of returning counselors and class size reduction.

Michael Gallo's motion to revise the priorities and place textbooks as #1 failed by the following vote: Yeses: Flores, Gallo, and Penman; Noes: Hill, Perong, Savage, and Tillman.

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

BE IT RESOLVED the Board of Education agrees to modify and adopt a revised priority.

**Priority #1**

Maintain current levels of Child Development classes and absorb a general fund encroachment of \$190,950.00 for the 2012-13 school year.

<u>Restoration</u>	<u>FTE</u>	<u>Estimated Amount</u>	
<b>Priority #2</b>			
Increase Walking Distance by ½ mile (K-6)		\$ 750,000	(ongoing)
Eliminate High School Transportation		\$ 643,848	(ongoing)
<b>Priority #3</b>			
Elementary Counselors – Shared Schools	10.00	\$ 905,621	(ongoing)
Middle School Counselors	4.00	\$ 329,776	(ongoing)
<b>Priority #4</b>			
Class Size Increase from 30:1 to 33:1	24.52	\$1,561,826	(ongoing)

Purchase

**Priority #5**

Textbooks – New Adoption (to be paid over three years @ \$3,000,000 per year)	\$9,000,000 (one-time)
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Priorities cannot be implemented until funding is available.

10.5 - K-12 Language Arts Textbook Adoption

This item was tabled. See discussion under 10.2.

10.7 - Personnel Report #18, Dated March 20, 2012

Upon motion by Member Savage, seconded by Member Tillman, 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 Personnel Report #18, dated March 20, 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.

10.8 - Presentation of the San Bernardino Teachers Association (SBTA) Initial Contract Proposal to the District

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 adopts SBTA's initial contract proposal to the District.

**SESSION NINE - Closed Session**

**11.0 - Closed Session**

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

**Student Matters/Discipline**

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**Conference with Labor Negotiator**

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

**Public Employee Discipline/Dismissal/Release**

**Public Employee Appointment**

Title: Elementary Principal

**Conference with Legal Counsel: Anticipated Litigation**

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

Number of Cases: Four

**SESSION TEN – Open Session**

**12.0 - Action Reported from Closed Session**

Upon motion by Member Tillman, seconded by Member Hill, 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 appointment of the following employees:

WOODS, TONI: Elementary School Principal, effective date, work year and salary, to be determined. Budget: 05D.

WADE, KATHY: Elementary School Principal, effective date, work year and salary, to be determined. Budget: 05D.

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:

BE IT RESOLVED that the Board of Education approves the Settlement Agreement, #SUP-11-12-01, for \$10,000.00.

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**SESSION ELEVEN - Closing**

**13.0 - Adjournment**

Upon the affirmative vote of the members, the meeting was adjourned at 11:40 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, April 3, 2012, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.