

San Bernardino City Unified School District

Minutes of a Regular Meeting of the Board of Education

**MINUTES
ADOPTED
3/1/11**

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

February 1, 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 Mel Albiso, Assistant Superintendents, Yolanda Ortega, John Peukert, and Harold Vollkommer; and Superintendent's Assistant Phyllis Gronek. Minutes recorded by Administrative Assistant Jennifer Owens.

Absent: Deputy Superintendent Judy White.

SESSION ONE - Opening

1.0 - Opening

1.1 - Call to Order

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

1.2 - Pledge of Allegiance to the Flag

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

SESSION TWO - Special Presentations

2.0 - Special Presentations

President Tillman moved item 2.3 forward on the agenda.

2.3 - Green California Schools Award

At the Annual Green California Schools Summit held on December 9, 2010, at the Pasadena Convention Center, our district was presented with the 2010 Green Building Award for building environmentally friendly, high-performance, energy-efficient schools and to our steadfast dedication to the implementation of "green" building standards. Some of these "green" endeavors for a high performance building include energy and resource-efficiency; lighting; water conservation and electricity savings of 25 percent or greater; and healthy, comfortable, well-lit buildings that contain amenities for a quality education and work environment.

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Board members congratulated John Peukert, Wael Elatar, Samer Alzubaidi, Jorge Mendez, Ali Kiafar, and Ying Wang for their efforts.

2.1 - Recognition of African-American History Month

Each year, the San Bernardino City Unified School District joins other organizations in towns and cities in our state and nation in observing and recognizing the achievements of our citizens of African descent.

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

WHEREAS Americans of African descent contributed to the development of our nation in countless ways and participated in every effort to secure, protect, and maintain the essence and substance of American democracy; and

WHEREAS African-American history reflects a spirit of determination, perseverance, ingenuity, and cultural pride in the struggle to share equally in the opportunities of a nation founded upon the principles of freedom and liberty for all people; and

WHEREAS the San Bernardino City Unified School District also plays a role in promoting the knowledge and understanding that can be gained by all students, regardless of race, through a study of African-American history;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District declares February 2011, to be acknowledged in all District schools as a period of recognition of African-American history as it relates to the history and culture of our country; and

BE IT FURTHER RESOLVED that the Board of Education encourages all the schools of the District to undertake educational activities which commemorate the history and contributions of African-American citizens and that this history be included and intertwined in all studies of history of the United States throughout the school year.

Board Member Judi Penman arrived at 5:45 p.m.

2.2 - Recognition of Ronald Reagan Day

Beginning in 2011, February 6 of each year has officially been designated as Ronald Reagan Day in California. On February 6, the San Bernardino City Unified School District joins other organizations in towns and cities across the state in observing and recognizing the achievements of our 33rd governor and the nation's 40th president.

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

WHEREAS Ronald Wilson Reagan was born on February 6, 1911, and served as governor of California from 1967 to 1975; and

WHEREAS Ronald Reagan was a man of humble background who worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, governor of California, and president of the United States; and

WHEREAS known for his small-town values of hard work, tolerance, and the importance of education, Ronald Regan was sworn in as the nation's 40th president on January 20, 1981, and continued to serve until 1989; and

WHEREAS during Ronald Regan's presidency, the nation experienced an unprecedented period of economic growth and prosperity, military strengthening, establishment of new diplomatic allies abroad, and a resurgence of national pride;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District encourages all the schools of the District to undertake educational activities on February 6, 2011, which commemorate the life and accomplishments of Ronald Reagan.

SESSION THREE – Student Report/School Showcase

3.0 - Student Report/School Showcase

3.1 - San Bernardino High School

Estephanie Gomez, Student Board Representative from San Bernardino High School, presented a report of activities taking place at the high schools during the month of February. Principal Sandra Rodriguez discussed the Race to the Top Learning Center, a new program at her school.

SESSION FOUR - Administrative Presentation

4.0 - Administrative Presentation

4.1 - Construction Projects: Lease-Leaseback

Dr. Delgado reported that the Board had asked for more information regarding lease-leaseback. John Peukert, Assistant Superintendent, Facilities/Operations Division; Wael Elatar, Facilities Administrator; and Terry Tao from Atkinson, Andelson, Loya, Ruud, and Romo, presented three

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options for six construction projects: Middle College High School, Little Mountain Elementary School, and four Overcrowding Relief Grant (ORG) projects: Lincoln, Muscoy, Vermont, and Lankershim Elementary Schools (see page ____).

John Peukert reported that the District has to start construction soon on Middle College High School and Little Mountain Elementary School or we will lose funding. Terry Tao stated that sole source or lease-leaseback are the only options to meet our deadline. Mr. Tao stated that lease-leaseback is the faster and legally better option.

Teresa Parra Craig asked why the Facilities Director is a non-voting member of the Facilities Selection Committee. Wael Elatar stated that it eliminates the conflict of interest. Danny Tillman asked who appointed the committee members. John Peukert stated that the Board approved URS to run the building program and assist with the process. Mr. Tillman asked if there are other districts that appoint their committee members. Mr. Tao stated that it is usually comprised of Facilities staff. Mr. Tillman stated that he would approve Middle College High School and Little Mountain Elementary School projects due to the timeline, but expressed his concern with the committee. Mr. Tillman stated that the process has to be more robust than this for future projects. John Peukert stated that the District gave the opportunity to the business community and then the list was refined. If they didn't have lease-leaseback experience, they wouldn't have qualified. The business outreach program has been used and 38 proposals were submitted.

Teresa Parra Craig stated her support of lease-leaseback due to owner guarantee and reported that the general contractor will award his own subcontracts. John Peukert stated that it is part of our negotiations that we know who the subcontractors are. Mrs. Parra Craig asked if the District could have stipulated the number of local subcontractors. Terry Tao answered yes.

Judi Penman reported that she spoke with two firms involved with lease-leaseback and neither firm is listed on the agenda. Mrs. Penman advised staff to be careful about using out-of-area vendors. Mrs. Penman stated that she is disappointed and this is not what she was expecting.

John Peukert stated that preference can be given to local vendors, but he wants the best deal for the District. Local vendors don't always have the best prices.

Teresa Parra Craig recommended Option B. Mrs. Parra Craig stated that no other California school district has done as much as ours, but the Board has the right to be included in the decisions. Lynda Savage, Elsa Valdez, Barbara Flores, and Danny Tillman concurred. Mr. Tillman stated that the Board still has concerns and it would be nice if Staff took those into consideration. We want to involve local companies.

President Tillman moved Action Item 10.3 forward on the agenda.

10.3 - Option Selection for Various Facilities Construction Projects

Upon motion by Member Parra Craig, seconded by Member Flores, 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 approves OPTION "B": entering into Lease/Leaseback master agreements for MCHS and Little Mountain ES with the following pre-approved firms:

- | | |
|---|--|
| -Barnhart Balfour Beatty, Riverside, CA | -Erickson Hall Construction Co., Escondido, CA |
| -C.W. Driver, Ontario, CA | -Lusardi Construction Co., San Marcos, CA |
| -Charles Pankow Builders, Ltd., Pasadena, CA | -Swinerton Builders, Los Angeles, CA |
| -Echo Pacific Construction, Inc., Escondido, CA | -Suffolk Construction Co., Inc., Irvine, CA |

Dr. Delgado stated that prior to bidding, we will ask for a percentage for the final bid. We will get the Board's recommendations for the selection committee. Administrators' recommendations protect the Board.

President Tillman moved Session Six forward on the agenda.

SESSION SIX – Other Matters Brought By Citizens

6.0 - Other Matters Brought by Citizens

Juanita Williams asked for help with her granddaughter who has behavior and defiance disabilities. Her teacher gives her detentions instead of helping her. President Tillman told Ms. Williams that someone would follow up with her.

Corrine Estrada, mother of a student at Arroyo Valley High School, reported that her son was assaulted, but she was never notified. He took a weapon to school to protect himself and is now in a County School. She has witnessed students loitering and no security. Ms. Estrada stated that there should be more security at the school.

Gil Navarro, education advocate, stated that Ms. William's granddaughter's teacher should be trained to deal with students with ADHD. Mr. Navarro stated that he was at Arroyo Valley High School three times last week and didn't see any security. Mr. Navarro recommended that the District do a needs assessment at schools and provide training.

Ruben Chavez, an AB 540 student, expressed his concern that students aren't aware of this. Mr. Chavez asked to meet with someone at the District level.

Rebecca Harper stated that the PLAS-Involuntary Transfers MOU is the result of a process since August. SBTA went through a grievance and this is the result. Danny Tillman stated that it was only through SBTA's cooperation that we were able to get the SIG funds.

Sharon Thurman, CSEA member, asked if Action Item 10.1 is for approval of a new job. Dr. Delgado stated that this is an addition to a title, not a new job.

Amelia Lopez, health education specialist with the County, asked why the Board waived their right to object to a new AM/PM near Urbita Elementary School. The City put a moratorium on stores that sell alcohol, and the area has a high percentage of alcohol sales. The District accepted a one-time donation for the cost of crossing guards. Judi Penman reported that the Board might not have approved this if she had told them earlier. Mrs. Penman stated that the cost of a crossing guard doesn't compare with what could happen to one of our students. Elsa Valdez stated that they were told that no alcohol would be sold. Dr. Delgado stated that the original request stated that they would not sell until after 4 p.m. and provide crossing guards. Teresa Parra Craig stated that the City has now approved the second request. It was amended to be an Arco station. Mrs. Parra Craig asked if the community is happy with it. Lynda Savage asked staff to keep on top of it and not allow single sales. Danny Tillman stated that he approved it because it is an Arco station. The District provides a lot of substance abuse education and it starts at home.

Valerie Mitchell, third grade teacher at Newmark Elementary School, stated that the CORE program has benefited the teachers. They provide eight to ten days of training each year and are inspiring and motivating. They have used CORE for over five years and the training is site specific.

Karen Serrano from Congressman Joe Baca's office announced that in recognition of Black History Month, Congressman Baca is hosting an event to recognize outstanding African American seniors in the 43rd Congressional District for excellent academic achievements and community involvement. The event will be held on Thursday, February 24, at Bloomington High School at 6 p.m. Teresa Parra Craig asked Ms. Serrano to give Board members invitations earlier.

SESSION FIVE - Administrative Reports

5.0 - Administrative Reports

5.1 - Governor's Proposed Budget for Fiscal Year 2011-12

Mohammad Z. Islam, Chief Business and Financial Officer, distributed information regarding the Governor's proposed budget plan for Fiscal Year 2011-12 (see page ____). A proposed budget cut plan will be presented on February 15, 2011, at 4:30 p.m. for Board consideration.

5.2 - Quarterly Uniform Complaint Report Summary

Pursuant to legislation passed as a result of the Williams Case and Valenzuela Settlement Agreements, districts must report summarized data on the nature and resolution of all complaints

on a quarterly basis to the governing board, at a regularly scheduled board meeting. The following is the quarterly report for the period from October to December, 2010 pursuant to Section 4686(b) of Title 5, Division 1, Chapter 5.1, Subchapter 1, Article 8 of the California Code of Regulations.

Williams and Valenzuela Settlement Legislation
Quarterly Report Summary

Quarterly Uniform Complaint Report Summary

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

District Name: San Bernardino City Unified School District

Quarter covered by this report: October – December 2010

UCP Areas	Number of Complaints Received in Quarter	Number of Complaints Resolved	Number of Complaints Unresolved (Quarter)	Number of Complaints Unresolved (Historic)
Instructional Materials	0	0	0	0
Facilities	2	2	0	0
Teacher Vacancy and Misassignment	0	0	0	0
CAHSEE Intensive Instructions for High School Exit Exam	0	0	0	0
Totals	2	2	0	0

Submitted by: Marie Arakaki
Title: Affirmative Action Director

5.3 - Williams Deciles 1-3 Schools Quarterly Report

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

The instructional materials sufficiency reviews, facilities inspections, School Accountability Report Card (SARC) reviews, and California High School Exit Examination (CAHSEE) site

validation reviews (as appropriate) were conducted during the first quarter of the 2010-11 school year and the findings were reported in October 2010. The annual teacher assignment monitor and review process began November 30, 2010, and concludes by report to the California Commission on Teacher Credentialing on July 1, 2011. The final teacher assignment information will be provided in the fourth quarterly report.

There are no findings to report in the following areas:

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

5.4 - Public Disclosure of Memorandum of Understanding (PLAS-Involuntary Transfers)
Between the San Bernardino City Unified School District and the San Bernardino Teachers
Association (SBTA)

On January 19, 2011, the San Bernardino Teachers Association (SBTA) ratified the following Memorandum of Understanding that clarifies involuntary transfers related to the Persistently Low Achieving Schools (PLAS).

**MEMORANDUM OF UNDERSTANDING
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT
AND SAN BERNARDINO TEACHERS ASSOCIATION
January 11, 2011**

PLAS-Involuntary Transfers

This Memorandum of Understanding is made and entered into this 11th day of January 2011 between the SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT (hereinafter the District) and the SAN BERNARDINO TEACHERS ASSOCIATION, CTA/NEA (hereinafter the Association).

WHEREAS, eleven (11) of the district's schools including Barton, Marshall, Wilson, Hunt, Rio Vista, Davidson, Shandin Hills, Serrano, Pacific, Arroyo Valley, and San Gorgonio were identified as Persistently Low Achieving Schools (PLAS), and

WHEREAS, the schools are also commonly referred to as School Improvement Grant (SIG) and/or Priority Schools, and

WHEREAS, the intensity of the mandated improvement process requires that employees of the school maintain a significant commitment to the school's efforts to increase student achievement,

It is hereby agreed as follows:

Bargaining unit members at identified Persistently Low Achieving Schools may be involuntarily transferred under the following conditions:

I. Bargaining Unit Members Who Refuse to Sign the Commitment Letter

- a. Bargaining unit members who refuse to sign the commitment letter will be permitted to submit a voluntary transfer request per Article XIX, Section 3 of the Collective Bargaining Agreement (CBA). This includes both probationary employees and employees who have a rating of “Unsatisfactory” or “Improvement Needed” on their most recent evaluation.
- b. Bargaining unit members in this circumstance will receive priority for voluntary transfer.
- c. If a bargaining unit member is not successful in obtaining a voluntary transfer, s/he may be involuntarily transferred.

II. Bargaining Unit Members Who Sign, then Rescind the Commitment Letter

- d. Bargaining unit members who sign, then rescind the commitment letter will be permitted to submit a voluntary transfer request per Article XIX, Section 3 of the C.B.A. This includes both probationary employees and employees who have a rating of “Unsatisfactory” or “Improvement Needed” on their most recent evaluation.
- e. Bargaining unit members in this circumstance will receive priority for voluntary transfer.
- f. If a bargaining unit member is not successful in obtaining a voluntary transfer, s/he may be involuntarily transferred.

III. Bargaining Unit Members Who Sign but Do Not Live Up to the Conditions of the Commitment Letter

- a. In order to be involuntarily transferred, the bargaining unit member must have a current assistance plan per Article XVI, Section 3 of the C.B.A., whether or not s/he is scheduled for evaluation in the given year.
- b. Not later than February 15, the Principal shall schedule a meeting with the bargaining unit member for the purpose of discussing the reasons underlying the recommendation for involuntary transfer (the unit member may bring an SBTA Representative).
- c. The Principal shall review with the bargaining unit member her/his concerns about where specifically s/he sees the unit member’s level of “commitment.” Progress on the Learning Goals, Professional Development Goals, and School Community Goals may be a part of the discussion.
- d. The bargaining unit member shall be given the opportunity to confirm whether or not s/he is interested in staying at the school and to request assistance and establish her/his interest in learning and improving.

- e. Not later than February 28, the Principal shall notify the bargaining unit member of her/his final decision to involuntarily transfer the bargaining unit member or not in accordance with Article XIX, Section 4 (C) of the C.B.A.
- f. The bargaining unit member will have the opportunity to submit a voluntary transfer request per Article XIX, Section 3 of the C.B.A. This includes both probationary bargaining unit members and bargaining unit members who have a rating of “Unsatisfactory” or “Improvement Needed” on their most recent evaluation. Nothing in this sub-section shall be interpreted as limiting the district’s ability to non-reelect probationary employees.

This MOU shall be in effect until June 30, 2013. Both parties agree to meet and review the elements of this MOU on an annual basis. Should the identification of PLAS continue past this date, the parties shall meet to review the elements of this MOU.

5.5 - Citizens’ Oversight Committee Annual Report

In March 2004, the voters of San Bernardino approved the \$140 million Measure T Bond. By law, performance and financial audits are to be performed annually, and all bond expenditures are monitored by an independent Citizens’ Oversight Committee (COC) to ensure that funds are spent as promised and specified. Per the COC’s bylaws, the Committee shall present to the Board of Education, in public session, an annual written report.

Sheri Hundley, COC Chair, presented the following report.

Good evening Dr. Delgado, Mr. Tillman, and Board Members.

My name is Sheri Hundley and I am the current Chair of the Measure T Bond Citizen’s Oversight Committee.

The Committee is legally charged under the Education Code and the California Constitution with direct taxpayer review of the Bond measure and with informing the public about expenditures of the Bond proceeds to ensure that spending conforms with the Bond language approved by voters.

I am here this evening to inform the Board and the public regarding the Committee’s findings from the fifth year of the Bond from March 2009, through March 2010. The Committee has prepared an Annual Report to highlight our activities over the past year and to certify that the District is in compliance with the requirements of the California Constitution.

Specifically, we are certifying that the following three requirements have been fulfilled:

1. Proceeds from the bond sales were used only for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, or the acquisition or lease of real property for school facilities.

2. A list of specific school facilities to be funded by the bond has been prepared.
3. An annual independent performance audit has been prepared to ensure that the funds were expended appropriately for the projects listed.

This information was validated by the independent auditing firm of Vicenti, Lloyd & Stutzman in their reports submitted for the period ending June 30, 2009.

The Committee members who participated in the bus tour on September 1 were pleased to see the progress that the District has made in purchasing and clearing the properties to make way for new schools. We look forward to seeing the new schools in place to help reduce overcrowding and return more schools to a traditional calendar. The modernization projects that we visited highlighted improvements to our existing schools that will enhance the learning atmosphere for the students. In our tour of Indian Springs High School we were able to see the unique way the District has combined new construction with the modernization of the old Curtis Middle School. We found all of the construction work throughout the District to be very exciting.

The Citizen's Oversight Committee members and officers wish to thank the Board, Superintendent and staff for their support and appreciate this opportunity to serve the taxpayers of the District and to inform the public regarding the Measure T Bond funds.

5.6 - School Improvement Grant Update

Dr. Delgado reported that the second apportionment is about to be released. Elsa Valdez asked if they will get an update on programs and plans. Dr. Delgado stated that we have scheduled all SIG schools to report to the Board.

SESSION SEVEN - Reports and Comments

7.0 - Report by Board Members

Barbara Flores announced that she will be the lead collaborator at a national convention, March 7-8, and recommended that Dr. Delgado, Daniel Arellano, and Melanie McGrath attend. Dr. Flores asked Dr. Delgado for his recommendations for who else should attend. Elsa Valdez requested information on the convention.

Dr. Flores asked for Board approval to support Arrowhead Regional Medical Center's Walk or Run to Better Health event on March 12. Dr. Delgado stated that staff will draft a resolution for Board consideration.

Dr. Flores reported that James Ramos has been selected to serve on the State Board of Education. Dr. Flores asked that a congratulatory letter be sent to Mr. Ramos on behalf of the Board.

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Elsa Valdez announced that February is Black History Month and asked if the District had a curriculum for Black leaders. Dr. Valdez asked which schools are holding Black history activities. Lynda Savage reported that she serves as a judge every year at the Black History Bee.

Teresa Parra Craig reported that she attended a school/church adoption meeting on January 31. People in the community want to help the schools, but don't know how. Mrs. Parra Craig thanked Linda Bardere for her support.

Danny Tillman reported that Curtis Middle School has an after-school drum line and they recently competed in Chino Hills. Mr. Tillman announced that he attended an event for Congressman Joe Baca last week and Congressman Baca mentioned the District in his speech.

7.1 - Legislative Update

None.

8.0 - Report by Superintendent and Staff Members

Dr. Delgado reminded Board members of the Black History Reception on February 5, and the Black History Parade on February 6. Dr. Delgado announced that he attended a CALSA Conference last week and each participant was given \$500 to give to their district's General Fund. Dr. Delgado announced that State Superintendent Tom Torlakson asked him to be on his transition committee and he accepted.

SESSION EIGHT - Legislation and Action

9.0 - Consent Items (When considered as a group, unanimous approval is advised.)

Certain items of business require review and approval by the Board of Education. Other items are for information and review only. Therefore, the following items are grouped as a consent list for receipt and approval. When members have questions about items included in the consent calendar, these items are pulled out of the group and considered separately.

Consent items 9.2, 9.4, 9.15, 9.16, 9.19, 9.21, 9.22, and 9.23 were pulled for later consideration.

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

9.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on December 21, 2010, be approved as presented.

9.3 - Approval of Year One Program Improvement Plans

BE IT RESOLVED that the Board of Education approves the two-year Program Improvement Plans for the following schools:

North Park Elementary
Bing Wong Elementary
Cajon High

9.5 - 2010-2011 District Consolidated Application (Part II)

BE IT RESOLVED that the Board of Education approves submission of the District Consolidated Application-Part II for Categorical Funds in the amount of \$45,541,993.00.

BE IT FURTHER RESOLVED that Judy D. White, Deputy Superintendent, be authorized to sign all documents pertaining to the Consolidated Application of behalf of the Board of Education.

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

BE IT RESOLVED that the Board of Education approves payment for services as master teachers during Fall Session 2010, as provided for in the Agreement with California State University San Bernardino, as follows:

Acosta, Angelica	\$166.70	Hegardt, Greg	\$166.70
Arcy, Gus	\$166.70	Kounas, Jason	\$166.70
Brading, Darla	\$166.70	Luna, Danielle	\$166.70
Busselle, Leighann	\$166.70	Mendoza, Victor	\$166.70
Cajiuat, Dee	\$166.70	Miguel, Rosalie	\$166.70
Canales, Mercy	\$166.70	Mudd, Brian	\$166.70
Deininger, Scott	\$166.70	Payne, Elizabeth	\$166.70
Dishman, Vicky	\$166.70	Posiviati, Susan	\$166.70
Edwards, Willy	\$166.70	Sanguino, Gretty	\$166.70

9.7 - Payment of Master Teachers – National University

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

Dicosola, Paula	\$150.00	Russell, Gail	\$150.00
Richarson, Lisa	\$150.00		

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9.8 - Payment of Master Teacher – University of Phoenix

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during Spring Session 2010, as provided for in the Agreement with the University of Phoenix, as follows:

Jenifer Croteau \$240.00

9.9 - Payment of Master Teachers – University of Redlands

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

Bettas, Ashley-Jane	\$ 50.00	Kilany, Rhapsody	\$200.00
Blumenthal, Cyndi	\$200.00	Magallanez, Brook	\$200.00
Del Rincon, Naomi	\$200.00	Munoz-Gallegos,	\$200.00
Gondos, Jimmy	\$200.00	Myrna	
Iversen, Lisa	\$ 60.00	Rodriguez, Maritza	\$200.00

9.10 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$1,000.00, San Joaquin Valley College.

9.11 - Commercial Warrant Registers for Period from January 1, through January 15, 2011

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

9.12 - Payment for Course of Study Activities

BE IT RESOLVED that the Board of Education considers the following activities to be a part of the regular course of study for the 2010-11 school year and approves payment to the following:

PMMPnP for a motivational presentation on May 6, 2011. The cost, not to exceed \$4,115.00, will be paid from Rodriguez PREP Academy Account No. 039.

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

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

Digital Edge Learning for the following teacher training: Got Algebra, Effective Digital Math Instruction, Engaging Language Arts Secondary Language Arts, Optimizing Digital Lessons, Checking for Understanding, Research Based Formative Assessment as well as two days of coaching and the Principal Walk Thru—Teacher Showcase, January 12, through June 30, 2011. The fee, not to exceed \$77,900.00, will be paid from the Restricted General Fund—School Improvement Grant-New SIG, Account No. 507.

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

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

BE IT FURTHER RESOLVED that in accordance with California Education Code Section 17545, the Board of Education declares the following items as surplus to District needs and unsatisfactory or no longer suitable for school use: List of Salvage Computer Equipment and Peripherals dated January 6, 2011.

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

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Parent Institute for Quality Education, El Monte, CA, to provide training for approximately 125 parents of District students enrolled at Curtis Middle School, effective February 2, through April 13, 2011. The Parent Institute will recruit parents by phone, provide a needs assessment session and provide a series of weekly training sessions. The training sessions will culminate in a graduation with certificates given to parents who attend four sessions. The training will provide the skills and techniques that will enable parents to address the educational needs of their school-aged children. The cost, not to exceed \$10,000.00, will be paid from the Restricted General Fund—Economic Impact Aid State Compensatory Education, Account No. 420.

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

9.18 - Agreement with University of California, Riverside Career Center to Provide Mentors for the AP Initiative at District High Schools

BE IT RESOLVED that the Board of Education approves entering into an agreement with the University of California, Riverside Career Center to provide university students as mentors for the AP Initiative at District high schools, effective February 2, through June 30, 2011. The university students are paid through the university's Work-Study program, so there will be no cost to the District.

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

9.20 - Amendment No. 3 to the Agreement with STV Inc. to Provide Architectural and Engineering Services Related to Portable Buildings for the San Bernardino High School Modernization Project

BE IT RESOLVED that the Board of Education approves amending the agreement with STV Inc., Los Angeles, CA for architectural and engineering services related to portable buildings for the San Bernardino High School Modernization Project. This amendment will extend the ending date from February 9, 2011, through June 30, 2012. There is no additional cost for this amendment. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 3.

9.24 - Approval to Process Payments for Pending Change Orders for Group 6 Modernization Projects at Anderson, Del Rosa, Monterey, and Wilson Elementary Schools - United Contractors Company, Inc.

BE IT RESOLVED that the Board of Education approves the processing of payments for change orders pending Division of State Architect (DSA) approval for United Contractors Company, Inc., Anaheim, CA, General Contractor for Group 6 Modernization Project at Anderson School, Del Rosa, Monterey and Wilson Elementary Schools, per 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.

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- 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.

9.25 - Approval to Process Payments for Pending Change Orders for Group 9 Modernization and Deferred Maintenance Projects at Inghram, Lytle Creek and Urbita Elementary Schools, Richardson PREP HI and Serrano Middle Schools - Oakview Constructors, Inc.

BE IT RESOLVED that the Board of Education approves processing of payments for change orders pending Division of State Architect (DSA) approval for Oakview Constructors, Inc., Calimesa, CA, General Contractor for Group 9 Modernization and Deferred Maintenance Projects at Inghram, Lytle Creek and Urbita Elementary Schools, Richardson PREP HI, and Serrano Middle Schools, 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.

9.26 - Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107 - Asbestos Abatement

BE IT RESOLVED that the Board of Education approves the request by the general contractor, PW Construction, Inc., Bid F08-11, for the San Bernardino High School (Group 8) Modernization Project, to release US Demolition Inc., the asbestos abatement subcontractor, from their obligation on the project, and to substitute Allied Environmental Services, Sherman Oaks, CA, as the asbestos abatement subcontractor, pursuant to Public Contract Code Section 4107. There is no additional cost. All other terms and conditions remain the same.

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

9.27 - Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107 - HVAC

BE IT RESOLVED that the Board of Education approves the request by the general contractor, PW Construction, Inc., Bid F08-11, for the San Bernardino High School (Group 8) Modernization Project, to release SSW Mechanical Construction, Inc., the HVAC subcontractor, from their obligation on the project, and to substitute Westland Heating & Air Conditioning, Inc., Ontario, CA, as the HVAC subcontractor, pursuant to Public Contract Code Section 4107. There is no additional cost. All other terms and conditions remain the same.

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

9.28 - Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107 – Metal Studs, Drywall and Cementitious Fireproofing

BE IT RESOLVED that the Board of Education approves the request by the general contractor, PW Construction, Inc., Bid F08-11, for the San Bernardino High School (Group 8) Modernization Project, to release Church and Larsen, Inc., the metal studs, drywall and cementitious fireproofing subcontractor, from their obligation on the project, and to substitute Gypsum Enterprises, Inc., Anaheim, CA, as the metal studs, drywall and cementitious fireproofing subcontractor, pursuant to Public Contract Code Section 4107. There is no additional cost. All other terms and conditions remain the same.

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

9.29 - Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107 - Plumbing

BE IT RESOLVED that the Board of Education approves the request by the general contractor, PW Construction, Inc., Bid F08-11, for the San Bernardino High School (Group 8) Modernization Project, to release Dave Miller Plumbing, Inc., the plumbing subcontractor, from their obligation on the project, and to substitute Emyrean Plumbing, Inc., Riverside, CA, as the plumbing subcontractor, pursuant to Public Contract Code Section 4107. There is no additional cost. All other terms and conditions remain the same.

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

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9.30 - Notice of Completion, Bid No. F09-06, Abatement and Demolition Services of Forty Properties at the Proposed George Brown Jr. (Wilson II) Elementary School Site

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F09-06, Abatement and Demolition Services of 40 properties at the proposed George Brown Jr. Elementary School site, for the work awarded to the General Contractor listed below:

General Contractor
AMPCO Contracting Inc.
Anaheim, CA

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

9.31 - Notice of Completion, Bid No. F09-07, Soils Remediation, Hazardous Materials Abatement and Demolition Services at the Proposed Captain Leland Norton (Lincoln II South) Elementary School Site

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F09-07, Soils Remediation, Hazardous Materials Abatement and Demolition Services at the Proposed Captain Leland Norton (Lincoln II South) Elementary School site, for the work awarded to the General Contractor listed below:

General Contractor
AMPCO Contracting, Inc.
Anaheim, CA

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

9.32 - Physical Education Exemptions

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

2/17/95 9/5/95 8/21/96

9.33 - 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:

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*(S)6/10/2002 *(S)12/18/1995 **(S)3/13/1997 *(S)7/14/1994 *(S)6/9/1995 **11/13/1996
*(S)11/23/1997 *(S)2/15/1995 **(S)5/26/2002 *(S)9/12/1996 *(S)11/8/1993

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

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

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

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

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

12/29/1997 7/17/1995 9/17/1999

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

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

9.36 - 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:

9.37 - 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:

6/23/1994

This order revokes a previously suspended expulsion order and is recommended at this time because the student(s) violated the conditions of the suspension of the expulsion order.

9.38 - Lift of Expulsion of Student(s)

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

7/4/2000	5/25/1995	9/26/1994	12/06/1997	4/30/1995	12/26/1994
4/26/1996	1/15/1997	1/14/1997	7/21/1997	5/21/1993	5/17/1994
11/4/1994	5/23/1999	2/18/1995	1/5/1996	9/12/1993	3/5/1996
6/9/1995	5/6/1994				

9.39 - Failure to Recommend Mandatory Expulsion 48915

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

9.40 - Petition to Expunge, Rescind, or Modify Expulsion

9/18/1994	8/2/1993	2/24/1994	2/20/1997
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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.

9.41 - 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.

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

Upon motion by Member Savage, seconded by Member Flores, 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 approves the Waiver of CAHSEE Passage Requirement for Students with a Disability.

9.4 - Approval of Single Plans for Student Achievement, 2010-2011

Teresa Parra Craig asked if this has to be approved tonight. Jim Dilday said that the District is on a very tight timeline, but he could ask for one more extension. Mrs. Parra Craig stated that she didn't want to hold this up. Barbara Flores stated that she is looking for content. Mr. Dilday suggested that Dr. Flores schedule a meeting with someone in the Accountability Office.

Upon motion by Member Savage, seconded by Member Flores, 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 approves the Single Plans for Student Achievement for the following schools:

Schoolwide Programs Elementary Schools

Ramona-Alessandro	Emmerton	Lytle Creek	Riley
Anton	Fairfax	Marshall	Rio Vista
Arrowhead	Highland Pacific	Monterey	E. Neal Roberts
Barton	Hillside	Mt. Vernon	Roosevelt
Belvedere	Hunt	Muscoy	Salinas
Bradley	Inghram	Newmark	Thompson
Burbank	Jones	North Park	Urbita
Cole	Kendall	North Verdemon	Vermont

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Cypress	Kimbark	Bonnie Oehl	Warm Springs
Davidson	Lankershim	Palm Avenue	Wilson
Del Rosa	Lincoln	Parkside	Wong

Schoolwide Programs: Middle Schools

Arrowview	Del Vallejo	Richardson	Serrano
Chavez	Golden Valley	Rodriguez	Shandin Hills
Curtis	King		

Schoolwide Programs: High Schools

Arroyo Valley	Middle College	San Andreas	San Gorgonio
Cajon	Pacific	San Bernardino	Sierra

Targeted Assistance Programs

Alternative Learning Center STAR at Anderson

9.15 - Agreement with BLU Educational Services, LLC, to Provide Academic and Other Support to Students at Arroyo Valley and San Gorgonio High Schools to Increase College Acceptance and Attendance Rate

Barbara Flores asked what this group was going to do. Dr. Delgado stated that this is an agreement to work with BLU for services they have voluntarily done in the past.

Upon motion by Member Tillman, seconded by Member Valdez, 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 approves entering into an agreement with BLU Educational Services, LLC, San Bernardino, CA, to provide multiple services to students at Arroyo Valley and San Gorgonio High Schools with the goals of increasing college acceptance and attendance rates, prepare and encourage students to attend college, increase graduation rates and enhance parental involvement, effective February 2, through June 2, 2011. The cost for services, not to exceed \$190,000.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 507.

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

9.16 - Agreement with Consortium on Reading Excellence (CORE) to Provide Specialized Site Implementation at Newmark Elementary School

Barbara Flores asked why the District is giving CORE more money. Dr. Delgado stated that this is to continue the program at Newmark Elementary School where they have made great gains. The Board has asked that the District continue with successful programs. Dr. Flores asked if all the teacher like this. Dr. Delgado stated that the principal said that her teachers have rallied behind this program and he recommends that the Board approve it.

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

BE IT RESOLVED that the Board of Education approves entering into an agreement with CORE, Berkeley, CA, to provide specialized implementation of the Houghton-Mifflin reading program on campus, effective February 2, through June 30, 2011. The fee, not to exceed \$27,230.00, will be paid from the Restricted General Fund—Economic Impact and State Compensatory Education, Account No. 420.

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

9.19 - Agreement with Youth Action Project for Educational Enhancement through the Young Scholars Initiative

Barbara Flores asked for additional information. Dr. Delgado stated that we had a contract with them to help students pass the CAHSEE and we want to expand to a larger scale. We have seen results.

Upon motion by Member Tillman, 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 approves entering into an agreement with Youth Action Project, Redlands, CA, for the purpose of implementing the Young Scholars Initiative, effective February 2, through December 22, 2011. Youth Action Project is a community-based, public-benefit corporation that focuses on educational enhancement, youth development, and community and economic development. Youth Action Project will use AmeriCorps members to provide academic support and youth/leadership development services to students, Grades 10-12, at Arroyo Valley, Cajon and San Gorgonio High Schools, including assistance in passing the California High School Exit Exam. The cost, not to exceed \$100,000.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 507.

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

9.21 - Amendment No. 4 to the Agreement with EPIC Engineers for Property Survey Services at Various Proposed New Construction Sites - Captain Leland Norton Elementary School

Teresa Parra Craig asked if May 2005 is the correct date. The Board has directed to send out RFPs. John Peukert stated that we needed some aerial surveys and used the existing vendor. Mrs. Parra Craig stated that this doesn't show a competitive spirit.

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

BE IT RESOLVED that the Board of Education approves amending the agreement with EPIC Engineers, Redlands, CA, for property survey services, originally approved by the Board on May 3, 2005. EPIC Engineers will provide aerial survey services for the Captain Leland Norton Elementary School site to obtain accurate grading information on the post-demolition site prior to bidding for the upcoming construction. The cost for the additional services, not to exceed \$6,800.00, with a new aggregate amount of \$65,800.00, plus approved reimbursables, will be paid from Funds 21, 25, and 35. 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 said Amendment No. 4.

9.22 - Extension of the Agreement with BB&T-John Burnham Insurance Services to Provide Consulting and Broker Services

Teresa Parra Craig asked if this went out for a new proposal. Mohammad Islam stated that we renegotiated fees. They have an outstanding reputation in the industry and he recommended extending this for one year. They will do an RFQ next year.

Upon motion by Member Parra Craig, seconded by Member Tillman, 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 approves extending the agreement with BB&T-John Burnham Insurance Services to provide consulting and broker services for health and welfare benefits through December 31, 2011. The services to be provided include the entire benefit management process—design, administration, and acting as an information resource. All other terms and conditions remain the same. There is no cost to the District.

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

9.23 - Takeover Agreement with First Sealord Surety, Inc., for R.L. Mays Construction for the New Construction and Modernization Project at Indian Springs High School/Old Curtis Middle School, Bid No. F08-29 - Category 6, Rough Carpentry

Upon motion by Member Parra Craig, seconded by Member Tillman, 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 makes the following findings which exist:

WHEREAS, the Governing Board of the San Bernardino City Unified School District (District) originally awarded a contract for construction work at Indian Springs High School - Bid F08-29, Category No. 6 (rough carpentry), (Project) to R. L. Mays Construction, Inc. (Mays);

WHEREAS, the District and Mays entered into a contract for the Project on or about September 10, 2009, and the Project is still not complete;

WHEREAS, due to the apparent abandonment of the Project by Mays on or about November 2009, the District's legal counsel issued a letter dated December 7, 2010, providing Mays and its surety, First Sealord Surety, Inc., the required seven days notice of the District's termination of its contract with Mays in accordance with the contract documents for the Project;

WHEREAS, on December 15, 2010, after Mays failed to address the District's concerns regarding Mays' abandonment of the Project within the seven day cure period, the District terminated Mays' contract for cause and made demand upon the Surety to complete Mays' scope of work on the Project under Performance Bond No. 09-8850-PP.

WHEREAS, given the current state of the work and the uncertainty of the issues left unresolved by Mays at the Project, there is a need to complete all remaining work and any remedial and repair work as soon as possible;

WHEREAS, competitive bidding for the completion and repair work on the Project would cause unnecessary and further delays;

WHEREAS, the surety, First Sealord (Bond Company), has indicated that it will take over Mays' contract and complete the work with Abdellatif Enterprises, Tustin, CA, under the terms of the original Performance Bond.

WHEREAS, Shore v. Central Contra Costa Sanitary District (1962) 208 Cal.App. 2d 465 and Garvey School District v. Paul (1920) 50 Cal.App. 75 holds that a contract for takeover work may be exempted from competitive bidding upon termination for cause of the original contractor; and

WHEREAS, the Board of Education approves by a majority of the vote, and pursuant to Education Code Section 17604 and similar statutes,

1. That the above recitals are true and correct.
2. That immediate completion and repair work on the Project is necessary to provide safe and adequate facilities.
3. That its work can be completed through a surety takeover agreement with First Sealord Surety, Inc. under the terms of Performance Bond No. 09-8850-PP.
4. That this Resolution shall be effective as of the date of its adoption.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to execute any and all agreements and to complete all necessary documents to complete the Project, or to otherwise carry out the intent of this Resolution.

10.0 - Action Items

10.1 - Approval of the Job Description for the Senior Management Position of Associate Superintendent/Chief Administrative Officer

Upon motion by Member Flores, seconded by Member Parra Craig, 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 of San Bernardino City Unified School District approves the job description for the senior management position of Associate Superintendent/Chief Administrative Officer.

10.2 - Selection of Measure "T" Bond Citizens' Oversight Committee Member

Upon motion by Member Savage, seconded by Member Tillman, 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 approves the appointment of Denise Benton, At-Large, to the Measure "T" Bond Citizens' Oversight Committee for an initial two-year term effective September 1, 2010 through August 31, 2012.

10.4 - Quarterly Uniform Complaint Report Summary

Upon motion by Member Savage, seconded by Member Parra Craig, 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 approves the findings of the Quarterly Uniform Complaint Report Summary for the period of October to December 2010.

10.5 - Public Disclosure of Memorandum of Understanding (PLAS-Involuntary Transfers) Between the San Bernardino City Unified School District and the San Bernardino Teachers Association (SBTA)

Upon motion by Member Flores, seconded by Member Parra Craig, 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-Involuntary Transfers) between the San Bernardino City Unified School District and the San Bernardino Teachers Association.

10.6 - Personnel Report #15, Dated February 1, 2011

Upon motion by Member Flores, seconded by Member Tillman, 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 Personnel Report #15, dated February 1, 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.

10.7 - In Recognition of Deceased Employee

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

THERESA "TERRY" DEHARO

WHEREAS Theresa Deharo was a dedicated member of the classified staff for the San Bernardino City Unified School District from 1981 to 2002, and from 2003 until her retirement in 2005; and

WHEREAS Theresa Deharo worked as an instructional aide at Roosevelt Elementary and Thompson Elementary Schools; and

WHEREAS Theresa Deharo was a lifelong San Bernardino resident and also worked for the San Bernardino Police Department, where she was a crossing guard helping Roosevelt Elementary School students; and

WHEREAS on January 14, 2011, Theresa Deharo died, bringing deep sorrow to her loving family and friends; and

WHEREAS Theresa Deharo is survived by four siblings, Delfina Lopez, Belen Perez, Virginia Alvarado, and Fred Deharo; 22 nephews and nieces; 17 great-nephews and nieces; and her longtime companion, Louis Fraga;

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 Theresa Deharo's many fine years of service to the District and its students and does extend its deepest sympathy to her family.

GERALD MURRAY NORD

WHEREAS Gerald Nord was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 1978, until 1986; and

WHEREAS Gerald Nord worked as a home teacher, and even after resigning from the District, he continued working as a substitute home and hospital teacher for many years; and

WHEREAS Gerald Nord was a scholar, having earned a master's degree at Fuller Theological Seminary, and spent four years as a missionary in Ethiopia; and

WHEREAS on January 5, 2011, Gerald Nord died, bringing deep sorrow to his loving family and friends; and

WHEREAS Gerald Nord is survived by his brother, William Nord; a niece, Stephanie Ross; and a nephew, Brent Nord;

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 Gerald Nord's many fine years of service to the District and its students and does extend its deepest sympathy to his family.

MADELEINE A. SEYMOUR

WHEREAS Madeleine Seymour was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 1967, until her retirement in 1983; and

WHEREAS Madeleine Seymour taught special education at Fremont Junior High and Shandin Hills Middle School, and even after her retirement, she continued working as a substitute teacher; and

WHEREAS one of Madeleine Seymour's crowning achievements was to attend the Detroit Conservatory of Music, where she studied piano; and

WHEREAS on January 17, 2011, Madeleine Seymour died, bringing deep sorrow to her loving family and friends; and

WHEREAS Madeleine Seymour is survived by her husband, Charles Seymour; three daughters, Charlotte, Dona, and Pat Walton; a son, Larry Lacy; 18 grandchildren; 23 great-grandchildren; 4 great-great-grandchildren; and a host of other relatives, friends, and church family;

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 Madeleine Seymour's many fine years of service to the District and its students and does extend its deepest sympathy to her family.

FAUSTO EDWARD TAFOLLA

WHEREAS Fausto Tafolla was a dedicated member of the classified staff for the San Bernardino City Unified School District from 1965, until 1977; and

WHEREAS Fausto Tafolla worked as a carpenter's helper and was later promoted to carpenter; and

WHEREAS Fausto Tafolla was a lifelong San Bernardino resident and graduated from San Bernardino High School in 1943; and

WHEREAS Fausto Tafolla enlisted in the U.S. Navy and was honorably discharged in 1946 as a Fireman First Class, USNR V-6, and from 1951 to 1958, he worked as a PT boat skipper for the U.S. Atomic Energy Commission in the Pacific Proving Ground; and

WHEREAS on January 14, 2011, Fausto Tafolla died, bringing deep sorrow to his loving family and friends; and

WHEREAS Fausto Tafolla is survived by his wife of 55 years, Victoria; three children; four grandchildren; and five sisters, Josephine, Phyllis, Mary, Hortense, and Olivia;

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 Fausto Tafolla's many fine years of service to the District and its students and does extend its deepest sympathy to his family.

RONALD THOMAS

WHEREAS Ronald Thomas was a dedicated member of the certificated and management staff for the San Bernardino City Unified School District from 1961, until 1988; and

WHEREAS Ronald Thomas taught at Lyman Elementary School and was later promoted to principal at Davidson, Bonnie Oehl, Monterey, and Bradley Elementary Schools; and

WHEREAS on November 21, 2010, Ronald Thomas died, bringing deep sorrow to his loving family and friends; and

WHEREAS Ronald Thomas is survived by his wife, Helen Thomas; a daughter, Linda Reed, and a granddaughter;

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 Ronald Thomas' many fine years of service to the District and its students and does extend its deepest sympathy to his family.

SESSION NINE - Closed Session

11.0 - Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

District Negotiator: Yolanda Ortega
Employee Organization: California School Employees Association
San Bernardino School Police Officers Association

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

Public Employee Discipline/Dismissal/Release

Conference with Legal Counsel-Anticipated Litigation

Education Code Section 47614, Title V, California Code of Regulations Section
11969.1-11969.6

Public Employee Appointment

Title: High School AAIAC

SESSION TEN – Open Session

12.0 - Action Reported from Closed Session

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:

BE IT RESOLVED that the Board took action to place employee ER-10-11-02 on compulsory Leave of Absence effective February 2, 2011, pursuant to Education Code Section 44940.

Upon motion by Member Parra Craig, seconded by Member Tillman, 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 Board of Education approves the appointment of the following employee:

TEENYA BISHOP: Assistant Administrator of Instructional Improvement and Academic Coaching (AAIAC) High School, effective date, work year and salary, to be determined.
Budget: 524

SESSION ELEVEN - Closing

13.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 9:50 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, February 15, 2011, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.