

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

Minutes of a Regular Meeting of the Board of Education  
Community Room  
Board of Education Building  
777 North F Street  
San Bernardino, California

**MINUTES  
ADOPTED  
9/6/11**

July 19, 2011

5:30 p.m.

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

Absent: Board Member Louise Ayala

**SESSION ONE - Opening**

**1.0 - Opening**

**1.1 - Call to Order**

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

**1.2 - Pledge of Allegiance to the Flag**

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

**SESSION TWO - Special Presentations**

**2.0 - Special Presentations**

**2.1 - Outstanding Student Awards**

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

***Lankershim Elementary School***

Khennadye Christian, Jose Morfin-Bojorquez, and Eric Vargas

***Lytle Creek Elementary School***

Julian Duran, Jessica Raygoza, and Cristina Trigueros

***Monterey Elementary School***

Evelia Diego Gonzalez, Roberto Mirola Jr., and Amy Moreno

**SESSION THREE - Closed Session**

**3.0 - Closed Session**

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

**Public Employee Appointment**

Title: Interim Superintendent

President Tillman moved Session Eight forward on the agenda.

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

**8.0 - Other Matters Brought by Citizens**

Peg Tracey, SBTA Executive Director, stated that teachers overwhelmingly approved pay cuts over the past three years to meet their share of the budget cuts. The SBTA leadership is at a loss to understand why the Board approved the extension of selected cabinet members' contracts, which resulted in a cumulative cost of \$538,000, versus the \$151,000 cost if they had elected to take the SERP. SBTA strongly recommended that the district seriously reconsider the arrangements reached with those individuals in the June 24 meeting and to be extremely careful how they respond to AB 144. Judi Penman stated that this Board is careful with decisions they make. They fight hard for all employees. They did it for a reason and it was justified. There are two sides to every story.

Gil Navarro stated that a Casa Ramona student's transcript didn't reflect all A-G requirements. Mr. Navarro asked the District to pressure Casa Ramona to ensure classes are accepted by UC's.

Ron Fletcher asked the Board to consider following Los Angeles Unified's practice of allowing teachers to select their own substitute teachers. Mr. Fletcher expressed his appreciation for the appointment of Edwin Gomez as Charter School Director. Mr. Fletcher stated that Mel Albiso and John Peukert should have turned down their raises.

Veronica Almaraz stated that changes have been made at North Park Elementary School. Ms. Almaraz would like to know why parents can't have lunch with their children and why parents are not allowed in the school. President Tillman asked to leave her phone number for a Staff person to contact her.

Joette Campbell expressed her support of elected leaders and stated that all Board members have stepped outside of the ethnic comfort zone. Ms. Campbell asked that the community be involved in the Superintendent search process. President Tillman stated that all stakeholders will be involved.

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Richard Hansberger, New Vision Middle School attorney, asked the Board to table agenda item 2.2 until August 9, 2011. They received new information and need more time to finish the review process.

Alex Lucero stated he worked with District staff to address their concerns to add a ninth grade at New Vision Middle School. District staff didn't have time to review the material. Mr. Lucero asked the Board to vote on August 9. They will only recruit current New Vision Middle School students to enroll in the ninth grade.

President Tillman asked the Board to move agenda item 12.2 forward on the agenda. Elsa Valdez stated that Mr. Tillman is asking the Board to not follow policy. Harold Vollkommer stated that legal counsel is in the audience.

Sukhi Sandhu from Atkinson Andelson Loyo Ruud and Romo discussed the timeframe and stated that in the past extensions have been given.

President Tillman stated that there is no consensus to move the item forward.

Barbara Flores asked if it was customary to give extensions. Ms. Sandhu stated that it depends on the Board.

Mr. Lucero stated that he was contacted on Wednesday afternoon by Edwin Gomez. They made revisions at the District's request. Additions were submitted last Friday at noon.

Maritza Sosa, Deysi Hernandez, Katie Easton, Alexis Burner, Gloria Ramos, Quantinique Hord, Lovely Clark, Stephanie Contreras, and Jesus Davila expressed their support of adding a ninth grade to New Vision.

Steven Holguin, speaking on behalf of California Charter School Association and New Vision Middle School, stated that the District asked for an extension when three charter schools requested facilities. The schools didn't push staff with exact deadlines without coming to the Board. New Vision has always been a good partner. This is a quality program that will continue to do well. The extension is to provide responses to requests made by District staff. Mr. Holguin urged the Board to give students a chance for ninth grade.

#### **SESSION FOUR – Open Session**

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

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

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

Richard Bray: Interim Superintendent, effective date, work year and salary, to be determined.  
Budget: General Fund.

Richard Bray stated that it was an honor to have been selected. He is looking forward to meeting everyone. He will be in the District starting tomorrow. Mr. Bray thanked the Board for their trust.

### **SESSION FIVE – Public Hearings**

#### **5.0 - Public Hearings**

##### **5.1 - Carden Virtual Academy Charter School General Waiver**

The Business Services Division requests Board of Education approval for a multi-track calendar general waiver for the Carden Virtual Academy charter school with no more than three tracks. Under the current law, the Governing Board must approve any charter school's proposal to work under a multi-track education calendar with no more than five tracks. The Board is requesting a waiver of CCR-Title 5, Section 11960 (a), to allow the charter school to separately calculate ADA in each track, rather than using the total number of days school is actually taught as the basis for a single overall ADA calculation. The charter petition for Carden Virtual Academy was originally approved by the Governing Board on April 6, 2010, to operate under a traditional education calendar.

Pursuant to Education Code 33050-33053, the Governing Board of a school district, after a required public hearing on the matter, may request the State Board of Education to waive all or part of any section of this code or any regulation adopted by the State Board of Education. A public hearing is required as part of the general waiver request process.

President Tillman opened the public hearing and asked if anyone wished to comment.

Mohammad Islam stated that the school is moving from a traditional calendar to a multi-track school.

Harold Vollkommer stated that Carden Virtual Academy has a material revision that will come to the Board later. This is only a calendar change.

Gil Navarro stated that if a charter school is making a material change, the Board should ask to hear about all 16 elements. Unless it is an emergency, the Board should make sure it is in compliance before going further.

Will Griffin, Executive Director of Taylion/Carden Virtual Academy stated they are asking for a

multi-track waiver to allow them to work with students who come to the school later.

Hearing no further comment, Mr. Tillman closed the public hearing.

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

BE IT RESOLVED that the Board of Education has conducted a public hearing regarding the general waiver request for Carden Virtual Academy charter school to operate a multi-track year-round education calendar, with no more than three tracks.

BE IT FURTHER RESOLVED that the Board does hereby include this resolution as approved for Carden Virtual Academy charter school to operate a multi-track year-round education calendar, with no more than three tracks, is hereby approved.

#### 5.2 - Casa Ramona Academy Charter School General Waiver

The Business Services Division requests Board of Education approval for a multi-track calendar general waiver for the Casa Ramona Academy charter school with no more than two tracks. Under the current law, the Governing Board must approve any charter school's proposal to work under a multi-track education calendar with no more than five tracks. The Board is requesting a waiver of CCR-Title 5, Section 11960 (a), to allow the charter school to separately calculate ADA in each track, rather than using the total number of days school is actually taught as the basis for a single overall ADA calculation. The charter petition for Casa Ramona Academy was originally approved by the Governing Board on April 17, 2007, to operate under a traditional education calendar.

Pursuant to Education Code 33050-33053, the Governing Board of a school district, after a required public hearing on the matter, may request the State Board of Education to waive all or part of any section of this code or any regulation adopted by the State Board of Education. A public hearing is required as part of the general waiver request process.

President Tillman opened the public hearing and asked if anyone wished to comment.

Gil Navarro stated that the Board should ensure everything is in compliance before giving Casa Ramona anything.

Harold Vollkommer stated that staff is in the process of the second phase of cure and correct and will provide a report to the Board.

Hearing no further comment, Mr. Tillman closed the public hearing.

Upon motion by Member Penman, seconded by Member Savage, and approved by the

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affirmative vote of Members Parra Craig, Flores, Penman, Savage, Tillman, and Valdez (Noes: None), the following was adopted:

BE IT RESOLVED that the Board of Education has conducted a public hearing regarding the general waiver request for Casa Ramona Academy charter school to operate a multi-track year-round education calendar, with no more than two tracks.

BE IT FURTHER RESOLVED that the Board does hereby include this resolution as approved for Casa Ramona Academy charter school to operate a multi-track year-round education calendar, with no more than two tracks, is hereby approved.

### 5.3 - Charter Petition for Newman Leadership Academy

On June 23, 2011 Newman Leadership Academy submitted a charter petition to the Employee Relations Division. At this time, a Public Hearing will be held to consider the level of support for the petition.

President Tillman opened the public hearing and asked if anyone wished to comment.

Yolanda Ortega stated that this is only a public hearing and it will return on August 16, for Board action.

Gil Navarro recommended the Board rescind the petition this evening. There are no references to ELD. The school is out of compliance.

Rikke Van Johnson, resident of San Bernardino, expressed his support for Newman Leadership Academy. Its founder, Joshua Beckley, has high integrity.

Pastor Joshua Beckley stated that he would show Mr. Navarro where English learners are addressed in the petition. He has been involved in the community for 30 years, with the Superintendent's Century Club, Inland Empire African American Churches, Pastors on the Premises Program. Pastor Beckley thanked the Board for their consideration at a time when they are facing serious challenges regarding charter schools and encouraged them to approve the charter. They have a qualified principal and teachers.

Hearing no further comment, Mr. Tillman closed the public hearing.

## **SESSION SIX - Administrative Presentation**

### **6.0 - Administrative Presentation**

#### **6.1 - Superintendent's Search**

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Mike Escalante and Mike Caston from Leadership Associates led a discussion regarding the timeline, process and criteria for selection for a new superintendent.

Board members discussed the characteristics they would like the firm to look for when recruiting. Mr. Escalante stated that they will compile the list and Board members can email any new ideas to Leadership Associates.

Mr. Escalante stated that they have begun the process to recruit. They will advertise and recruit in August and September. The deadline for applications will be September 26, 2011. Reference checks will be made as applications come in. On October 22, the Board will review all resumes. It was the consensus of the Board to interview their selections on October 25-26, and select their finalist. After that, a site visit will be scheduled.

Mr. Escalante asked the Board to select a Board member to be their contact person and a staff member to help with room reservations, logistics, etc. It was the consensus of the Board to select Barbara Flores and Jennifer Owens.

Mr. Escalante stated that all information received from community input meetings will be shared with the Board. Mr. Escalante asked Board members to refer candidates to Leadership Associates. They will provide weekly updates to the Board members.

President Tillman moved agenda item 12.2 forward on the agenda.

12.2 - New Vision Middle School

Yolanda Ortega stated that District staff hasn't had enough time to review the final revision and recommended that it not be approved.

Edwin Gomez stated that the original intent was to approve it with conditions. The timelines that were agreed to by both parties were not met by New Vision.

Alex Lucero stated that the English learners component was approved two years ago. Daniel Arellano denied the revision because it wasn't included, but that wasn't part of the material revision.

Mr. Gomez stated that Alex Lucero didn't give the District the correct information. July 18 was the due date, but it was submitted on July 19, in the afternoon.

Mr. Gomez stated that the A-G requirements are the problem. We have no guarantee they will be approved. Casa Ramona still has five classes that haven't been approved. They can't get the school up and running in time. This is too risky. He is not comfortable rushing this through. The Board would be taking a big chance.

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Teresa Parra Craig stated that Alex Lucero has good intentions, but policies are made to be black and white.

Harold Vollkommer stated that New Vision put in a separate petition that fell outside the Board's policy.

Mrs. Parra Craig asked why they are considering this because it is not near the deadline. Dr. Vollkommer stated that it was a unique situation. Mrs. Parra Craig stated that Dr. Vollkommer isn't authorized to make that decision. It offends her that rules change regarding who comes to the Board. If we give an extension to August 9, would the school be able to correct the A-G requirements by then?

Mr. Gomez stated that the revision would have to be approved first, and then the school would make the changes.

Mrs. Parra Craig made a motion to extend the deadline.

Barbara Flores asked if the extension was to allow the District time to review.

Mr. Gomez stated that it is the District's recommendation to deny it, because they didn't meet our deadline. We have been working with them since May.

Elsa Valdez asked if there are other reasons to not approve this. They are taking a big risk. They have done a great job at the school, but she needs to do her due diligence.

Danny Tillman stated that, to be fair to staff, we are in a transition period, and the absence of a superintendent adds to the fact that it wasn't done smoothly. He asked earlier to table this. We learned from Casa Ramona that students didn't earn credits for four years. He is concerned about approving a charger and then finding that their courses weren't approved. Mr. Tillman supports an extension.

Danny Tillman seconded Mrs. Parra Craig's motion. Following the affirmative vote of Members Parra Craig, Flores, Penman, and Tillman (Members Savage and Valdez voted no), New Vision Middle School was given a 30-day extension.

## 6.2 - Budget Update for Fiscal Year 2011-12

Mohammad Z. Islam, Chief Business and Financial Officer, and Steve Rhoads, Principal Consultant with Strategic Education Services provided an update related to the Fiscal Year 2011-12 budget based on the Governor's signing Fiscal Year 2011-12 Budget (see page \_\_\_\_).

Steven Rhoads stated that the cost of deferrals in San Bernardino is double that of the average district. He is working on recommendations on how to fix that. Teresa Parra Craig stated our

federal lobbyist has included Board members when lobbying and she would like to offer their support. Mr. Rhoads stated that San Bernardino has the second highest cost for referrals. He is working with the Department of Finance and the Governor's office. The Governor is interested in doing away with referrals. He will put together a position paper.

Mr. Rhoads discussed trigger provisions. Danny Tillman stated that he thought AB 114 was going to give us last year's funding level. The trigger would take us to where we already cut. If they don't have triggers, we won't have to cut as much.

Barbara Flores stated that we have already made the cuts so we won't have to make the mid-year cuts.

Teresa Parra Craig stated that we cut teachers, but we are bringing them back. Mr. Islam stated that the teachers were returned because we received SIG money.

Dr. Flores asked how many teachers have not been called back. Dr. Vollkommer reported 103. Mr. Islam stated that it would cost \$6.5 million to bring them back.

Elsa Valdez stated that AB 114 allows districts to not be fiscally sound. Mrs. Parra Craig asked if it relieves the District of the 2 percent reserve. Mr. Islam stated that reserve was reduced previously to 1 percent. We have 2 percent. We used the special reserve to offset the deficit last year.

Mr. Rhoads stated that last year President Obama sent one-time money to prevent layoffs. It is now gone and he doesn't think we will get money in that amount again. Mr. Tillman stated that the District has money at the end of the school year because we are frugal.

Lynda Savage stated that we brought back a lot of teachers, but that is because we received SIG money. What happens when that is gone?

Mrs. Parra Craig stated that Colton is hiring teachers on one-year contracts. That would be ideal for the SIG program. Mrs. Parra Craig asked staff to look into it.

Mr. Rhoads stated that the District should fight to continue receiving QEIA money. SIG is a federal program. Mr. Rhoads recommended holding off on restoring cuts until seeing if triggers are pulled. The District has made correct decisions with the cuts. He is worried about the 2012-13 school year.

## **SESSION SEVEN - Administrative Reports**

### **7.0 - Administrative Reports**

#### **7.1 - BB 9322 Agenda Content**

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Board of Education meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code [54954.2](#))

(cf. [9320](#) - Meetings and Notices)

(cf. [9321](#)- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to testify at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code [35145.5](#); Government Code [54954.3](#))

(cf. [9323](#) - Meeting Conduct)

Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code [54957.5](#))

The agenda shall specify that an individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee. (Government Code [54954.2](#))

#### Agenda Preparation

The Superintendent, as Secretary to the Board, in consultation with the Board President, shall prepare the agenda for each regular and special meeting. Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.

(cf. [0000](#) - Vision)

(cf. [0200](#) - Goals for the School District)

(cf. 9191 - President)

(cf. 9122 - Secretary)

Any Board member, with the consensus of the other Board members, may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. Whenever possible, such request should allow at least two weeks before the scheduled meeting date. Items

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submitted less than two weeks before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

Any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least two weeks before the scheduled meeting date. Items submitted less than two weeks before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board President and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, the Board President and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

The Board president and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.

Public items submitted under this provision will be itemized as a subsection under Other Matters Brought By Citizens. Any accompanying materials will be provided to Board members. Placing an item on the agenda under this section in no way requires Board action or comment. The five-minute time limit applies. If the item is presented by a special interest group, the maximum time limit shall be a combined 10 minutes. At the discretion of the Board President the time limit for a special interest group may be extended beyond 10 minutes.

No more than 30 minutes of each Board meeting will be allotted for input on any one subject matter under this section. If more items are on the agenda than there is time available, the President may move an item forward to the next meeting.

An individual's submission under this item will be considered their only input (five minutes) under Other Matters Brought by Citizens. Under no circumstances shall an individual have a combined total of 15 minutes on all agenda items during a Board meeting. The Board President may use his/her prerogative to combine public times on related topics to ensure the proper functioning of the governing board meetings.

Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code [53635.7](#))

(cf. [9323.2](#) - Actions by the Board)

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All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

(cf. [1312.1](#) - Complaints Concerning District Employees)

(cf. [1312.2](#) - Complaints Concerning Instructional Materials)

(cf. [1312.3](#) - Uniform Complaint Procedures)

(cf. [3320](#) - Claims and Actions Against the District)

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

#### Consent Items

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

#### Agenda Dissemination to Board Members

A copy of the agenda shall be forwarded to each Board member at least three days before each regular meeting, together with the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, citizens and others; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent and president shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible before the meeting.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to request additional information on agenda items.

#### Agenda Dissemination to Members of the Public

The Superintendent or designee shall mail a copy of the agenda, or a copy of all the documents constituting the agenda packet, to any person who requests the items. The materials shall be

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mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code [54954.1](#))

If a document is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a majority of the Board provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a regular Board meeting. The Superintendent or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code [54957.5](#))

(cf. [1113](#) - District and School Web Sites)

(cf. [1340](#) - Access to District Records)

Any document prepared by the district or the Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any documents prepared by another person shall be made available for public inspection after the meeting. These requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code [54957.5](#))

Upon request, the Superintendent or designee shall make the agenda and/or agenda packet available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code [54954.1](#))

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code [54954.1](#))

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee as determined by the Superintendent or designee, not to exceed the cost of providing the service.

Legal Reference:

EDUCATION CODE

[35144](#) Special meetings

[35145](#) Public meetings

[35145.5](#) Right of public to place matters on agenda

GOVERNMENT CODE

[6250-6270](#) Public Records Act

[53635.7](#) Separate item of business

[54954.1](#) Mailed agenda of meeting

[54954.2](#) Agenda posting requirements; board actions

[54954.3](#) Opportunity for public to address legislative body

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[54954.5](#) Closed session item descriptions

[54956.5](#) Emergency meetings

[54957.5](#) Public records

UNITED STATES CODE, TITLE 42

[12101-12213](#) Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

[35.160](#) Effective communications

[36.303](#) Auxiliary aids and services

COURT DECISIONS

Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, rev. 2007

Guide to Effective Meetings, rev. 2007

Maximizing School Board Leadership: Boardsmanship, 1996

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, rev. 2003

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

CSBA, Agenda Online:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.caag.state.ca.us>

Bylaw SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

revised: January 15, 2008

revised: January 13, 2009

Board members discussed revising the policy to allow one Board member to request a matter to be placed on the agenda of a regular meeting. The request must be submitted in writing at least one week prior to the meeting.

The motion made by Member Flores, seconded by Member Parra Craig, failed with Members Parra Craig, Flores, and Penman voting yes; Members Savage, Tillman, and Valdez voting no.

## 7.2 - 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 April to June 2011, pursuant to Section 4686(b) of Title 5, Division 1, Chapter 5.1, Subchapter 1, Article 8 of the California Code of

Regulations.

Williams and Valenzuela Settlement Legislation  
 Quarterly Report Summary

Quarterly Uniform Complaint Report Summary  
 For submission to school district governing board and county office of education

District Name: San Bernardino City Unified School District

Quarter covered by this report: April – June 2011

| UCP Areas   | Number of Complaints Received in Quarter | Number of Complaints Resolved | Number of Complaints Unresolved (Quarter) | Number of Complaints Unresolved (Historic) |
|---|--|-------------------------------|---|--|
| Instructional Materials                                 | 1  | 1                             | 0   | 0  |
| Facilities  | 1  | 1                             | 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

**SESSION NINE - Reports and Comments**

**9.0 - Report by Board Members**

Teresa Parra Craig requested and received approval through Board consensus to place the topic of having an attorney firm represent the Board when the Board needs clarification.

**9.1 - Legislative Update**

None.

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

Mel Albiso requested Board approval to present a resolution from the District at Colton Mayor David Zamora’s services. Mr. Albiso reported that all staff rose to the occasion during his time as administrator in charge. Mr. Albiso welcomed Richard Bray to the District as Interim

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Superintendent.

Judi Penman, Barbara Flores, and Danny Tillman thanked Mr. Albiso and all staff for their hard work in the interim.

### **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.

Consent items 11.9 and 11.27 were held for later consideration.

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

#### **11.1 - Approval of Minutes**

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on June 7, and June 21, 2011, be approved as presented.

#### **11.2 - Payment of SANDABS Membership Dues for 2011-12**

BE IT RESOLVED that the Board of Education ratifies payment of \$2,000.00 to SANDABS for renewal of membership dues for the 2011-12 school year.

#### **11.3 - Payment of San Bernardino County School Boards Association Membership Dues for 2011-12**

BE IT RESOLVED that the Board of Education ratifies payment of \$250.00 to the San Bernardino County School Boards Association for 2011-12 membership dues.

#### **11.4 - Acceptance of Gifts and Donations to the District**

BE IT RESOLVED that the Board of Education acknowledges receipt of \$100.00, Denise Benton, San Bernardino, CA; \$10,000.00, Superior Foundation, Santa Fe Springs, CA; \$181.85, Lifetouch National School Studios, Eden Prairie, MN; \$287.56, Lifetouch National School Studios, Eden Prairie, MN; \$105.86, Lifetouch National School Studios, Eden Prairie, MN; and \$400.00 Gift Card, Messiah Lutheran Church, Highland, CA.

11.5 - Cafeteria Warrant Register, Ending June 30, 2011

BE IT RESOLVED that the Cafeteria Warrant Register, ending June 30, 2011, be approved.

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

11.6 - Commercial Warrant Registers for Period from June 16, through June 30, 2011

BE IT RESOLVED that the Commercial Warrant Register for period from June 16, through June 30, 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.

11.7 - 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:

Jennifer Aguirre, Redlands, CA, to prepare CAPS employees to present a Ballet Folklorico assembly, August 1, through September 1, 2011. The fee, not to exceed \$2,500.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

Discovery Education, Charlotte, NC, to present four one-day workshops on Integrating Discovery Education Academies for various District sites, effective July 20, 2011, through June 30, 2012. The fee, not to exceed \$10,000.00, will be paid from the Restricted General Fund—Title II Educational Services, Account No. 538.

Dr. Maria Grant, National Council of Teachers of English, to present a one-day workshop, Gradual Release of Responsibility Instructional Framework at Del Vallejo Middle School, July 29, 2011. The fee, not to exceed \$2,510.00, will be paid from the Restricted General Fund—Title II Educational Services, Account No. 538.

Kim Geddie, Staff Development for Educators, Peterborough, NH, to provide a two-day workshop on the “6 Traits Plus 1 Model of Writing,” effective July 21, through July 22, 2011. The fee, not to exceed \$7,105.00, will be paid from the Restricted General Fund-Title I, Account

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No. 501.

Birch Carlson, Curriculum Associates, Billerica, MA, to provide a one-day workshop on the Brigance Inventory of Early Development II that is included in the District-approved Foundations Curriculum Framework, effective August 26, 2011, through June 30, 2012. The fee, not to exceed \$1,000.00, will be paid from the Restricted General Fund—IDEA Part B-611 Preschool Local Entitlement, Account No. 532.

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

Cambium Learning Sopris Group, Longmont, CO, to present three days of professional development workshops, “Step Up to Writing” to District teachers and staff, July 18, through July 20, 2011. The fee, not to exceed \$7,500.00, will be paid from the Restricted General Fund—Title I, Account No. 501.

#### 11.8 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$30,456.00 in the budgeting of revenues and expenditures for the unrestricted program, Office of Adolescent Health/Teen Pregnancy Prevention (OAH/TPP) Grant (233).

#### 11.10 - 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 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 June 22, 2011.

#### 11.11 - Notification of Final Settlement Agreement and General Release Quintana v. San Bernardino City Unified School District

BE IT RESOLVED that the Board of Education approves the District to reimburse parents in an amount not to exceed \$5,000.00 for the Independent Educational Evaluations (Vision, Behavioral Occupational Therapy and Speech/Language Therapy) to student; and approves to

pay for attorney's fees incurred and related to the Final Settlement Agreement and General Release not to exceed \$4,000.00, payable to the Law Offices of Michael E. Jewell, APLC. Payments are to be paid from the Restricted General Fund-Special Education, Account No. 827.

11.12 - Notification of Mediated Settlement Agreement OAH Case Number 2011050963

BE IT RESOLVED that the Board of Education approves the District to fund an independent psychoeducational assessment conducted by a mutually agreed upon psychologist not to exceed \$2,500.00; approves to fund, not to exceed \$2,016.00, as compensatory education up to thirty-six (36) hours of math instruction provided by Sylvan Learning Center-Redlands, CA, commencing the week after fully executed Agreement through and including December 31, 2011. Any of the compensatory hours not used by student by December 31, 2011, is forfeited; and approves to pay for attorney's fees incurred and related to the Mediated Settlement Agreement OAH 2011050963 not to exceed \$5,500.00, payable to ADAMS ESQ, A Professional Corporation. Payments are to be paid from the Restricted General Fund-Special Education, Account No. 827.

11.13 - Emergency Resolution to Award Contract, Rio Vista Elementary School HVAC Vandalism

BE IT RESOLVED that the Board of Education unanimously approves an emergency request to the County Superintendent of Schools asking for approval to enter into any necessary contract(s) in writing or otherwise on behalf of the District for the performance of labor and furnishing of materials or supplies for this purpose without advertising for or inviting bids.

BE IT ALSO RESOLVED that the cost, less the District's deductible amount of \$5,000.00, will be paid by Southern California Risk Management to the contractor.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all documents deemed necessary associated with this emergency contract(s) award.

11.14 - Agreement to Provide Specialized Administrative Services

BE IT RESOLVED that the Board of Education approves entering into an agreement with Phyllis Gronek, Highland, CA to provide specialized transitional administrative services to the Superintendent's Office on an as-needed basis, effective July 5, 2011, through June 30, 2012. These services will be provided in the Superintendent's Office during this transition period. Total hours shall not exceed 960 in a fiscal year. Total cost, not to exceed \$44,876.40, will be paid from the Unrestricted General Fund – Superintendent's Office, Account 067.

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

11.15 - Affiliation Agreement with Linda Valley Care Center to Provide a Site for Clinical Practice for Adult Education Students Enrolled in the Certified Nursing Assistant Training Program

BE IT RESOLVED that the Board of Education approves entering into an affiliation agreement with Linda Valley Care Center, Loma Linda, CA, to provide a site for clinical practice for Adult School students enrolled in the Certified Nursing Assistant Training Program, effective July 20, 2011, through June 30, 2012. The Adult School will provide the supervision and instruction offered in this program. There is no cost to the District.

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

11.16 - Renewal of the Agreement with Ecclesia Christian Fellowship to Provide After-School Programs at Del Rosa Elementary School

BE IT RESOLVED that the Board of Education approves renewing the agreement with Ecclesia Christian Fellowship, San Bernardino, CA, to provide after-school programs at Del Rosa Elementary School, effective August 1, 2011, through June 30, 2012. Ecclesia Christian Fellowship will provide C.A.P.S. activities for students. The fee, not to exceed \$62,467.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

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

11.17 - Renewal of the Agreement with Frances Armenta to Administer the General Education Development Test at the Adult School

BE IT RESOLVED that the Board of Education approves renewing the agreement with Frances Armenta, Grand Terrace, CA, to administer the General Education Development (GED) testing at the District's Adult School, effective July 20, 2011, through June 30, 2012. Ms. Armenta will administer the tests in accordance with all California Department of Education, GED Testing Services, and District's Adult Education rules and regulations. The cost, not to exceed \$6,000.00, will be paid from Restricted General Fund, Adult Education-GED, Account No. 137.

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

11.18 - Renewal of the Agreement with Annette Beck to Administer the General Education Development Test at the Adult School

BE IT RESOLVED that the Board of Education approves renewing the agreement with Annette

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Beck, Highland, CA, to administer the General Education Development (GED) testing at the District's Adult School, effective July 20, 2011, through June 30, 2012. Ms. Beck will administer the tests in accordance with all California Department of Education, GED Testing Services, and District's Adult Education rules and regulations. The cost, not to exceed \$5,600.00, will be paid from Restricted General Fund, Adult Education-GED, Account No. 137.

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

11.19 - Renewal of the Agreement with Pola Snell to Administer the General Education Development Test at the Adult School

BE IT RESOLVED that the Board of Education approves renewing the agreement with Pola Snell, Redlands, CA, to administer the General Education Development (GED) testing at the District's Adult School, effective July 20, 2011, through June 30, 2012. Ms. Snell will administer the tests in accordance with all California Department of Education, GED Testing Services, and the District's Adult Education rules and regulations. The cost, not to exceed \$6,800.00, will be paid from Restricted General Fund, Adult Education-GED, Account No. 137.

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

11.20 - Renewal of the Agreement with Project Life Impact to Provide Program Activities to Students at San Bernardino High School and High School Leadership Activities at all District ASSETS High Schools

BE IT RESOLVED that the Board of Education approves renewing the agreement with Project Life Impact, San Bernardino, CA, to provide the "Creative Before- and After-School Programs for Success" program activities to students from San Bernardino High School, and high school leadership activities for all District ASSETS high schools (San Andreas, San Bernardino, San Gorgonio, Arroyo Valley, and Pacific High Schools), and high school student leadership stipends of \$125.00 per student paid per month effective August 1, 2011, through June 30, 2012. The fee, not to exceed \$92,000.00, will be paid from the Restricted General Fund—After School Safety and Enrichment for Teens (ASSET), Account No. 566.

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

11.21 - Renewal of the Agreement with Project Life Impact to Provide After-School Programs at Del Vallejo Middle School

BE IT RESOLVED that the Board of Education approves renewing the agreement with Project Life Impact, San Bernardino, CA, to provide after-school programs at Del Vallejo Middle School, effective August 1, 2011, through June 30, 2012. Project Life Impact will provide

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C.A.P.S. activities for students at Del Vallejo Middle School. The fee, not to exceed \$124,598.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

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

11.22 - Renewal of the Agreement with Valley Oak Systems, Inc., dba AON e-Solutions to Provide Workers' Compensation Medical Bill Review Services for the District

BE IT RESOLVED that the Board of Education approves renewing the agreement with Valley Oak Systems (VOS), Inc., dba AON e-Solutions, San Ramon, CA, to provide Workers' Compensation medical bill review services and access to Preferred Provider Organization (PPO) networks for the District, effective July 20, 2011, through June 30, 2012. AON will review and make payment recommendations on medical treatment based on compliance with applicable fee schedules or usual and customary databases that will reduce the amount owed by the District for such services. The cost for services is a percentage of savings based on an agreed upon fee schedule, not to exceed \$30,000.00, and will be paid from the Workers' Compensation Fund 67, Account No. 00D.

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 - Renewal of the Local Agreement for California State Preschool Program with the California Department of Education, Contract Number CSPP-1435, for Use in Accordance with the Program Requirements for the State Preschool Program

BE IT RESOLVED that the Board of Education ratifies renewing the Local Agreement for Child Development Services with the California Department of Education for the purpose of providing funding for the state preschool program, effective July 1, 2011, through June 30, 2012. The District will be reimbursed in accordance with the Determination of Reimbursable Amount Section of the Funding Terms and Conditions (FT&C) at a Maximum Reimbursable Amount (MRA) of \$5,960,622.00. The monies shall be deposited as follows: \$1,139,617.00 into Child Development: Child State Preschool Program, Account No. 251; \$3,804,019.00 into Child Development: Preschool, Account No. 252; \$841,612.00 into Child Development: Pre Kindergarten & Family Literacy, Fund No. 102; and \$175,374.00 into Child Development: Pre Kindergarten & Family Literacy, Fund No. 103.

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 - Renewal of the Local Agreement for Child Development Services with the California Department of Education for Use in Accordance with the Program Requirements for the Pre-

Kindergarten and Family Literacy Program, Contract CPKS-1081

BE IT RESOLVED that the Board of Education ratifies renewing the Local Agreement for Child Development Services with the California Department of Education for the purpose of providing funding for the pre-kindergarten and family literacy program, contract number CPKS-1081, effective July 1, 2011, through June 30, 2012. Quarterly reporting must be submitted for reimbursement of expenditures, up to a maximum reimbursement of \$20,000.00. The monies shall be deposited into Child Development: Pre-Kindergarten & Family Literacy, Account No. 101.

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

BE IT RESOLVED that the Board of Education ratifies renewing the Local Agreement for Child Development Services with the California Department of Education for the purpose of providing funding for general child care and development programs, effective July 1, 2011, through June 30, 2012. The District will be reimbursed in accordance with the Determination of Reimbursable Amount Section of the Funding Terms and Conditions (FT&C) at a Maximum Reimbursable Amount (MRA) of \$1,571,764.00. The monies shall be deposited into Child Development: Children's Center, Account No. 250.

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

11.26 - Amendment No. 2 to the Agreement with Manning & Marder to Change the Firm's Name to Manning & Kass, Ellrod, Ramirez, Trester, LLP, and to Increase the Fees for Services

BE IT RESOLVED that the Board of Education approves amending the agreement with Manning & Marder, Scottsdale, AZ, approved by the Board on August 3, 2010, Agenda Item 8.19. The amendment is necessary to change the name of the legal firm from Manning & Marder, to Manning & Kass, Ellrod, Ramirez, Trester, LLP, and to increase the fees for legal services provided in the areas of labor law and employment issues through June 30, 2011, by an additional \$107,750.00, for an aggregate total not to exceed \$223,791.00. Cost of services will be paid from the Unrestricted General Fund—Human Resources/Certificated Legal Fees, Account No. 077.

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

11.28 -Amendment No. 2 to the Professional Services Agreement with PSWC Group Architects

for Architectural and Engineering Services for the Proposed Dr. Mildred Dalton Henry Elementary School

BE IT RESOLVED that the Board of Education approves amending the agreement with PSWC Group Architects, San Bernardino, CA, for architectural and engineering services for the proposed Dr. Mildred Dalton Henry Elementary School (Roosevelt II). This amendment is for additional services for design reconfiguration and contract administration, which include site survey after removal of existing homes, storm water site drainage design and engineering, underground utility location and documentation of existing homes removed, HVAC equipment, engineering at added classroom building, plumbing fixture and utility line design and engineering, topographic survey coordination and sewer tie-in design and engineering of existing homes removed, and planting and irrigation design not included in the original scope of services. The cost for the additional services, not to exceed \$12,723.00, plus approved reimbursables, will be paid from Funds 21, 25, 35, and 40. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 2.

11.29 - Amendment No. 2 to the Professional Services Agreement with HMC Architects for Architectural and Engineering Services for Various Modernization Projects

BE IT RESOLVED that the Board of Education approves amending the agreement with HMC Architects, Ontario, CA, for architectural and engineering services for various modernization projects. This amendment is for additional services related to the San Bernardino High School modernization project (Group 8): design reconfiguration and contract administration, including field investigation, underground utility and civil engineering not included in the original scope of services, and re-sizing and re-routing utility lines in the footprint of the new stair and elevator structure connecting to the second floors of the library Building L and Classroom Building B. The total cost, not to exceed \$3,000.00, plus approved reimbursables, will be paid from Funds 01, 21, and 35. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 2.

11.30 - Amendment No. 3 to the Professional Services Agreement with PJHM Architects for Architectural and Engineering Services for the Proposed Pakuma K-8 School

BE IT RESOLVED that the Board of Education approves amending the agreement with PJHM Architects, San Clemente, CA, for architectural and engineering services for the proposed Pakuma K-8 School (Lytle Creek). This amendment is to provide updates on the High Performance Incentive Grant Program (HPI) score card, Title 24 calculations to 2008 Energy Code and corresponding submittal to the Division of State Architect (DSA). The cost for these additional services, not to exceed \$3,000.00, will be paid from Fund 35. All other terms and

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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.

11.31 - Revision to Amendment No. 3 to the Agreement with HMC Architects as Architect of Record for the Severe Special Day Classes (SDC) Classrooms/Support Buildings

BE IT RESOLVED that the Board of Education approves revising Amendment No. 3 to the agreement with HMC Architects, Ontario, CA, previously approved by the Board on June 7, 2011, for the architect of record for Severe Special Day Classes (SDC) classrooms/support buildings, in which the cost and funding for specific school sites were not included. The cost for additional services: \$15,200.00 - Hillside Elementary School; \$15,200.00 - Rio Vista Elementary School, and \$15,200.00 - Roosevelt Elementary School, for a total not to exceed \$45,600.00, plus approved reimbursable expenses, will be paid from Fund 01, 21, 25, or 35. All other terms and conditions remain the same.

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

11.32 - Approval of Change Orders for Construction Projects

BE IT RESOLVED that the Board of Education approves delegation of authority to Mel Albiso, Associate Superintendent, Administrative Services; John Peukert, Assistant Superintendent, Facilities/Operations Division; Samer Alzubaidi, Interim Facilities Director; and Ed Norton, Maintenance & Operations Director, to sign change orders not to exceed 10 percent of the original contract amount, for all District construction projects during the 2011-2012 fiscal year.

11.33 - Change to Nutrition Services' Signature Authority

BE IT RESOLVED that the Board of Education approves revoking signature authorization for cafeteria warrants for E. Gene Fortajada, Accounting Services Director, and to approve cafeteria warrants signature authorization to James Cunningham, Accounting Services Director, effective July 20, 2011.

BE IT FURTHER RESOLVED that the Board of Education authorizes John A. Peukert, Assistant Superintendent, Facilities/Operations Division; Adriane Robles, Nutrition Services Director; Larry Lobaugh, Nutrition Services Program Manager; James Cunningham, Accounting Services Director; or Mohammad Z. Islam, Chief Business and Financial Officer, to sign disbursements, effective July 20, 2011. Two signatures are required on all cafeteria warrants.

11.34 - Notice of Completion, Bid No. F07-03, Categories 1, 4, 5, and 6 - San Gorgonio High School Modernization Project

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BE IT RESOLVED that the Board of Education authorizes filing Notices of Completion for Bid No. F07-03, San Geronio High School Modernization project, for the work awarded to the Prime Contractors listed below:

Category 1 - Hazmat Abatement and Interior Demolition  
CST Environmental, Inc.  
Brea, CA

Category 4 - Flooring  
Korston Construction, Inc.  
Brea, CA

Category 5 - Ceilings  
Preferred Ceilings, Inc,  
Brea, CA

Category 6 - Plumbing  
Verne's Plumbing, Inc.  
Buena Park, CA

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

11.35 - 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)8/6/1994    \*(S)3/16/1996    \*(S)3/16/1996    \*(S)1/22/1995    \*(S)4/25/1995    \*(S)1/20/1998  
\*(S)11/17/1995

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

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

**(S)** A stipulated expulsion is a process whereby the pupil and his/her family acknowledge responsibility for the behavior leading to the recommendation for expulsion by the school

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

11.36 - 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.

11.37 - 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:

11.38 - 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:

11.39 - 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:

4/11/2000

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.

11.40 - Lift of Expulsion of Student(s)

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

8/12/1998      2/24/1994      8/7/1998

11.41 - 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:

11.42 - 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.

6/11/1998

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.

11.9 - 45 Day Revision after Adoption of Governor's Budget Fiscal Year 2011-12

Danny Tillman asked if these were new positions. Yolanda Ortega stated that it is a realignment of what is already in place. The Assistant to the Director position will be eliminated and replaced with an Employee Relations Director for the Employee Relations Department at a salary close to the same pay.

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

BE IT RESOLVED that the Board approves the inclusion of the above revisions in the budgeting

of expenditures in order to meet the 45 day revision requirements to Fiscal Year 2011-12 per Education Code Section 42127(i)(4).

11.27 - Amendment No. 2 to the Professional Services Agreement with ATI Architects for Architectural and Engineering Services for “21<sup>st</sup> Century” Classroom Improvement Projects at Arrowview Middle School, Pacific High School, and San Bernardino High Schools

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

BE IT RESOLVED that the Board of Education approves amending the agreement with ATI Architects, Redlands, CA, for architectural and engineering services for “21<sup>st</sup> Century” classroom improvement projects at Arrowview Middle School, Pacific High School and San Bernardino High School. This amendment is for additional architectural design services to incorporate new educational equipment and technology devices, such as, smart interactive teaching boards with short throw projectors, wireless access points, and the infrastructure to run this new equipment and devices. The cost for the additional services is \$2,000.00 for each site, for a combined, not-to-exceed total of \$6,000.00, and will be paid from Fund 01-436 (QEIA) and 21, 35, and 40. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that Mohammad Z. Islam, Chief Business and Financial Officer, be authorized to sign said Amendment No. 2.

**12.0 - Action Items**

12.1 - BB 9322 Agenda Content

No action was taken.

12.3 - Quarterly Uniform Complaint Report Summary

Upon motion by Member Savage, seconded by Member Parra Craig, and approved by the affirmative vote of Member 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 April to June 2011.

12.4 - Personnel Report #2, Dated July 19, 2011

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

BE IT RESOLVED that the Personnel Report #2, dated July 19, 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.

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

**Public Employee Discipline/Dismissal/Release**

**Conference with Legal Counsel: Anticipated Litigation**

Number of Cases: Four

**Public Employee Appointment**

Title: Elementary School Vice Principal  
Middle School AAIAC  
Middle School Vice Principal

**SESSION TWELVE – Open Session**

**14.0 - Action Reported from Closed Session**

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

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

Board of Education Minutes  
July 19, 2011

CLEVELAND, MICHELLE: Assistant Administrator of Instructional Improvement and Academic Coaching, Middle School, effective date, work year and salary, to be determined. Budget: Categorical

CORTEZ, KATHLEEN: Assistant Administrator of Instructional Improvement and Academic Coaching, Middle School, effective date, work year and salary, to be determined. Budget: Categorical

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

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

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

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

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

### **SESSION THIRTEEN - Closing**

#### **15.0 - Adjournment**

By the affirmative vote of the members, the meeting was adjourned at 12:15 a.m., July 20, 2011.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District scheduled to be held on Tuesday, August 2, 2011, has been canceled. A special meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, August 9, 2011, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.