

San Bernardino City Unified School District

Minutes of a Regular Meeting of the Board of Education

**MINUTES
ADOPTED
3/15/11**

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

February 15, 2011

5:30 p.m.

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

SESSION ONE – Budget Workshop

1.0 - Budget Workshop

1.1 - Budget Workshop

Mohammad Z. Islam, Chief Business and Financial Officer, presented a budget cuts plan for Fiscal Year 2011-12 for Board review and consideration (see page ____).

President Tillman reported that the District will need to cut \$9.5 million if the taxes are extended, or \$25 million if the taxes are not extended. The Board was able to give employees raises and reduce class sizes when money was available. Now, we have to find ways to eliminate costs.

Dr. Delgado introduced Mary Barlow, Deputy Administrative Officer, California School Information Services. Ms. Barlow recommended planning for March 15 layoff notices because we won't know the state budget by then. Education has taken disproportional cuts from the state. Ms. Barlow recommended that the Board plan for the \$25 million cut, and then go back and restore cuts if money becomes available. Danny Tillman stated that the \$25 million cut will involve negotiations. The Board has flexibility to reach the \$25 million mark.

Mr. Tillman asked if the associations have seen the list of possible cuts. Dr. Delgado stated that Staff has seen the list. Some recommendations came from the Board and some from the budget advisory groups. Mr. Tillman asked Staff to give the information to the associations to see which cuts they would like and schedule another meeting next week.

Dr. Delgado stated that SBTA surveyed their members. CSEA was invited to a budget advisory committee meeting, but they didn't send a representative.

It was the consensus of the Board to adjourn the workshop and resume discussions under Administrative Presentation 6.1.

SESSION TWO - Opening

2.0 - Opening

2.1 - Call to Order

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

2.2 - Pledge of Allegiance to the Flag

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

SESSION THREE - Special Presentations

3.0 - Special Presentations

3.1 - Outstanding Student Awards

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

Jones Elementary School

Somyr Banks, Isaac Ramos, and Jacqueline Reyes

Mt. Vernon Elementary School

Carmine Guillen, Christopher Guillen, and Sinai Pantoja

Salinas Creative Arts Elementary School

Cindy Alvarez, Elijah Davis, and Natalie Uribe

3.2 - Recognition of Presidents' Day

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

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

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

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

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

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

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

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

3.3 - Resolution to Support Placing a Revenue Extension Measure on the Ballot

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

WHEREAS, Governor Brown's 2011-12 budget proposal is a balanced approach between revenues and new cuts to solving the deficit and provides for an extension of temporary revenues to support programs our students need and deserve; and

WHEREAS, over the last several years, K-12 education funding has taken a disproportionate amount of budget cuts; and

WHEREAS, state and local funding for schools has been cut by more than \$18 billion, or about \$1,900 per student in the last three years; and

WHEREAS, the San Bernardino City Unified School District has cut \$117.2 million from its budget over the past three years as a result of ongoing statewide cuts to education funding; and

WHEREAS, the loss of \$7 billion in one-time federal funding further reduces school budgets; and

WHEREAS, to begin to reverse this downward spiral, Californians must retain the revenues that enable us to invest in our schools and students; and

WHEREAS, the governor's budget proposal to limit further cuts to schools in 2011-12 is dependent on voter approval of an extension of existing temporary tax increases; and

WHEREAS, the District expects our local legislators to work with the governor to protect schools from further cuts and to ensure the continued investment our students deserve; and

WHEREAS, the District opposes a cuts-only budget and supports a budget that is balanced with a combination of cuts and revenue extensions;

NOW, THEREFORE, BE IT RESOLVED that the San Bernardino City Unified School District supports placing a measure on the June 2011 ballot calling for a five-year revenue extension to protect our schools and students by making education a priority in our state.

3.4 - Resolution in Support of Arrowhead Regional Medical Center's 5K

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

WHEREAS the San Bernardino City Unified School District recognizes the positive benefits of physical activity for student health and academic achievement; and

WHEREAS students and employees are encouraged to participate in daily physical activity in accordance with the District's wellness policy; and

WHEREAS the Arrowhead Regional Medical Center's Community 5K Walk/Run on Saturday, March 12, 2011, will provide students and employees with an opportunity to exercise and receive valuable information on health and fitness;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District hereby encourages all the students and employees of the District to participate in the Arrowhead Regional Medical Center's Community 5K Walk/Run on Saturday, March 12, 2011.

President Tillman moved agenda item 6.2 forward on the agenda.

6.2 - Charter School Updates

Dr. Harold Vollkommer, Assistant Superintendent, Human Resources Certificated/Student Services, and Mohammad Z. Islam, Chief Business and Financial Officer, provided an update on the responses from Casa Ramona Academy and Public Safety Academy to the Notices of Opportunity to Cure and Correct (see page ____).

Board of Education Minutes
February 15, 2011

Lynda Savage asked if the Public Safety Academy is up to date on repaying their loan. Mohammad Islam stated that there is a timing issue, but we are monitoring it. Mrs. Savage asked for Staff's recommendation. Dr. Vollkommer stated that issues on the program side can be worked on. We have to monitor their finances very closely. Dr. Vollkommer recommended continuing to monitor them until their renewal date, which is in 2013.

Barbara Flores asked about uncorrected areas that were shown in the audit. Mr. Islam stated that if there were findings, they would have to be cured and corrected. There is a potential for a qualified or unqualified budget. Dr. Flores asked if the District would be liable for their debts. Dr. Delgado stated that as long as we do due diligence, we aren't liable.

Danny Tillman asked if Staff needed direction from the Board. Dr. Vollkommer stated only if the Board wants to do a revocation.

Mike Davis, Deputy Superintendent and CFO of PSA, expressed his appreciation for Mr. Islam's and Dr. Vollkommer's diligence. Mr. Davis believes some issues have been corrected. They will work on this together.

Board Member Elsa Valdez arrived at 6:30 p.m.

Sheree Jederberg, Secondary Education Director, stated that Casa Ramona submitted their courses for college approval, but it will take two to four months.

Dr. Flores asked what percent of Casa Ramona students are English learners. Dr. Vollkommer reported the figure is over 90 percent.

Harold Vollkommer reported that only one course has received approval as college prep. Elsa Valdez asked what that means to students who want to apply to UCs for CSUs. Dr. Jederberg stated that admissions directors would not look at their applications.

Lynda Savage asked for Staff's recommendation. Dr. Vollkommer stated that course approval is the most important. Charter schools don't have to offer A-G courses, but it is a matter of representation. This needs to be changed. The programmatic issues can be worked on. Mrs. Savage suggested they go back to a K-8 school until they get the course approvals.

Judi Penman stated that it is a four-month period for approval. If the student was taking the class and it is approved, would they then be qualified. Dr. Jederberg replied yes. Barbara Flores asked about former graduates and falsified transcripts. Dr. Flores expressed her concern about the Casa Ramona Board's integrity by not telling the parents the truth. She is also concerned about having 90 percent English learner students and no block of ELD instruction. Dr. Vollkommer stated that 28 courses have been submitted for approval and six have not. This doesn't prevent a student from applying, but they would be at a disadvantage.

Board of Education Minutes
February 15, 2011

Judi Penman thanked Staff for their work on this process. She feels that the process was started with a personal negativity. We have our challenges, including bullying. The Board needs to listen to both sides of the story.

Teresa Parra Craig asked about the \$1.3 million facilities grant that Casa Ramona intends to use to meet their ADA projections. Mr. Islam stated that charter schools have flexible rules. This could be problematic and is risky. Mrs. Parra Craig asked what would happen if the Board revokes their charter. Dr. Vollkommer stated that there are a number of appeal options. We could prepare it for the next Board meeting, but it would take as long as the renewal process. If the Board doesn't approve their renewal, they could go to the County. Mrs. Parra Craig stated that this is about the students that thought they had an opportunity. Casa Ramona said they would have A-G requirements.

Danny Tillman agreed with Mrs. Parra Craig. His motivation is to give students the best education possible and give parents their choice. We want to make sure that nothing is being done illegally or improperly. No Board has a reason to apologize for bringing up this process.

Esther Estrada thanked Staff for working with them. There are discrepancies. Universities have the discretion to accept students without the A-G requirements.

Emma Lechuga stated that students can apply to CSUs and UCs. That information was included in the Cure and Correct. They provide the CELDT test because of their 98 percent English learner population. Casa Ramona achieved WASC accreditation after one year. They embed ELD strategies in the curriculum.

Reuben Rivas, fourth grade teacher and teachers association president, stated that the teachers have agreed to some of the labor agreements. They would like to share letters from the students.

Gina Penman, mother of two Casa Ramona students, stated that she gets support from the teachers and school. The students have respect for adults and other students. Mrs. Penman hopes the Board will keep Casa Ramona open.

Minerva Clayton, Grade 7-8 principal, stated that they are working to address problems at the school. They are looking for ways to make students succeed.

Ruben Chavez, San Bernardino Valley College student, stated that he has a doubt of Casa Ramona students. Mr. Chavez asked how they are benefitting and what resources are available. They didn't get a sufficient education. It is a crime that they didn't get English language for three years.

Leroy Martinez from the League of United Latin Americans asked that the Casa Ramona charter be revoked. No explanation was given for why credit was given for failed classes. They wanted a parochial school in their area, but this didn't work. It's criminal that students can't get into CSUs and UCs. Casa Ramona charged one of their students' mother with vandalism.

Board of Education Minutes
February 15, 2011

Jennifer Velazquez, Kindergarten teacher, stated that she teaches ELD standards every year.

Hector Muro, Casa Ramona teacher, stated that he teaches to the student's potential. This is his second year at Casa Ramona and he has attended two IEP meetings and two SST meetings this year. The school has issues and they will overcome them.

Gil Navarro, education advocate, stated that these students didn't get special education or EL services for three years. Casa Ramona is in Program Improvement. Sixty-five percent of the students aren't proficient in language arts.

Peter Wesch, Casa Ramona accountant, stated that the facilities grant can't be converted to ADA. It has to be spent on a building. With the internal control weaknesses, there could be potential for fraud, but there hasn't been. All budgets have been fiscally sound and met over three years.

Carlos Chavez, Casa Ramona math teacher, stated that most of the students were born in Mexico and stuck in English classes. He used EL development in all classes. Students help each other learn. There is a lot of parent support. He has 1,200 letters of support from residents.

Elsa Valdez stated that she has faith in Staff's report. They weren't there to punish anyone. Six Cal State students were accepted because their transcripts showed college prep courses. She had high hopes that the school would be successful. Our staff did a thorough job.

Barbara Flores stated that the report said there is no ELD curriculum. Claudia and her mom are victims. Falsifying records is a criminal offense.

Teresa Parra Craig stated that they all want the same thing. Casa Ramona staff wasn't open and didn't give everything we asked for. She was elected to vote for things to make them right. Casa Ramona Board members don't have respect for others.

Judi Penman stated that a lot of good things have happened at Casa Ramona. There has to be a place for everyone. We should wait until June 2012 to see if they make the changes. She agreed that the plug needs to be pulled if not.

Upon motion by Member Savage, seconded by Member Tillman, and approved by the affirmative vote of Members Ayala, Parra Craig, Penman, Savage, and Tillman (Noes: Flores, Valdez), the Board of Education accepted the recommendation of Staff to wait until June 2012.

President Tillman announced a 10-minute recess.

President Tillman moved Session Eight forward on the agenda.

SESSION EIGHT – Other Matters Brought By Citizens

8.0 - Other Matters Brought by Citizens

Dan Reed, Visual and Performing Arts Program Specialist, invited Board and Staff members to attend one of three Honor Group performances--the Choral Spectacular on March 7, the Band Showcase on March 8, or the Orchestra Showcase on March 9. All performances will be held in the San Bernardino High School Auditorium at 7 p.m.

Tambra Trujillo, CSEA negotiations team member, asked Dr. Delgado about his earlier comment that CSEA didn't show up at negotiations. Dr. Delgado stated that he had said that a CSEA representative didn't attend a budget advisory committee meeting. Ms. Trujillo asked for the date of the missed meeting.

Carl Clay asked how much of a role parent support plays in budget decisions. Dr. Delgado stated that we have budget committee meetings with stakeholders and unions. They try to get input from them before coming to the Board.

Dr. April Clay urged the Board to support programs that support students of color. Dr. Clay asked how effectively evaluation is driving the budget decisions and what performance indicators are used to determine a program's effectiveness. President Tillman asked Dr. Clay to leave her questions with the administrative assistant because the Board doesn't respond to questions at the table. Someone will get back to her with the answers.

Rebecca Harper reported that SBTA surveyed their members regarding the budget cuts and what they want to keep. Mrs. Harper reported that Staff and directors have iPads and it is going to be hard to ask teachers to make cuts because iPads are luxury items. President Tillman stated that he will turn in his tomorrow. Judi Penman stated that the Board members didn't need iPads. Elsa Valdez asked that the community know that last year we were able to rescind the notices to teachers. Lynda Savage reported that we want to continue the taxes for five years. Barbara Flores stated that we don't want to eliminate positions. Dr. Flores asked how much the District could save by eliminating testing.

Sharon Thurman, CSEA Treasurer, reported that temporary employees at M&O received a \$2 an hour raise, yet permanent employees have taken furloughs and reductions. Ms. Thurman asked the Board to look into why this happened. Dr. Delgado stated that we have been having difficulties hiring Nutrition Services employees and those are the rates of the outside agency we have had to use because the Personnel Commission is holding up hiring.

Abigail Medina, mother of five children in the District, thanked the Board for the GATE program. It has helped her children and it makes a difference in their environment.

SESSION FOUR – School Showcase

4.0 - School Showcase

4.1 - King Middle School

This item was canceled.

SESSION FIVE - Public Hearings

5.0 - Public Hearings

5.1 - Public Disclosure of Memorandum of Understanding (PLAS-Compensation for Certificated Substitutes) Between the San Bernardino City Unified School District and the Communications Workers of America (CWA)

On January 27, 2011, the District and the Communications Workers of America (CWA) reached a tentative agreement on the following Memorandum of Understanding that clarifies Compensation for Certificated Substitutes providing services at Persistently Low Achieving Schools (PLAS) that have implemented an extended day program.

**MEMORANDUM OF UNDERSTANDING
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT
AND COMMUNICATIONS WORKERS OF AMERICA**

MOU-PLAS Compensation for Certificated Substitutes

This Memorandum of Understanding is made and entered into this 27th day of January 2011 between the SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT (hereinafter the District) and the COMMUNICATIONS WORKERS OF AMERICA (hereinafter the CWA).

WHEREAS, eleven (11) of the District's schools were identified on the California Department of Education's list of Persistently Low Achieving Schools (PLAS), and

WHEREAS, the School Improvement Grant (SIG) plan developed by each school contains unique characteristics that are subject to collective bargaining as compensation issues, and

WHEREAS, the parties have met to negotiate the effects of these unique characteristics;

THEREFORE it is agreed:

Certificated substitute employees providing services in an extended work year program (e.g. longer day) shall be paid a commensurate percentage of the Board-adopted per diem rate of pay.

Board of Education Minutes
February 15, 2011

This Memorandum of Understanding shall be effective retroactively to December 21, 2010 and continue through June 30, 2013. It is agreed that if conditions of the grant change, the parties will reconvene to negotiate the effects.

President Tillman opened the Public Hearing and asked if anyone wished to comment. Hearing no comment, Mr. Tillman closed the Public Hearing.

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

BE IT RESOLVED that the Board of Education accepts the Memorandum of Understanding (PLAS-Compensation for Certificated Substitutes) between the Communications Workers of America and the San Bernardino City Unified School District.

5.2 - Public Disclosure of Memorandum of Understanding (Collaboration Day Professional Development) Between the San Bernardino City Unified School District and the San Bernardino Teachers Association (SBTA)

This item was deleted.

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

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

In order to impose Alternative School Fees, the District must prepare and adopt a School Facilities Needs Analysis (SFNA). Therefore, pursuant to Section 65995.5(b), the District has caused the Dolinka Group, LLC to prepare a 2011 SFNA, (2011 SFNA) on behalf of the San Bernardino City Unified School District (District).

Board of Education Minutes
February 15, 2011

In compliance with Section 65995.6(a), the 2011 SFNA includes projections of the number of unhoused elementary, middle, and high school pupils generated by various types of new residential units in each category of pupils enrolled in the District. The projection of unhoused pupils is based on the historical generation rates of new residential units constructed during the previous five (5) years that are of a similar type of unit to those anticipated to be constructed either in the District or the city or county in which the District is located, and relevant planning agency information, such as multi-phased development projects, that may modify the historical figures. In accordance with Section 65995.6, the 2011 SFNA also contains a calculation of existing school building capacity, calculated pursuant to Education Code Section 17071.10. The existing school building capacity has been recalculated pursuant to Section 65995.6(a).

Pursuant to the 2011 SFNA, the Level 2 Fee amount has been calculated as five and 19/100 Dollars (\$5.19) per square foot of assessable space for new residential construction within the District. The Level 3 Fee amount has been calculated as twelve and 58/100 Dollars (\$12.58) per square foot of assessable space for new residential construction; however, the Level 3 Fee has been suspended as set forth in Section 65995.7(a)(2).

The 2011 SFNA must be adopted by resolution following a public hearing conducted by the Board. The Board will conduct a public hearing and receive public comments relating to the adoption of the SFNA on February 15, 2011. The 2011 SFNA has been on file and available for public review at the District office since January 14, 2011. Pursuant to Section 65352.2(c), prior to the completion of the 2011 SFNA, the Board caused notice and any relevant and available information relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, including a notice of the preparation of the 2011 SFNA and offered to meet to discuss this information, to the planning commission(s) or agency(ies) of the cities and counties with land use jurisdiction within the District. In addition, the 2011 SFNA was provided to the local agencies responsible for land use planning within the District for review and comment during the thirty (30) day public review period. Notice of the time and place of the public hearing, including the location and procedure for viewing a copy of the 2011 SFNA was also published in at least one newspaper of general circulation within the District's jurisdiction not less than thirty (30) days prior to the public hearing. A copy of the 2011 SFNA was mailed not less than thirty (30) days prior to the public hearing to any person who made a written request therefor forty-five (45) days prior to the public hearing.

President Tillman opened the Public Hearing and asked if anyone wished to comment. Hearing no comment, Mr. Tillman closed the Public Hearing.

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

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

WHEREAS, the Board of Education (Board) of the San Bernardino City Unified School District (District) provides for the educational needs for Grades K-12 students within the City of San Bernardino, the City of Highland, and the City of Colton (City or, collectively, Cities) and the unincorporated areas of San Bernardino County (“County”); and

WHEREAS, the Board has previously adopted and the District has imposed Statutory School Facility Fees (or Level I Fees) pursuant to Education Code Section 17620 and Government Code Section 65995(b)(1) and (b)(2), and alternative school fee amounts pursuant to Government Code Sections 65995.5 (Level 2 Fees) and 65995.7 (Level 3 Fees) or collectively, Alternative School Facility Fees (ASFF), but desires to update its ASFF based upon a current school facilities needs analysis (2011 SFNA) prepared by the Dolinka Group, LLC in accordance with applicable law; and

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

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

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

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

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

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

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

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

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

WHEREAS, the Board has caused to be prepared the 2011 SFNA dated January 14, 2011, pursuant to applicable law including, but not by way of limitation, Government Code Section 65995.6, prior to the adoption of ASFF; and

WHEREAS, the Board has received and considered the 2011 SFNA which includes all matters required by applicable law, including an analysis of: (a) the purpose of the ASFF; (b) the use to which the ASFF are to be put; (c) the nexus (roughly proportional and reasonable relationship) between the residential construction and (1) the facilities for which the ASFF are to be used, (2) the need for School Facilities, (3) the cost of School Facilities and the amount of ASFF from new residential construction; (d) an evaluation and projection of the number of students that will be generated by new residential construction by grade levels of the District as described by Government Code Section 65995.6; (e) a description of the new School Facilities that will be required to serve such students; and (f) the present estimated cost of such School Facilities; and

WHEREAS, the 2011 SFNA in its final form has been available to the public, for at least thirty (30) days before the Board held a public hearing on February 15, 2011 (Hearing), and considered the adoption of the ASFF, including a response by the Board to written and oral comments, if any, received by the District; and

WHEREAS, all notices of the preparation of the 2011 SFNA and adoption of ASFF, including the offer by the District to meet with any affected local planning agency relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, have been given in accordance with Government Code Section 65352.2; and

Board of Education Minutes
February 15, 2011

WHEREAS, copies of the 2011 SFNA have been provided thirty (30) days prior to the Hearing if such written request(s) for copies were filed with the District forty-five (45) days prior to the Hearing; and

WHEREAS, the 2011 SFNA has been provided to all local agencies responsible for land use planning for review and comment in compliance with Government Code Section 65995.6(c); and

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

WHEREAS, as to the approval of the 2011 SFNA and ASFF, Government Code Section 65995.6(g) provides that the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the preparation, adoption, or update of the 2011 SFNA or adoption of this Resolution; and

WHEREAS, the District desires to approve the 2011 SFNA and adopt ASFF pursuant to Government Code Sections 65995.5 and 65995.7 for the purpose of establishing ASFF that may be imposed on residential construction calculated pursuant to Government Code Section 65995(b), subject to the suspension of Level 3 Fees as set forth in Government Code Section 65995.7(a)(2).

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

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

Section 2. The Board does hereby find and determine that the 2011 SFNA meets all applicable legal requirements, and it hereby adopts each of the findings set forth in the 2011 SFNA.

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

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

Section 5. For purposes of Government Code Section 65995.5(b)(3): (i) the District has issued debt or incurred obligations for capital outlay in an amount equivalent to a specified percentage of its local bonding capacity; (ii) at least twenty percent (20%) of the teaching

stations within the District are relocatable classrooms; and (iii) a substantial enrollment of the District's students are on a multi-track, year-round calendar.

Section 6. The District has caused to be prepared the 2011 SFNA, which is on file at the District office address and incorporated herein by this reference, which complies with all applicable statutory requirements, including the provisions of Government Code Section 65995.6.

Section 7. The Board hereby approves and adopts the 2011 SFNA for the purpose of establishing ASFF as to future new residential construction within the District, subject to the suspension of Level 3 Fees as set forth in Government Code Section 65995.7(a)(2).

Section 8. The Board finds that the purpose of the ASFF imposed upon residential construction are to fund the additional School Facilities to serve the students generated by the residential construction upon which the ASFF are imposed as provided in the 2011 SFNA and applicable law.

Section 9. The Board finds that the ASFF are hereby established as applicable to the extent set forth herein, and will be used to fund those School Facilities described in the 2011 SFNA, and such fees that these School Facilities are to serve the students generated by the new residential construction within the District as provided in the 2011 SFNA.

Section 10. The Board finds that there is a roughly proportional, reasonable relationship between the use of the ASFF and the new residential construction within the District because the ASFF imposed on new residential construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new residential construction in accordance with applicable law as set forth in the 2011 SFNA, and such fees are less than an estimated actual cost of the School Facilities estimated to result from the new residential construction as set forth in the 2011 SFNA.

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

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

Section 13. The Board finds that a separate Fund of the District and two (2) or more Sub-Funds have been created or are authorized to be established for all monies received by the

District for the deposit of Level 1 Fees, Level 2 Fees and Level 3 Fees (if applicable) imposed on residential construction within the District, as well as Commercial/ Industrial Fees and mitigation payments (“Mitigation Payments”) collected by the District and that said Fund and Sub-Funds at all times have been separately maintained, except for temporary investments, with other funds of the District as authorized by applicable law.

Section 14. The Board finds that the monies of the separate Fund or the separate Sub-Funds, described in Section 13, consisting of the proceeds of Level 1 Fees, Level 2 Fees and Level 3 Fees (if applicable), Commercial/Industrial Fees and Mitigation Payments have been imposed for the purposes of constructing those School Facilities necessitated by new residential construction and as further set forth in the 2011 SFNA, and, thus, these monies may be expended for all those purposes permitted by applicable law.

Section 15. The 2011 SFNA determines the need for new School Facilities for unhoused pupils that are attributable to projected enrollment growth from the construction of new residential units over the next five (5) years, based on relevant planning agency information and the historical generation rates of new residential units constructed during the previous five (5) years that are of a similar type of unit to those anticipated to be constructed within the District, and/or the County.

Section 16. The Board has identified and considered, and/or subtracted, as set forth in the 2011 SFNA, the following information in determining amounts of the Level 2 Fees and Level 3 Fees:

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

Board of Education Minutes
February 15, 2011

Section 17. The Board has calculated, as set forth in the 2011 SFNA, the maximum square foot fees, charges, or dedications to be established as ASFF that may be collected in accordance with the provisions of Government Code Sections 65995.5(c) and 65995.7(a).

Section 18. Notice and relevant and available information relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, including notice of a proposed meeting regarding such information, was provided to City and County planning officials or agencies with land use jurisdiction within the District prior to the completion of the 2011 SFNA.

Section 19. The 2011 SFNA in its final form has been made available to the public for a period of not less than thirty (30) days, and that the District has made itself available to meet with any affected city or county to discuss the preparation of the 2011 SFNA, pursuant to the requirements of Government Code Section 65352.2.

Section 20. The public has had the opportunity to review and comment on the 2011 SFNA, and the Board has responded to both written and oral comments it has received, if any, regarding the 2011 SFNA.

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

Section 22. Notice of the time and place of the Hearing to adopt the 2011 SFNA, including the location and procedure for viewing or requesting a copy of the proposed 2011 SFNA has been published in at least one newspaper of general circulation within the jurisdiction of the District at least thirty (30) days prior to the Hearing.

Section 23. The District has caused to be mailed a copy of the 2011 SFNA not less than thirty (30) days prior to the Hearing to any person who made a written request forty-five (45) days prior to the Hearing.

Section 24. The 2011 SFNA has been provided to all local agencies responsible for land use planning for review and comment in compliance with Government Code Section 65995.6(c).

Section 25. The Board conducted the required Hearing prior to adoption of the 2011 SFNA and the ASFF, at which time all persons desiring to be heard on all matters pertaining to the 2011 SFNA were heard, all responses to such comments received were made by the Board, if any, and all information presented was duly considered.

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

Board of Education Minutes
February 15, 2011

(a) Pursuant to Government Code Section 65995.6, Level 2 Fees in the amount of five and 19/100 Dollars (\$5.19) per square foot of Assessable Space for new residential construction, including new residential projects, manufactured homes and mobilehomes as authorized under Education Code Section 17625.

(b) Pursuant to Government Code Section 65995.7, Level 3 Fees in the amount of twelve and 58/100 Dollars (\$12.58) per square foot of Assessable Space for new residential construction, including new residential projects, manufactured homes and mobilehomes as authorized under Education Code Section 17625.

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

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

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

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

Section 30. The Superintendent, or designee, is authorized to cause a Certificate of Compliance to be issued for each construction project, mobilehome and manufactured home for which there is compliance with the requirement for payment of the ASFF in the amounts

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

Section 31. Regarding the timely provision of a Certificate of Compliance by the District for residential construction, although not required by applicable law, the Board hereby determines that the 2011 SFNA is a proposed construction plan for purposes of requiring payment of ASFF prior to the issuance of any building permit for new residential construction in accordance with Government Code Section 66007, and that all ASFF are appropriated for the purpose of accomplishing such construction plan.

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

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

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

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

SESSION SIX - Administrative Presentation

6.0 - Administrative Presentation

6.1 - Budget Workshop

Mohammad Z. Islam continued discussions regarding the budget cuts plans for Fiscal Year 2011-12. Dr. Delgado stated that the Board will identify \$25 million to set this process in motion. Dr. Delgado stated that if the Board doesn't take action, we won't be able to process layoffs. We are following the recommendation of the Fiscal Crisis & Management Assistance Team (FCMAT).

Dr. Delgado reported that administration has taken the brunt of cuts over the past three years. Seventy-four positions were eliminated, but no teachers or CSEA members were. Danny

Tillman asked if we currently have a hiring freeze. Dr. Delgado stated that we have been unable to hire classified personnel due to the Personnel Commission. We won't move forward with filling any positions until the Board decides. Danny Tillman requested a list of vacant positions.

Teresa Parra Craig suggested the District eliminate individual refrigerators and coffee pots to reduce energy costs and to postpone purchasing vehicles. Dr. Delgado reported that he had asked Staff to bring forward any purchases over \$2,000 to see what can be delayed. Mrs. Parra Craig asked to see the list.

It was the consensus of the Board to hold a Special Board meeting on Tuesday, February 22, at 5:30 p.m.

SESSION SEVEN - Administrative Report

7.0 - Administrative Report

7.1 - School Improvement Grant Update

There was no new information to report.

SESSION NINE - Reports and Comments

9.0 - Report by Board Members

Teresa Parra Craig asked about the process to select Audit Advisory Committee members. Danny Tillman stated that Board members will submit their recommendations.

Teresa Parra Craig stated that principals are not following the Board's direction to allow candy in the classrooms on Halloween and Valentine's Day. Mrs. Parra Craig asked the Superintendent to remind them.

Lynda Savage reported that Arroyo Valley High School received third place out of 42 schools at the Academic Decathlon. Mrs. Savage recommended inviting the teams to a Board meeting to be recognized.

Danny Tillman reported that this year's Black History Bee was a great event. Four teams took first place.

9.1 - Legislative Update

None.

10.0 - Report by Superintendent and Staff Members

Dr. Delgado announced that Judy White had her first Board meeting in Moreno Valley as Superintendent and he is proud of her. Dr. Delgado stated that we need an interim replacement and asked the Board to allow Jim Dilday to take on that responsibility. We will fly an Assistant Superintendent position eventually.

Dr. Delgado announced that at the Academic Decathlon, San Bernardino High School was named the most improved, Arroyo Valley High School JV team took second place, and Cajon High School received seventh. Arroyo Valley High School will now compete in Sacramento and we are trying to get business partners to help sponsor the trip.

SESSION TEN - Legislation and Action

11.0 - 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.

No items were held for later consideration.

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

11.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on January 11, and January 18, 2011, be approved as presented.

11.2 - 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.

11.3 - Payment of Master Teachers – National University

BE IT RESOLVED that the Board of Education approve payment for services as master teachers during Summer/Fall 2010, as provided for in the Agreement with National University, as follows:

Figueroa, Roberta - \$600.00

Hoover, Shawna - \$600.00

11.4 - Authorization to Request Employee Notification of Intention to Return

BE IT RESOLVED that the Board of Education directs the Superintendent and/or Superintendent's designee to request formal notification of probationary and permanent certificated employees of their intention to return to the employ of the district for the 2011-2012 school year.

11.5 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$1,000.00, Malone Advertising; \$700.00, Target Corp.; \$215.83, Mary Beth Norris; \$7,000.00, Steve Forell & Associates; \$500.00, Cal Poly Pomona; \$129.00, Sherri Felix; \$250.00, Carl Warren & Company; and \$140.00, John C. Macy.

11.6 - 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:

Norma Nava
Irma Cortes Zamora
(Board Representatives)

To attend the 2011 California Association for Bilingual Education (CABE) Conference, in Long Beach, CA, March 23-26, 2011. Total cost, including meals and mileage per District guidelines, not to exceed \$1,400.00, will be paid from Belvedere Elementary School Account No. 423.

Teresa Alba
Elva Arevalo
Dolores Ochoa
(Board Representatives)

To attend the 2011 California Association for Bilingual Education (CABE) Conference, in Long Beach, CA, March 23-26, 2011. Total cost, including meals and mileage per District guidelines, not to exceed \$4,000.00, will be paid from English Learner Programs Account No. 261.

11.7 - Cafeteria Warrant Register, Ending January 31, 2011

BE IT RESOLVED that the Cafeteria Warrant Register, ending January 31, 2011, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes Derek Harris, Interim Employee Benefits 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.

11.8 - Commercial Warrant Registers for Period from January 16, through January 31, 2011

BE IT RESOLVED that the Commercial Warrant Register for period from January 16, through January 31, 2011, 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.

11.9 - 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:

Learning Adventures & Media, Inc., for two presentations titled “Ocean Adventure” on February 17, 2011. The cost, not to exceed \$650.00, will be paid from Kimbark Elementary School ASB Account.

11.10 - 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:

Michael Plew, M.S., Chino, CA, to conduct an outside Psychoeducational assessment for a District special education student, effective February 16, through June 30, 2011. The fee, not to exceed \$3,750.00, will be paid from the Restricted General Fund—Special Education, Account No. 827.

11.11 - Payment of Excess Work Days

BE IT RESOLVED that the Board of Education approves payment of 10 excess work days for Dr. Judy White for a total not to exceed \$8,416.06.

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

BE IT RESOLVED that the Board of Education approves reimbursement to the WASC visiting committee members, who are not District employees, the amount not to exceed \$7,000.00, charged to Accreditation Account No. 195:

Arroyo Valley High School: \$7,000.00

11.13 - Extended Field Trip, Lincoln Elementary School, Outdoor Science School, Green Valley Lake, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 65 Lincoln Elementary School students, 3 Outdoor Science School staff members, and 4 District employees, to attend the Outdoor Science School, in Green Valley Lake, California, March 28, through April 1, 2011. The cost of the trip, not to exceed \$23,400.00, including meals and lodging for 65 Lincoln Elementary School students, 3 Outdoor Science School staff members, and 4 District employees, will be paid from sponsorship by an anonymous donor. Transportation provided by Durham School Services, not to exceed \$1,177.00, will be paid from Lincoln Elementary School Account No. 419. Names of the students are on file in the Business Services office.

11.14 - Extended Field Trip, Arrowview Middle School, Sea World Adventure Camp, San Diego, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 18 Arrowview Middle School students, 4 District employees, and 1 chaperone to attend Sea World Adventure Camp, in San Diego, California, May 13, through May 14, 2011. The cost of the trip, not to exceed \$3,425.00, including meals and lodging for 18 Arrowview Middle School students, will be paid from Arrowview Middle School CAPS Account No. 459. Four District employees and one chaperone will finance their own trip. Transportation provided by Durham School Services, not to exceed \$982.00, will be paid from Arrowview Middle School CAPS Account No. 459. Names of the students are on file in the Business Services office.

11.15 - Extended Field Trip, Arroyo Valley High School, USA Spirit Nationals, Cypress, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 30 Arroyo Valley High School students and 3 District employees to attend USA Spirit Nationals, in Cypress, California, March 24, through March 27, 2011. The cost of the trip, not to exceed \$2,500.00, including meals and lodging for 30 Arroyo Valley High School students and three District employees, will be paid from Arroyo Valley High School ASB Account No. 2201. Transportation provided by Durham School Services, not to exceed \$800.00, will be paid from Arroyo Valley High School Account No. 203. Names of the students are on file in the Business Services office.

11.16 - Extended Field Trip, Cajon High School, 2011 Victory Softball Tournament, Sacramento, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 16 Cajon High School students and 4 District employees, to attend the 2011 Victory Softball Tournament, in Sacramento, California, March 9, through March 12, 2011. The cost of the trip, not to exceed \$2,500.00, including meals and lodging for 16 Cajon High School students and 4 District

Board of Education Minutes
February 15, 2011

employees, will be paid from Cajon High School Softball Account No. 795. Transportation provided by Express Rental, not to exceed \$600.00, will be paid from Cajon High School ASB Account No. 202. Names of the students are on file in the Business Services office.

11.17 - Extended Field Trip, Cajon High School, 3rd Annual Cherry Field Classic, Tucson, Arizona

BE IT RESOLVED that the Board of Education approves the extended field trip for 16 Cajon High School students, 2 chaperones, and 3 District employees, to attend the 3rd Annual Cherry Field Classic, in Tucson, Arizona, March 29, through April 2, 2011. The cost of the trip, not to exceed \$2,000.00, including meals and lodging for 16 Cajon High School students, 2 chaperones, and 3 District employees, will be paid from Cajon High School Baseball Account No. 709. Transportation provided by Express Rental, not to exceed \$1,440.00, will be paid from Cajon High School Baseball Account No. 709. Names of the students are on file in the Business Services office.

11.18 - Extended Field Trip, San Bernardino High School, Catalina Island Marine Institute, Avalon, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 16 San Bernardino High School students, 3 Catalina Island Marine Institute staff members, and 2 District employees, to attend the Catalina Island Marine Institute, in Avalon, California, February 25, through February 27, 2011. The cost of the trip, not to exceed \$3,800.00, including meals and lodging for 16 San Bernardino High School students, 3 Catalina Island Marine Institute staff members, and 2 District employees, will be paid from fundraising and San Bernardino High School Account No. 203. Transportation to and from the Long Beach Marina will be provided by students' parents, at no cost. Transportation to the island will be provided by Catalina Classic Cruise. Names of the students are on file in the Business Services office.

11.19 - Notification of Interim Mediated Settlement Agreement OAH Case No: 2010050221

BE IT RESOLVED that the Board of Education approves that upon District's receipt of appropriate documentation of services provided by Hope Counseling and Family Therapy, Inc., Rancho Cucamonga, CA, to Student from January 1, 2009, through December 31, 2010, to reimburse Parents in an amount not to exceed \$22,000.00. Payment will be made from the Restricted General Fund—Special Education, Account No. 827.

11.20 - Notification of Final Mediated Settlement Agreement OAH Case Number 2010050729

BE IT RESOLVED that the Board of Education approves to pay appropriately identified provider(s) an amount not to exceed \$15,000.00 for compensatory educational services provided to Adult Student upon receipt of proof of services provided; and to pay attorney's fees, not to exceed \$6,600.00, to Newman, Aaronson & Vanaman incurred and related to the Final

Settlement Agreement, OAH Case Number 2010050729. Payments are to be paid from the Restricted General Fund—Special Education, Account No. 827.

11.21 - Agreement with Children's Resources to Provide Parent Seminars Regarding Bullying

BE IT RESOLVED that the Board of Education approves entering into an agreement with Children's Resources, Fontana, CA, to provide seminars to parents regarding bullying, effective February 17, through March 9, 2011. The seminars will be provided to parents in three sessions and will include a discussion of varying types of bullying, including cyber bullying, and will provide parents strategies for prevention and response, and the skills to discuss the issue with their students at home. The cost for the services, not to exceed \$2,100.00, 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.

11.22 - Agreement with Total School Solutions to Provide Executive Coaching at Arroyo Valley High School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Total School Solutions, Fairfield, CA, to provide executive coaching at Arroyo Valley High School, effective March 2, through June 30, 2011. The fee, not to exceed \$15,750.00, shall 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.

11.23 - Agreement with Total School Solutions to Provide Program Improvement Mentoring and Assistance at Davidson Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Total School Solutions, Fairfield, CA, to provide program improvement mentoring and assistance at Davidson Elementary School, effective March 2, through June 30, 2011. The fee, not to exceed \$15,750.00, shall 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.

11.24 - Agreement with Swum Math, LLC, to Increase Student Achievement in Mathematics at Four District Elementary Schools

BE IT RESOLVED that the Board of Education approves entering into an agreement with Swum Math, LLC, Cypress, CA, to increase student achievement in mathematics for Grades 2 through

Board of Education Minutes
February 15, 2011

5 at Davidson, Hunt, Rio Vista, and Wilson Elementary Schools, effective February 16, 2011, through June 30, 2012. The increase in achievement is accomplished by establishing a 90-minute per day math model utilizing a pacing guide, common pre and post-trimester exams, teaching strategies, and monthly coaching of teachers and principals. The fee, not to exceed \$226,200.00, 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.

11.25 - Agreement to Provide Residential Services to Identified District Special Education Students with Exceptional Needs – East Valley Charlie

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with East Valley Charlie, Redlands, CA, to provide residential services to identified District special education students with exceptional needs, effective February 1, through June 30, 2011. The daily fee and other approved related services at agreed-upon rates will be paid from Restricted General Fund—Special Education-Non-Public, Account No. 824.

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

11.26 - Agreement to Provide Residential Services to Identified District Special Education Students with Exceptional Needs – Joann House

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Joann House, Costa Mesa, CA, to provide residential services to identified District special education students with exceptional needs, effective February 1, through June 30, 2011. The daily fee and other approved related services at agreed-upon rates will be paid from Restricted General Fund—Special Education-Non-Public, Account No. 824.

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

11.27 - Educational Fieldwork Agreement with Claremont Brandman University

BE IT RESOLVED that the Board of Education approves entering into an educational fieldwork agreement with Brandman University, Irvine, CA, effective February 16, 2011, through June 30, 2015. The University will provide educational fieldwork candidates for the District to place in a teacher-learning environment under the supervision of a master teacher. This program is beneficial to both the University and the District in that it is used to develop future teachers. This agreement will also provide students the opportunity to participate in planned, structured observation and educational field practice experience under the supervision and instruction of selected certificated classroom teachers who hold at least a preliminary teaching credential. There will be no cost to the District.

Board of Education Minutes
February 15, 2011

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

11.28 - Amendment of the Agreement with 1-on-1 Learning with Laptops to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with 1-on-1 Learning with Laptops, Los Angeles, CA, approved by the Board on October 19, 2010, Agenda Item 9.21. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.29 - Amendment of the Agreement with Aavanza Online to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Aavanza Online, Morgan Hill, CA, approved by the Board on October 19, 2010, Agenda Item 9.39. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.30 - Amendment of the Agreement with The Academic Advantage to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with The Academic Advantage, Los Angeles, CA, approved by the Board on October 19, 2010, Agenda Item 9.40. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.31 - Amendment of the Agreement with Academic Tutoring Services, Inc., to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Academic Tutoring Services, Inc., Oxnard, CA, approved by the Board on October 19, 2010, Agenda Item 9.41. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.32 - Amendment of the Agreement with Advanced Reading Solutions, LLC, dba UROK Learning Institute to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Advanced Reading Solutions, LLC, dba UROK Learning Institute, San Diego, CA, approved by the Board on October 19, 2010, Agenda Item 9.44. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.33 - Amendment of the Agreement with African-American Male Achievers Network, Inc., (A-MAN, Inc.) to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with African-American Male Achievers Network, Inc., (A-MAN, Inc.), Los Angeles, CA, approved by the Board on October 19, 2010, Agenda Item 9.45. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.34 - Amendment of the Agreement with Alternatives Unlimited, Inc., to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Alternatives Unlimited, Inc., Las Vegas, NV, approved by the Board on October 19, 2010, Agenda Item 9.46. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.35 - Amendment of the Agreement with Arriba Education to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Arriba Education, Palmdale, CA, approved by the Board on October 19, 2010, Agenda Item 9.47. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.36 - Amendment of the Agreement with ATS Project Success to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with ATS Project Success, Clinton Township, MI, approved by the Board on October 19, 2010, Agenda Item 9.24. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.37 - Amendment of the Agreement with Brain Hurricane, LLC, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Brain Hurricane, LLC, Chicago, IL, approved by the Board on October 19, 2010, Agenda Item 9.51. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.38 - Amendment of the Agreement with Bright Sky Learning, LLC, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Bright Sky Learning, LLC, Kennett Square, PA, approved by the Board on October 19, 2010, Agenda Item 9.52. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.39 - Amendment of the Agreement with Carney Educational Services to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Carney Educational Services, Palmdale, CA, approved by the Board on October 19, 2010, Agenda Item 9.53. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.40 - Amendment of the Agreement with Carter, Reddy & Associates, Inc., to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Carter, Reddy & Associates, Inc., Southfield, MI, approved by the Board on October 19, 2010, Agenda Item 9.25. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.41 - Amendment of the Agreement with Catapult Learning, LLC, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Catapult Learning, Philadelphia, PA, approved by the Board on October 19, 2010, Agenda Item 9.54. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.42 - Amendment of the Agreement with Innovadia to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Innovadia, Canoga Park, CA, approved by the Board on October 19, 2010, Agenda Item 9.28. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.43 - Amendment of the Agreement with JPS Ventures, Inc., dba Sylvan Learning Center of Redlands to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with JPS Ventures, Inc., dba Sylvan Learning Center in Redlands, CA, approved by the Board on October 19, 2010, Agenda Item 9.60. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.44 - Amendment of the Agreement with Leading Edge Learning Center to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Leading Edge Learning Center, Riverside, CA, approved by the Board on October 19, 2010, Agenda Item 9.61. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.45 - Amendment of the Agreement with Learn It Systems to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Learn It Systems, Baltimore, Maryland, approved by the Board on October 19, 2010, Agenda Item 9.64. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.46 - Amendment of the Agreement with Professional Tutors of America to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Professional Tutors of America, Brea, CA, approved by the Board on October 19, 2010, Agenda Item 9.69. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.47 - Amendment of the Agreement with Studentnest, Inc., dba studentnest.com, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Studentnest, Inc., dba studentnest.com, Fresno, CA, approved by the Board on October 19, 2010, Agenda Item 9.31. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.48 - Amendment of the Agreement with Syntelesys, Inc., dba Academia de Servicio de Tutoria to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Syntelesys, Inc., dba Academia de Servicio de Tutoria, Monterey Park, CA, approved by the Board on October 19, 2010, Agenda Item 9.34. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.49 - Amendment of the Agreement with Sure Prep Learning, LLC, to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Sure Prep Learning, LLC, Scottsdale, AZ, approved by the Board on October 19, 2010, Agenda Item 9.33. The amendment is necessary due to the decrease of federal funding of the per student rate from \$1,618.17 to \$1,436.64, and the increase in the number of students tutored. The fee will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524. All other terms and conditions will remain the same.

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

11.50 - Amendment of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Childhelp USA

BE IT RESOLVED that the Board of Education approves amending the agreement with Childhelp USA, Beaumont, CA, approved by the Board June 15, 2010, Agenda Item 10.75. The amendment is necessary to add residential and mental health related services. 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.

11.51 - Amendment of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Cinnamon Hills Youth Crisis Center

BE IT RESOLVED that the Board of Education approves amending the agreement with Cinnamon Hills Youth Crisis Center, St. George, UT, approved by the Board on June 15, 2010, Agenda Item 10.76. The amendment is necessary to add residential and mental health related services to the agreement. 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.

11.52 - Amendment of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Copper Hills Youth Center

BE IT RESOLVED that the Board of Education approves amending the agreement with Copper Hills Youth Center, West Jordan, UT, approved by the Board July 20, 2010, Agenda Item 7.33. The amendment is necessary to add residential and mental health related services. All other terms and conditions will remain the same.

Board of Education Minutes
February 15, 2011

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

11.53 - Amendment of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Heritage Schools, Inc.

BE IT RESOLVED that the Board of Education approves amending the agreement with Heritage Schools, Inc., Provo, UT, approved by the Board June 15, 2010, Agenda Item 10.78. The amendment is necessary to add residential and mental health related services. 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.

11.54 - Amendment of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Milhous School

BE IT RESOLVED that the Board of Education approves amending the agreement with Milhous School, Nevada, CA, adopted by the Board August 17, 2010, Agenda Item 8.16. The amendment is necessary to add residential and mental health related services. 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.

11.55 - Amendment of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Red Rock Canyon School

BE IT RESOLVED that the Board of Education approves amending the agreement with Red Rock Canyon School, St. George, UT, approved by the Board June 15, 2010, Agenda Item 10.82. The amendment is necessary to add residential and mental health related services. 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.

11.56 - Amendment No. 1 to the Service Agreements with Temporary Labor Companies to Provide Nutrition Services Personnel

BE IT RESOLVED that the Board of Education approves amending the service agreements with Arrow Staffing, Redlands, CA, and Manpower, San Bernardino, CA, to provide temporary nutrition services personnel as needed, for the preparation, service, and clean up at District sites; as well as other nutrition services duties as required. This amendment is for an additional

Board of Education Minutes
February 15, 2011

\$300,000.00 and to extend ending date from June 30, through December 31, 2011, for a new, not-to-exceed total cost of \$600,000.00, and will be paid from Nutrition Services Cafeteria Account No. 92.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 1.

11.57 - Approval to Process Payments for Pending Change Orders for the Indian Springs High School New Construction and Old Curtis Middle School Modernization - Plyco Corporation

BE IT RESOLVED that the Board of Education approves processing of payments for change orders pending Division of State Architect (DSA) approval for Plyco Corporation of Mira Loma, CA, Multi-Trade contractor for the Indian Springs High School New Construction and Old Curtis Middle School Modernization Project per the Board of Education approval on April 20, 2010, as follows:

- The Architect, Construction Manager, DSA Inspector of Record, 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.

11.58 - Approval to Process Payment for Pending Change Orders for Severe Special Day Classroom Buildings at Eight Elementary School Sites - Brewster Electric, Inc., and Montgomery Hardware Company

BE IT RESOLVED that the Board of Education approves the processing of payment for a change order pending Division of State Architect (DSA) approval for Brewster Electric, Inc., Yucaipa, CA, and Montgomery Hardware, Co., for Severe Special Day Classroom Buildings at Bradley, Cypress, Highland-Pacific, Hillside, Hunt, North Verdemon, Rio Vista, and Roosevelt Elementary Schools, per Board of Education approval on April 20, 2010, as follows:

Board of Education Minutes
February 15, 2011

- The Architect, Construction Manager, DSA Inspector of Record, 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.

11.59 - Notice of Completion, Bid No. 29-10, Varsity Baseball Infield Renovation at San Gorgonio High School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the Bid No. 29-10, Varsity Baseball Infield Renovation at San Gorgonio High School, Purchase Order No.115814, awarded to:

Promised Land Nursery
25485 Palomar Road, PO Box 1187
Menifee, CA 92585

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

11.60 - Notice of Completion, Bid No. F09-13, Hazardous Materials Abatement and Site Demolition Services at the Proposed H. Frank Dominguez (Burbank II) Elementary School Site

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F09-13, Hazardous Materials Abatement and Site Demolition Services at the proposed H. Frank Dominguez (Burbank II) Elementary School site, for the work awarded to the General Contractor listed below:

General Contractor
Interior Demolition, Inc.
Montrose, CA

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

11.61 - 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)5/3/1996 *(S)4/19/1997 *(S)10/3/1992 *(S)12/18/1997 *(S)4/28/2000 *(S)8/13/1993
*(S)11/29/1994 *(S)9/16/1995 *(S)8/23/1995 *(S)7/8/1993 *(S)2/7/1998 *(S)4/17/1997
*(S)1/22/1994 *(S)11/2/1992 *(S)6/11/1998

*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.

11.62 - 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.

9/15/1996

11.63 - 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:

10/2/1996 3/8/1996

11.64 - 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:

11.65 - 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:

12/31/1996

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.

11.66 - 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:

3/14/1993	12/11/1992	9/12/1994	2/5/1999	3/1/1994	4/30/1996
11/21/1996	1/22/1996	6/28/1995	4/9/1996		

11.67 - 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:

11.68 - 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.

11.69 - 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.

12.0 - Action Items

12.1 - Budget Cuts Plan Fiscal Year 2011-12

No action was taken.

12.2 - Resolution to Adopt Criteria for Resolving Ties in Seniority Related to Certificated Layoffs

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

**RESOLUTION TO ADOPT CRITERIA FOR RESOLVING
TIES IN SENIORITY RELATED TO CERTIFICATED LAYOFFS**

WHEREAS, Education Code section 44955, subsection (b), related to certificated layoffs, provides in relevant part, “[a]s between employees who first rendered paid service to the district on the same date, the governing board shall determine the order of termination solely on the basis of need of the district and the students thereof;”

Board of Education Minutes
February 15, 2011

NOW, THEREFORE, BE IT RESOLVED that based upon the needs of the District and the students thereof, in the event of a certificated layoff the following criteria shall be applied in order based on information on file as of February 1, one step at a time until the tie is broken, to resolve ties in seniority between certificated employees:

1. Highly Qualified Status under NCLB in area of assignment.
2. Possession of an authorization to teach English Language Learners in order of priority:
 - a. Bilingual Cross Cultural Language and Academic Development (BCLAD)
 - b. Cross Cultural Language and Academic Development (CLAD), SB 1969 or SB 395 Certificate, Language Development Specialist Certificate, Supplemental Authorization for English as a Second Language, Specially Designated Academic Instruction in English (SDAIE), other
3. Credential status in area of assignment, in order of priority:
 - a. Clear, Life, Standard Secondary, etc.
 - b. Preliminary
 - c. Intern
 - d. Provisional, STC, other
4. Possession of a Clear or Preliminary Single Subject credential in the following areas, in order of priority:
 - a. Special Education
 - b. Math
 - c. Science
 - d. English
5. Possession of a supplemental authorization to teach in the following areas, in order of priority:
 - a. Math
 - b. Science
 - c. English
6. Total number of Clear or Preliminary credentials in different subject areas.
7. Total number of supplementary authorizations in different subject areas.
8. Number of years of credentialed teaching experience prior to employment with District, as indicated by initial salary schedule placement.
9. Possession of a Doctorate Degree, earliest date prevails.
10. Possession of a Masters Degree, earliest date prevails.
11. Total number of post-secondary credits on file with the District by February 1.
12. If ties cannot be broken by using the above criteria then order of seniority shall be determined by a random drawing among employees in the individual tie.

12.3 - Personnel Report #16, Dated February 15, 2011

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

BE IT RESOLVED that the Personnel Report #16, dated February 15, 2011, 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.

12.4 - In Recognition of Deceased Employee

Members of the audience and Board of Education observed a moment of silence for the following deceased employee:

LYNIA CARRIE (JO) BURHOP

WHEREAS Lynia Burhop was a dedicated member of the classified service and management staff for the San Bernardino City Unified School District from 1995, until her untimely passing; and

WHEREAS Lynia Burhop served the District as a cafeteria worker at Roosevelt Elementary School and was a serving kitchen operator at Palm Avenue Elementary School, before being promoted to senior cafeteria worker at San Gorgonio High School and then nutrition services manager; and

WHEREAS on January 20, 2011, Lynia Burhop died, bringing deep sorrow to her loving family and friends; and

WHEREAS Lynia Burhop is survived by her husband Gerald Burhop Sr.; three daughters, Debbie Reyes, Tina Martin, and Cindy Watson; three sons, Gerald Burhop Jr., Steven Burhop, and Joshua Burhop; a brother, J.L. Clements; and numerous grandchildren and great-grandchildren;

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

SESSION ELEVEN - Closed Session

13.0 - 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

Conference with Legal Counsel: Existing Litigation

(Government Code Section 54956.9(a))
Name of Case: Checkpoint Communications

Conference with Legal Counsel: Anticipated Litigation

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

SESSION TWELVE – Open Session

14.0 - Action Reported from Closed Session

No reportable action was taken.

SESSION THIRTEEN - Closing

15.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 10:15 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, March 1, 2011, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.