

**San Bernardino City Unified School District**

Minutes of a Special Meeting of the Board of Education

**MINUTES  
ADOPTED  
2/15/11**

Community Room  
Board of Education Building  
777 North F Street  
San Bernardino, California

January 11, 2011

5:30 p.m.

Present: President Danny Tillman; Vice President Barbara Flores; Board Members Teresa Parra Craig, Judi Penman, Lynda Savage, and Elsa Valdez; Superintendent Arturo Delgado; Chief Business and Financial Officer Mohammad Islam, Associate Superintendent Mel Albiso, Assistant Superintendents, Yolanda Ortega, John Peukert, and Harold Vollkommer; and Superintendent's Assistant Phyllis Gronck. Minutes recorded by Administrative Assistant Jennifer Owens.

Absent: Board Member Louise Ayala and Deputy Superintendent Judy White.

**SESSION ONE - Opening**

**1.0 - Opening**

**1.1 - Call to Order**

President Tillman 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 - In Recognition of Martin Luther King Jr.**

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

**WHEREAS** The Reverend Martin Luther King, Jr. was born January 15, 1929, and dedicated his life to the pursuit of equality for all regardless of race, creed, or national origin; and

**WHEREAS** Dr. Martin Luther King, Jr. traveled to communities all across our nation and around the world to deliver his lectures and teach his belief of non-violent resolution; his words provided inspiration and sustenance to those in American society struggling against racism, poverty, and war; and

**WHEREAS** Dr. Martin Luther King, Jr. delivered the most famous of his speeches, which is known as “I Have A Dream,” during the greatest civil rights demonstration in the history of our nation, which was held on the steps of the Lincoln Memorial in Washington, D.C. on August 28, 1963; and

**WHEREAS** Dr. Martin Luther King, Jr. paid the ultimate sacrifice for his beliefs when he was assassinated on April 4, 1968, and to remember the life, work, and dream of Dr. Martin Luther King, Jr. a national holiday was first observed on January 20, 1986, and continues to be observed annually in his honor on the third Monday of January;

**NOW THEREFORE, BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District hereby encourages all the schools of the District to take this opportunity to express their heartfelt appreciation for Dr. Martin Luther King Jr. and to honor his legacy as a man of determination, dignity, and strength.

2.2 - Recognition of Yellow Ribbon Week

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

**WHEREAS** the Board of Education of the San Bernardino City Unified School District has a longstanding record of demonstrating its commitment to safe schools; and

**WHEREAS** the Board welcomes the opportunity to join with others in our community and state in proclaiming that the present and future well-being of our students requires safe schools; and

**WHEREAS** the District continues to support ongoing efforts to prevent campus crime and violence, develop conflict-resolution skills, suppress gang activities, and eliminate weapons on campus; and

**WHEREAS** the District encourages employees, parents, students, and members of the community to wear yellow ribbons to demonstrate a commitment to safe schools;

**THEREFORE, BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District hereby declares January 16-22, 2011, as Yellow Ribbon Week and encourages all our employees and students to help rid our schools of violence.

### **SESSION THREE – Student Report/School Showcase**

#### **3.0 - Student Report/School Showcase**

##### **3.1 - Pacific High School**

Jazmin Ramirez, Student Board Representative from Pacific High School, presented a report of student activities taking place at the high schools during the month of January. Principal Tex Acosta discussed highlights and career pathways at his school. Elsa Valdez suggested that Mr. Acosta consider internships for his students that could lead to part-time jobs. Teresa Parra Craig stated that the District needs to look at partnering business trades with the schools.

### **SESSION FOUR - Administrative Reports**

#### **4.0 - Administrative Reports**

##### **4.1 - Approval to Amend Board Policy 6142.7 (Physical Education) Second Reading**

Based upon the Board's request to review current District policies and practices regarding Marching Band and to offer credit in a similar fashion as nearby districts, we recommend the following addition to the board policy:

San Bernardino City USD | 6000 | BP 6142.7 Instruction

#### **Physical Education**

The Board of Education recognizes the positive benefits of physical activity for student health and academic achievement. The Board desires to provide an activity-focused physical education program that supports the district's coordinated student wellness program, builds interest and proficiency in movement skills, and encourages students' lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self-image, physical education activities should teach students how to cooperate in the achievement of common goals.

***The Board recognizes that a high school marching band may fulfill PE credit towards meeting graduation requirements when the teacher is credentialed in accordance with all state credentialing requirements. The marching band program will meet legally required objectives and state model content standards for physical education. This action will be retroactive to the beginning of the 2010-2011 school year.***

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- (cf. 5030 - Student Wellness)
- (cf. 5121 - Grades/Evaluation of Student Achievement)
- (cf. 6142.8 - Comprehensive Health Education)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6146.1 - High School Graduation Requirements)
- (cf. 6146.11 - Alternative Credits Toward Graduation)

Note: An Attorney General opinion (53 Ops.Cal.Atty.Gen. 230 (1970)) allows marching band classes to be included as part of the physical education program provided that the entire program substantially meets the objectives and criteria of Education Code 51220, adequately prepares students for state physical fitness performance tests, and is taught by a teacher holding a physical education credential. However, the CDE cautions that it is difficult to meet state content standards for physical education through a marching band class. If the district classifies marching band or similar activities as part of the physical education program, the Board should ensure that the program in its entirety meets legally required objectives and state content standards for physical education.

The Board shall approve the components of the physical education program. The district's program shall be aligned with state model content standards and curriculum frameworks for physical education and shall include a variety of kinesthetic activities, including team and individual sports, as well as aesthetic movement forms, such as dance.

Lynda Savage asked if all marching band teachers have this credential. Harold Vollkommer stated that when they recruit in the future, they will look for someone with the appropriate credential. Danny Tillman stated this will allow students to have two classes of band, which will fulfill the PE requirement. Dr. Delgado stated that this amendment is in response to a state requirement.

#### 4.2 - Budget Update

Mohammad Z. Islam, Chief Business and Financial Officer, reported that the Governor's proposed budget does not include cuts to K-12, but he feels it will be announced at a later date. The balance of cuts will be considered during a special election. The Governor is cutting public services and shifting responsibility to local agencies. Danny Tillman stated that compared to last year's budget, this is better. Mr. Islam stated that it looks good, but we have pre-existing budget cuts from prior years because we had one-time funding.

#### 4.3 - School Improvement Grant Update

Dr. Delgado stated that there is nothing new to report at this time.

## **SESSION FIVE – Other Matters Brought By Citizens**

### **5.0 - Other Matters Brought by Citizens**

Ruben Chavez, San Bernardino Valley College student, stated that AB 540 is important for students to study in a community college.

Gil Navarro, San Bernardino County School Board Member, invited Board members to attend the Mock Trial Awards on Thursday at 6 p.m. and a Behavioral Health Summit on Friday, February 18, at California State University, San Bernardino. Mr. Navarro stated that many students don't know they have AB 540 status. Teresa Parra Craig asked what District counselors are doing to inform students. Dr. Delgado stated that we are encouraging our counselors to get the word out. Mrs. Parra Craig asked how many students qualify. Daniel Arellano stated that we don't keep track of that number. Brochures are available at all sites for distribution. Mr. Arellano stated that AB 540 allows California high school students who have been enrolled for three years to be eligible to pay state tuition rates. They are not eligible for federal funding, but there are a lot of scholarships. Mr. Tillman asked if that information is available on the District's website. Linda Bardere reported that it is available on the Destination Graduation page.

Reverend Samuel Casey reported that on December 4, 2010, he and Danny Tillman co-presented a workshop entitled Parents Matter at the CSBA Annual Education Conference. Reverend Casey stated that his organization has been working with Latino and African American parent groups to get them involved with the schools. Judi Penman stated that the SIG school co-ops are an excellent opportunity bring community members, parents, and businesses together to assist. Mrs. Penman requested a list of the co-op members for each SIG school. Teresa Parra Craig recommending having a marketing plan to involve parents. Elsa Valdez asked Staff to bring back a plan for parent outreach. Danny Tillman stated that the Board told Staff to hold off until we received funds. We received SIG funds in December and now they can move forward. Dr. Delgado stated that Staff has been meeting with SIG schools to discuss this process. It is going to take the entire community to improve the schools.

Tanya Mena, Casa Ramona Senior, stated that she is an AB 540 student. Most Hispanic students don't know about it, so she tells them.

## **SESSION SIX - Reports and Comments**

### **6.0 - Report by Board Members**

Teresa Parra Craig reported that she has tried to refer vendors to District Staff, but Staff members don't respect Board members when they give them information. Local vendors shouldn't be overlooked. Danny Tillman recommended the Board have a discussion about the process. Judi Penman stated that if someone brings something to Staff's attention, it shouldn't fall through the cracks. Mrs. Penman supports local businesses which will benefit the District.

Elsa Valdez displayed a copy of an ad listing the Silver Schools of Achievement that was in today's issue of the *Sun*.

Danny Tillman reported that he attended a Black College Expo at the Los Angeles Convention Center with a group of students from his organization. There were 30 representatives from historically Black colleges. Students from Cajon and Arroyo Valley High School were also there. Some District students were accepted and some colleges were offering scholarships.

#### 6.1 - Legislative Update

None.

#### **7.0 - Report by Superintendent and Staff Members**

Dr. Delgado reported that the District has been named the San Bernardino County School District of the Year for the fitness challenge and we have been recognized by the state. The District received a flag from Supervisor Josie Gonzales that will be flown at the District office. Herff Jones has donated banners to District schools to advertise their accomplishments.

Dr. Delgado stated that Serrano Middle School was the school that sustained the most damage from the recent rains. The Maintenance and Operations staff did an excellent job in responding to the damage.

Dr. Delgado announced that James Ramos, Chairman of the San Manuel Band of Indians and member of the San Bernardino Community College Board of Trustees, and Carl Cohn, former Superintendent of the San Diego Unified School District, have been named to serve on the State Board of Education. Dr. Delgado stated that both men are fair minded and understand the District.

Dr. Delgado announced the District will partner with the Claremont Colleges. Sixteen math teachers will receive tuition to earn their masters to become fully credentialed math teachers.

### **SESSION SEVEN - Legislation and Action**

#### **8.0 - 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 8.7, 8.15, 8.25, 8.26, and 8.27 were held for later consideration.

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Upon motion by Member Savage, seconded by Member Tillman, and approved by the affirmative vote of Members Penman, Savage, Tillman, and Valdez (Noes: None; Abstentions: Parra Craig; Absent for Vote: Flores), the following were adopted:

8.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on November 23, and December 7, 2010, be approved as presented.

8.2 - Compensation for School Board Members

BE IT RESOLVED that the Board of Education approves compensation for Board Member Louise Ayala for the December 21, 2010 School Board meeting.

8.3 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$300.00, Edison International; \$175.00, Jong Hee; \$1,600.00, Cypress Parent Booster Club; \$367.61, Target-Take Charge of Education; \$1,000.00, Dick & Donna Roth; \$150.00, Lifetouch; and \$300.00, Jose Chavez.

8.4 - 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:

Deborah Stratton Rebecca Hlebasko (Board Representatives)	To attend the California Association for the Gifted 49 <sup>th</sup> Annual Conference, in Palm Springs, CA, February 27, 2011. Total cost, including meals and mileage per District guidelines, not to exceed \$250.00, will be paid from Richardson PREP HI Account No. 501.
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8.5 - 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 2010-11 school year and approves payment to the following:

Rich Blagden for two presentations entitled "Achieve Science" on January 14, and February 7, 2011. The cost, not to exceed \$1,990.00, will be paid from Kendall Elementary School Account No. 501.

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Enrique D. Melendez from Universal Technical Institute for various presentations at San Andreas High School throughout the remainder of the 2010-11 school year, beginning January 25, 2011. The presentations will be made at no cost to the District.

Emily Nehring from WyoTech for various presentations at Sierra High School throughout the remainder of the 2010-11 school year, beginning January 25, 2011. The presentations will be made at no cost to the District.

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

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

Craig Tucker, LCSW, Redlands, CA, to present a partial-day training on how to create and implement a positive behavior support program to District staff on January 20, 2011. The fee, not to exceed \$165.00, will be paid from the Restricted General Fund—ESEA Title I, Account No. 501.

John Schacter, Ph.D., of the Teaching Doctors, Stanford, CA, to provide a one-day workshop to District teachers and administrators of Mild/Moderate students on February 7, 2011. The teachers and administrators will learn about reading comprehension strategies and developing their use in the classroom. The fee, not to exceed \$3,500.00, will be paid from the Restricted General Fund—ARRA-IDEA, Part B-611, Local Assistance, Account No. 534.

Scholastic Education, Jefferson City, MO, to provide one-day training to District teachers and administrators to implement FASTT (Fluency and Automaticity through Systematic Teaching) math program on January 27, 2011. The teachers and administrators will understand how to use FASTT Math Software to allow them to utilize student management and to monitor student progress. The fee, not to exceed \$2,899.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 507.

8.8 - Credit For Lost Average Daily Attendance (ADA) Due to the H1N1 Flu Virus

BE IT RESOLVED that the Board of Education certifies that San Bernardino City Unified School District had a material decrease in ADA for the period covering July 28, 2009, through March 16, 2010, due to the H1N1 flu virus.

BE IT FURTHER RESOLVED that the Board of Education authorizes the filing of Form J-13A and requests approval by the County Superintendent of Schools for the material decrease in ADA for the period covering July 28, 2009, through March 16, 2010.

8.9 - Extended Field Trip, San Gorgonio High School, 2011 Florida League High School Invitational, Orlando, Florida

BE IT RESOLVED that the Board of Education approves the extended field trip for 15 San Gorgonio High School students and 3 District employees, to attend the 2011 Florida League High School Invitational in Orlando, Florida, March 28, through April 1, 2011. The cost of the trip, not to exceed, \$23,000.00, including meals and lodging for 15 San Gorgonio High School students and 3 District employees, will be paid from San Gorgonio High School Baseball Team Account. Transportation to and from Ontario Airport will be provided by students' parents, at no cost. Names of the students are on file in the Business Services office.

8.10 - Agreement with 16<sup>th</sup> Street Seventh-day Adventist Church Homework Center as a Community-Based Homework Center

BE IT RESOLVED that the Board of Education approves entering into an agreement with the 16<sup>th</sup> Street Seventh-day Adventist Church Homework Center, San Bernardino, CA, to provide a community-based homework center for District students, effective February 1, through June 30, 2011. The center will provide District homeless and at-risk students with academic support outside the school environment. The center will encourage learning, reinforce skills, and provide community involvement to increase the academic success of all students. The goal is to increase test scores, decrease retention rates, and improve attendance by the implementation of the homework center. The cost, not to exceed \$12,500.00, will be paid from the Restricted General Fund—ARRA Education for Homeless Children and Youth, Account No. 587.

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

8.11 - Agreement with Bonnie Adama to Teach Strategies to Teachers to Support Number Sense at Barton Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Bonnie Adama, Redlands, California, to teach strategies to teachers including demonstration lessons with students to support the schoolwide focus on number sense, effective January 12, through June 2, 2011. The cost, not to exceed \$10,000.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 507.

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

8.12 - Agreement with Get Ahead Writing, LLC, to Provide Staff Training in Direct Application of Writing Application Standards – Barton Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Get Ahead Writing, LLC, Fullerton, CA, to provide training in direct application of writing application standards to District staff, and a Writing Boot Camp for 4<sup>th</sup> Graders, effective January 12, through June 30, 2011. The services will include 20 days of on-site training. The cost for services, not to exceed \$26,000.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 507.

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

8.13 - Agreement with Get Ahead Writing, LLC, to Provide Staff Training in Direct Application of Writing Application Standards – Davidson Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Get Ahead Writing, LLC, Fullerton, CA, to provide training in direct application of writing application standards to District staff, and a Writing Boot Camp for 4<sup>th</sup> Graders, effective January 12, through June 30, 2011. The services will include 20 days of on-site training. The cost for services, not to exceed \$26,000.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 507.

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

8.14 - Agreement with Get Ahead Writing, LLC, to Provide Staff Training in Direct Application of Writing Application Standards – Wilson Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Get Ahead Writing, LLC, Fullerton, CA, to provide training in direct application of writing application standards to District staff, and a Writing Boot Camp for 4<sup>th</sup> Graders, effective January 12, through June 30, 2011. The services will include 20 days of on-site training. The cost for services, not to exceed \$26,000.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 507.

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

8.16 - Agreement with the School Innovations & Advocacy (SI&A) to Provide Assistance in Preparation and Filing of Reimbursement Claims for State Mandated Programs

BE IT RESOLVED that the Board of Education approves entering into an agreement with School Innovations & Advocacy (SI&A), Rancho Cordova, CA, to provide professional assistance in the preparation and filing of reimbursement claims for State Mandated Reimbursement Programs, effective January 12, through December 31, 2011, with an option to renew annually, not to exceed three years total. SI&A will prepare and file reimbursement claims for the 2009-10 fiscal year and prior years' claims, if applicable. SI&A will also develop a site service plan and site-based training for each school site and departments. The total fee of \$106,000.00 will be fully reimbursed under the State Mandated Reimbursement Program (MRP). Therefore, there will be no cost to the General Fund.

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

8.17 - Facilities Use Agreement with New Hope Missionary Baptist Church

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with New Hope Missionary Baptist Church, San Bernardino, CA, effective January 18, through June 30, 2011. The fee of \$1,150.00 will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

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

8.18 - Approval to Process Payments for Pending Change Orders for Group 5 Modernization Projects at Hillside and Hunt Elementary Schools - Plyco Corporation

BE IT RESOLVED that the Board of Education approves the processing of payments for change orders pending Division of State Architect (DSA) approval for Plyco Corporation, Mira Loma, CA, General Contractor for Group 5 Modernization Projects at Hillside and Hunt Elementary Schools, 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.

8.19 - Amendment of the Local Agreement for Child Development Services with the California Department of Education for Use in Accordance with the Program Requirements for General Child Care and Development Programs

BE IT RESOLVED that the Board of Education approves amending the Local Agreement for Child Development Services with the California Department of Education for the purpose of providing funding for general child care and development programs, effective July 1, 2010, through June 30, 2011, approved by the Board on June 15, 2010, Agenda Item 10.63. The amendment is necessary to reduce the reimbursable amount of \$1,921,766.00 by \$513,462.00 for a new Maximum Reimbursable Amount (MRA) of \$1,408,304.00. 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.

8.20 - Amendment of the Local Agreement for Child Development Services with the California Department of Education for Use in Accordance with the Program Requirements for General Child Care and Development Programs

BE IT RESOLVED that the Board of Education approves amending the Local Agreement for Child Development Services with the California Department of Education for the purpose of providing funding for general child care and development programs, effective July 1, 2010, through June 30, 2011, approved by the Board on June 15, 2010, Agenda Item 10.63. The amendment is necessary to note the following changes in the items: The Maximum Rate per child day of enrollment payable pursuant to the provisions of the agreement shall be amended by deleting reference to \$34.38 and inserting \$34.29 in place thereof; and The Minimum Child Days of Enrollment (CDE) Requirement shall be amended by deleting reference to 55,897.8 and inserting 56,045.0 in place thereof. 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.

8.21 - Amendment of the Local Agreement for California State Preschool Program with the California Department of Education, Contract Number CSPP-0442, for Use in Accordance with the Program Requirements for the State Preschool Program

BE IT RESOLVED that the Board of Education approves amending the Local Agreement for Child Development Services with the California Department of Education for the purpose of

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providing funding for the state preschool program, effective July 1, 2010, through June 30, 2011, approved by the Board on July 6, 2010, Agenda Item 9.28. The amendment is necessary to reduce the reimbursable amount of \$7,139,866.00 by \$2,223,210.00 for a new Maximum Reimbursable Amount (MRS) of \$4,916,656.00. 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.

8.22 - Amendment 2 of the Local Agreement for California State Preschool Program with the California Department of Education, Contract Number CSPP-0442, for Use in Accordance with the Program Requirements for the State Preschool Program

BE IT RESOLVED that the Board of Education approves amending the Local Agreement for Child Development Services with the California Department of Education for the purpose of providing funding for the state preschool program, effective July 1, 2010, through June 30, 2011, approved by the Board on July 6, 2010, Agenda Item 9.28. The amendment is necessary to note the following changes: The Maximum Rate per child day of enrollment payable pursuant to the provisions of the agreement shall be amended by deleting reference to \$34.26 and inserting \$34.29 in place thereof; and The Minimum Child Days of Enrollment (CDE) Requirement shall be amended by deleting reference to 208,402.4 and inserting 208,220.0 in place thereof. 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.

8.23 - Settlement Agreement with HCH Constructors-Managers, Inc. Re-Bid No. F06-04 for Arrowview Middle School Modernization Project

BE IT RESOLVED that the Board of Education approves the settlement agreement between HCH Constructors-Managers, Inc., Temecula, CA, and the District in the amount of \$45,000.00 as settlement agreement for the scaling problem discovered in the chiller installed by HCH at the Arrowview Middle School Modernization Project, Re-Bid No. F06-04. The District will offset the \$45,000.00 from HCH's contract retention amount and release the remaining amount, plus accrued interest to HCH. This amount is the full and final satisfaction of the claim.

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

8.24 - Request to Substitute Subcontractor Pursuant to Public Contract Code Section 4107 - Masonry

BE IT RESOLVED that the Board of Education approves the request by the general contractor, Great West Contractors, Inc., Bid F08-06, for Mt. Vernon, Rio Vista, and Roosevelt Elementary Schools (Group 2) Modernization Projects, to release New Earth Construction, the masonry subcontractor, from their obligation on the projects, and to substitute Imac Construction, Inc., Corona, CA, as the masonry subcontractor, pursuant to Public Contract Code Section 4107. There is no additional cost. 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 any required documents to effect said substitution.

8.28 - 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.

8.29 - 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:

8.30 - 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:

1/31/2002

8.31 - 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.

8.32 - 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:

8/14/1994

8.33 - 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:

8.34 - 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.

8.35 - Education Code 48213

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.

Board members requested clarification on the following items.

Upon motion by Member Parra Craig, seconded by Member Tillman, and approved by the affirmative vote of Members Parra Craig, Penman, Savage, Tillman, and Valdez (Noes: None; Absent for Vote: Flores), the following were adopted:

8.7 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the increase of \$360,866.00 in the budgeting of revenue and expenditures for the unrestricted program, Fund 01-Adult Education CalWorks & ROP Program (132).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$5,350.00 in the budgeting of revenue and expenditures for the restricted program, Workability 1 Program (437).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$139.00 in the budgeting of revenue and expenditures for the restricted program, Special Education Low Incidence (440).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$124,664.00 in the budgeting of revenue and expenditures for the unrestricted program, Mandate Reimbursement Process Program (MRP).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$513,562.00 in the budgeting of revenue and expenditures for the restricted program, Fund 12-Child Development (250).

BE IT FURTHER RESOLVED that the Board of Education approves the reduction of \$2,223,210.00 in the budgeting of revenue and expenditures for the restricted program, Fund 12-State Preschool Program (102, 103, 251, 252).

8.15 - Agreement with the Parent Institute for Quality Education to Provide Training for Parents of District Students Enrolled at Golden Valley Middle School

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Parent Institute for Quality Education, El Monte, CA, to provide training for approximately 60 parents of District students enrolled at Golden Valley Middle School, effective January 19, through March 16, 2011. The Parent Institute will recruit parents by phone, provide a needs assessment session, and provide a series of weekly training sessions. The training sessions will culminate in a graduation with certificates given to parents who attend four sessions. The training will provide the skills and techniques that will enable parents to address the educational needs of their school-aged children. The cost, not to exceed \$4,800.00, 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 all related documents.

8.25 - Request to Substitute Subcontractor Pursuant to Public Contract Code Section 4107 - Ornamental Fencing

BE IT RESOLVED that the Board of Education approves the request by the general contractor, Try Kirtley General Engineering, Bid F09-14, for the Bing Wong Elementary School and Curtis Middle School Retention Basin Repair Project, to release Powers Precision Welding, the ornamental fencing subcontractor, from their obligation on the projects, and to self-perform the work, pursuant to Public Contract Code Section 4107. There is no additional cost. 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 any required documents to effect said substitution.

8.26 - Resolution Approving the Annual and Five-Year Report for Fiscal Year 2009-2010 in Compliance with Government Code Sections 66006 and 66001

RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT RELATING TO INFORMATION MADE AVAILABLE TO THE PUBLIC IN THE FORM OF A STATUTORY SCHOOL FACILITY FEES INCLUDING ALTERNATIVE SCHOOL FACILITY FEES (“REPORTABLE FEES”) REPORT FOR FISCAL YEAR 2009-2010 (“REPORTABLE FEES REPORT”), AND FINDINGS THEREON, IN COMPLIANCE WITH GOVERNMENT CODE SECTIONS 66006 AND 66001

WHEREAS, the San Bernardino City Unified School District (“District”) has received and expended statutory and/or alternative school facilities fees (“Reportable Fees”) in connection with school facilities (“School Facilities”) of the District for new development, and these funds have been deposited in a separate capital facilities account as provided by Government Code Section 66006(a); and

WHEREAS, in accordance with Government Code Section 66006(a), the District has established and maintained a separate capital facilities account and maintained such separate capital facilities accounts in a manner to avoid any commingling of the Reportable Fees with other revenues and funds of the District, except for temporary investments, and has expended those Reportable Fees collected for the sole purpose for which they were collected; and

WHEREAS, Government Code Section 66006(b)(1) provides that the District shall make available to the public within one hundred eighty (180) days after the last day of each fiscal year a written report; and

WHEREAS, Government Code Section 66001(d) provides that for the fifth fiscal year following the first deposit into the account, and every five (5) years thereafter, the District shall make findings with respect to the capital facilities account fund that remain unexpended; and

WHEREAS, when findings are required by Government Code Section 66001(d), they shall be made in connection with the information required by Government Code Section 66006; and

WHEREAS, Government Code Section 66006(b)(2) requires that the governing body of the District review the information made available to the public at a regularly scheduled public meeting and any other relevant information including, but not limited to, that certain Reportable Fees Report prepared by the District entitled, "The San Bernardino City Unified School District Annual and Five-Year Reportable Fees Report for Fiscal Year 2009-2010, in Compliance with Government Code Sections 66006 and 66001" not less than fifteen (15) days after this Reportable Fees Report is made available to the public; and

WHEREAS, the District has complied with all of the foregoing provisions.

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

Section 1. That the Board does hereby find and determine that the foregoing recitals and determinations are true and correct.

Section 2. That pursuant to Government Code Sections 66001(d) and 66006(b)(1) and (2), the District has made available to the public the requisite information and proposed findings concerning the collection and expenditure of Reportable Fees related to School Facilities for new development within the District.

Section 3. That the Board of the District at a public meeting has reviewed the following information pursuant to Government Code Section 66006(b)(1), as is required by Government Code Section 66006(b)(2), including:

- (A) A brief description of the type of Reportable Fees in the account;
- (B) The amount of the Reportable Fees;
- (C) The beginning and ending balance of the account;
- (D) The amount of Reportable Fees collected and the interest earned;
- (E) An identification of each Project on which Reportable Fees were expended and the amount of the expenditures on each Project, including the total percentage of the cost of the Project that was funded with Reportable Fees
- (F) An identification of an approximate date by which the construction of the Project will commence if the District determines that sufficient funds have been collected to complete financing on an incomplete Project, as identified in Section 66001(a)(2), and the Project remains incomplete;
- (G) A description of each interfund transfer or loan made from the account, including the Project on which the transferred or loaned Reportable Fees will be expended,

- and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account will receive on the loan; and
- (H) The amount of refunds made pursuant to Section 66001(e) and any allocations pursuant to Section 66001(f).

Section 4. That the Board of the District at a public meeting has reviewed the proposed findings, as required by Government Code Section 66001(d), including:

- (1) Identification of the purpose to which the Reportable Fees are to be put;
- (2) Demonstration of a reasonable relationship between the Reportable Fees and the purpose for which they are charged;
- (3) Identification of all sources and amounts of funding anticipated to complete financing of Projects of the District; and
- (4) Designation of the approximate dates on which the funding referred to in paragraph (3) is expected to be deposited into the appropriate account.

Section 5. That the Board of the District hereby determines that all Reportable Fees, collections and expenditures have been received, deposited, invested and expended in compliance with the relevant sections of the Government Code and all other applicable laws for the fiscal year 2009-2010.

Section 6. That the Board of the District hereby determines that no refunds and allocations of Reportable Fees, as required by Government Code Section 66001, are deemed payable at this time.

Section 7. That the Board of the District hereby determines that the District is in compliance with Government Code Section 66000, *et seq.*, relative to receipt, deposit, investment, expenditure or refund of Reportable Fees received and expended relative to School Facilities for new development for the fiscal year 2009-2010.

#### 8.27 - 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:

\*6/10/2001      \*(S)8/5/1996      \*\*(S)6/15/1996      \*(S)1/7/1995      \*(S)8/14/1994      \*(S)12/4/1995  
\*\*(S)3/23/1994      \*(S)2/10/1999

\*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.

**9.0 - Action Items**

**9.1 - Professional Services Agreements for HVAC Systems Upgrades at Various District Sites**

Teresa Parra Craig asked when the Board approved the concept. John Peukert reported that it was in August 2010. Mrs. Parra Craig stated that Mr. Peukert could have redone this and asked Dr. Delgado to have a serious consideration of contracts. Judi Penman stated that they have asked for the list to be updated.

Upon motion by Member Savage, seconded by Member Tillman, and approved by the affirmative vote of Members Savage, Tillman, and Valdez (Noes: Parra Craig and Penman; Absent for Vote: Flores), the following was adopted:

BE IT RESOLVED that the Board of Education approves entering into professional services agreements with the following pre-qualified firms to provide HVAC systems upgrades at various District sites, effective January 12, 2011 through December 7, 2013. The estimated not-to-exceed costs, plus reimbursables, will be paid from Funds 21, 40, and 01 - Management 707, Deferred Maintenance.

<b>Group</b>	<b>Firm</b>	<b>Sites</b>	<b>Amount</b>
Group 1	Adolph Ziembra AIA & Assoc. Burbank, CA	San Bernardino HS	\$400,000.00
Group 2	Adolph Ziembra AIA & Assoc. Burbank, CA	Cajon HS, Pacific HS	\$300,000.00
Group 3	NTD Architecture San Dimas, CA	Arrowview, Del Vallejo, Golden Valley, King, Richardson, Serrano, Shandin Hills	\$600,000.00

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

9.2 - Approval to Amend Board Policy 6142.7 (Physical Education ) Second Reading

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

BE IT RESOLVED that the Board of Education receives the amendment to Board Policy 6142.7 as presented.

Board Member Barbara Flores arrived at 7:10 p.m.

9.3 - Personnel Report #13, Dated January 11, 2011

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

BE IT RESOLVED that the Personnel Report #13, dated January 11, 2011, be approved as amended (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.

The following items were deleted from pages 11 and 12:

~~ADDITIONAL ASSIGNMENTS~~

~~Approve the additional assignment of the following:~~

~~AGUILAR, VICTORIA: Substitute Clerical, \$11.93 per hour, Substitute Instructional, \$11.03 per hour, effective July 15, 2010.~~

~~AGUILAR, VICTORIA: Substitute Nutritional, \$10.20 per hour, effective September 1, 2010.~~

~~ALCANTARA, DEBORAH: Substitute Instructional, \$11.03 per hour, effective July 15, 2010.~~

~~BURKE, JOSEPH: Substitute Clerical, \$11.93 per hour, Substitute Instructional, \$11.03 per hour, Substitute Operations, \$12.65 per hour, effective April 15, 2010.~~

~~CORDOVA, CECILIA: Substitute Clerical, \$11.93 per hour, effective July 15, 2010.~~

~~FEENSTRA, AMANDA: Substitute Instructional, \$11.03 per hour, effective July 15, 2010.~~

~~HENDERSON JR., CARL: Substitute Operations, \$12.65 per hour, effective July 15, 2010.~~

~~TAVAREZ, GERMAN: Substitute Operations, \$12.65 per hour, effective August 2, 2010.~~

### **SESSION EIGHT - Closed Session**

#### **10.0 - 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: Yolanda Ortega  
Employee Organization: California School Employees Association  
San Bernardino School Police Officers Association

District Negotiator: Harold Vollkommer  
Employee Organization: Communications Workers of America  
San Bernardino Teachers Association

#### **Public Employee Discipline/Dismissal/Release**

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

Title: Director, Special Education  
Middle School Vice Principal

##### **Public Employee Evaluation**

Title: Superintendent

### **SESSION NINE – Open Session**

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

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

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

Board of Education Minutes  
January 11, 2011

APODACA, DAVID: Middle School Vice Principal, effective date, work year and salary, to be determined. Budget: 035

**SESSION TEN - Closing**

**12.0 - Adjournment**

By the affirmative vote of the members, the meeting was adjourned at 7:55 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, January 18, 2011, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.