

San Bernardino City Unified School District

Minutes of a Regular Meeting of the Board of Education

**MINUTES
ADOPTED
4/19/11**

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

March 15, 2011

5:30 p.m.

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

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:

Davidson Elementary School

Jessica Aguirre, Jesus Contreras, and Juan Medina, Jr.

Hillside Elementary School

Nompen Chakma, Marc Esparza, and Sabrina Tamayo

Lincoln Elementary School

Karen Camarena Bernal, Linn Galindo, and Christopher Grant II

2.2 - Academic Decathlon Special Recognition

The Board recognized students who participated in the Academic Decathlon and their coaches. Arroyo Valley High School placed third in the County and 37th in the State. Cajon High School placed eighth in the County, and San Bernardino High School was named the most improved school in the County.

2.3 - In Recognition of César E. Chávez

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

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

WHEREAS César E. Chávez is a recognized national leader in the fight for civil rights and meaningful social change by peaceful means for Mexican Americans, Latinos, all racial minorities, and women, and under his leadership he mobilized many Latinos to register to vote; and

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

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

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

SESSION THREE – School Showcase

3.0 - School Showcase

3.1 - Arrowview Middle School

Arrowview Middle School Principal Kristen Bicondova and members of her staff discussed their school's Response to Intervention.

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Upon motion by Member Savage, seconded by Member Ayala, and approved by the affirmative vote of Members Ayala, Parra Craig, Savage, Tillman, and Valdez (Noes: Penman; Absent for Vote: Flores), Action Item 10.1 was moved forward on the agenda.

10.1 - Naming the W. R. "Bob" Holcomb Elementary School

Judi Penman stated that the Board has a process to name schools, which takes the politics out of it.

Rabbi Hillel Cohn reported that he served on the School Naming Committee twice and he nominated Bing Wong. The death of former Mayor Bob Holcomb made people realize his contributions to education.

Lorraine Velarde thanked the Board for giving this request their consideration.

Linda Hart, on behalf of Frances Grice, spoke of when shotguns were carried on fire trucks. Mayor Holcomb ordered that the guns be taken off the trucks.

Mayor Pat Morris stated that this is an opportunity to recognize Mayor Holcomb's career.

Teresa Parra Craig stated that the Board has the final approval to name schools after the School Naming Committee makes its recommendation. Mrs. Parra Craig's Committee representative approved this request.

Elsa Valdez stated that she wasn't aware of Mayor Holcomb's contributions until this was brought forward. He was committed to improving the quality of lives in the community.

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

BE IT RESOLVED that the Board of Education names a future school the W. R. "Bob" Holcomb Elementary School.

SESSION FOUR - Administrative Presentation

4.0 - Administrative Presentation

4.1 - Transformation Model SIG Schools

Rio Vista Elementary School Principal Charles Brown, Davidson Prep Academy Principal Dottie Podolak, Pacific High School Tex Acosta, Arroyo Valley High School Principal Gordon Amerson, and San Gorgonio High School Principal Charles Schindler provided an update on their Transformation Model SIG schools (see page ____).

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Board Member Barbara Flores arrived at 8:15 p.m.

Gil Navarro, education advocate, reported that he filed a complaint last May claiming that San Geronio High School isn't offering ELD support.

President Tillman moved Session Six forward on the agenda. Mr. Tillman announced that because 45 requests to address the Board have been submitted, public comments will be limited to 60 minutes.

SESSION SIX – Other Matters Brought By Citizens

6.0 - Other Matters Brought by Citizens

Students Ruben Chavez and Freddie Diaz discussed AB 540 and stated that students need to be informed of the law. Teresa Parra Craig requested a report on how students are being notified.

Gil Navarro, County School Board Member, reported that he attended a workshop on the role of board members. Mr. Navarro stated that he supports unions and funding can be found to avoid laying off employees.

Danny Tillman stated that Mr. Navarro is playing on people's feeling and asked him where the money can be found.

Teresa Parra Craig stated that they should start a campaign to get rid of County Schools. California would save millions of dollars.

Kenneth Vance reported that he is an eighth grade student with autism at Chavez Middle School. The same students bully him every day. Kenneth stated that he doesn't get help from the school and asked the Board for a safe place to learn.

Christina Marquez, fifth grade teacher at Fairfax Elementary School, asked the Board to redraw the boundaries for Fairfax Elementary and to add a sixth grade. The students had a 63-point gain last year due to the teachers' team efforts, but they are losing five certificated positions next year.

Eddie Barker asked the Board to keep class size reduction.

Christal Smith, kindergarten teacher, stated that she will receive a pink slip for the third year in a row; however, the District has money to purchase iPads. They will lose eight teachers at her school.

President Tillman reported that if the special tax expires in June, the District will lose \$25 million. If we got rid of all iPads, it wouldn't be enough to pay for one teacher. Their fight needs to be with Sacramento. Cuts have to be made. Eighty-five percent of the budget is personnel.

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Denise Boswell, District employee for many years, stated that the cuts have to be made. It doesn't show value when CSEA is asked to take a 30 percent cut. All employees have had their pay cut except for the Superintendent's staff.

President Tillman stated that the District is aligning the custodians' work year to match the school year. The Board isn't asking for a 30 percent cut for all classified employees. Teresa Parra Craig reported that the Board cut three Assistant Superintendent positions.

President Tillman asked for order and reported that they can't have a meeting unless people abide by the rules.

Maribel Nunez reported that LULAC is trying to start a voter registration program at the high school level. They can conduct voter registration drives and won't disrupt classroom instruction. Other possibilities are senior assemblies and working with student body representatives to give information at assemblies. Ms. Nunez asked permission from the Board. There would be no cost to the District and they will use the Registrar of Voters' office.

Barbara Flores indicated her support. Elsa Valdez stated that the 2010 Census showed a significant shift in the County with a higher Latino population.

Charles Greenwood reported that he is here to support his brother. People may lose their homes. The tax base will drop and we will get less money. It is a vicious cycle. Mr. Greenwood offered to help fight Sacramento.

Carl Greenwood asked the Board to give them furlough days instead of the pay cut. The negotiations team tells them that they don't have the numbers. They don't know what is going with the Personnel Commission. They ask the Personnel Commission to work with the District. Some employees were served with a letter from the Superintendent that they will be removed from the Board meeting. They don't tell the labor rep how to do her job.

Kenny Dorrance, Custodian III at Arrowview Middle School, stated that his department is being torn apart year after year. Their runs are timed and overlap hasn't been done in three years. The principal spent money to send teachers to a conference, but wouldn't buy toilet paper.

Helen Luu reported that ICUC is working on education issues. COPE and ICUC are working together for vocational opportunities. Students don't have enough access to counselors. She wants to forge a relationship to get ideas flowing. Ms. Luu recommended having more AVID-like programs.

Felicia Jones, representing COPE in collaboration with ICUC, stated that there are issues with African American and Latino students. Ms. Jones distributed a list of seven recommendations and asked the District to consider working with their organizations to develop plans.

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Rev. Benjamin Briggs stated that education is a serious issue and decisions affect the lives of the children. Rev. Briggs expressed his appreciation for the Aeries parent portal. Rev. Briggs stated that COPE, BLU, and ICUC are collaborating and offer leadership skills for parents.

Lupita Ortiz, ICUC member, reported that they have been meeting to ask for doable changes. The parents support their ideas.

Tambra Trujilla reported that she received a letter from the Superintendent and asked how much it cost to have it delivered. In the letter, the Superintendent asked her not to speak for herself, but this doesn't intimidate her.

Charlie LaChance stated that she received a letter from the Superintendent and other letters were delivered to employees in front of students and staff. The District wants to stifle the voices for people that fight for all. This action takes them back to the '50s, '60s, and '70s.

President Tillman stated that he never tried to stop them from speaking. In the past, before he and Elsa Valdez were Board members and wanted changes, they didn't yell. They asked the District to work with them. Charlie LaChance can't compare what she did to what people did in the '50s and '60s.

Cal Gordon stated that Superintendent's Cabinet took a five-day cut which resulted in a raise. Classified employees give more and Cabinet gave nothing back. Mr. Gordon recommended going back to three Assistant Superintendents, giving up car allowances, and cutting lunches, snacks, and URS.

President Tillman stated that the District has received more construction money than any other district, which has resulted in community jobs. We receive our money from Sacramento. When we had additional money, we gave raises. The five percent cut is across the Board. You can tell the negotiating team you don't want the five percent cut and come up with something else. If we don't meet our budget, the state can take over the District. Our number one goal is to educate our students in the best way possible. Every time he bent over backward to not cut classified employees. His mother was a noon duty aide, which paid their bills. He is always going to support classified employees.

Cindy Andrade stated that she is really mad. She asked why they are afraid to let them speak. Four Board members are up for re-election and she is going to make it her job to change the Board.

Alex Raya, President of School Police Officers Association (SPOA), stated that he hopes upper-level management takes a larger pay cut. He didn't get invited to budget meetings. Mr. Raya wishes the Board would look at cuts again.

Teresa Parra Craig recommended that Staff include an SPOA representative on the Budget Advisory Committee. Mrs. Parra Craig recommended several cost-saving ideas: audit our lobbyists; reduce the amount of personal refrigerators, stereos, coffee pots, heaters, etc.; cut lighting use in half; reset sprinkler timers during rainy days; put recycling boxes in every classroom; don't purchase class sets of textbooks; look into School Police citation reimbursements; cut back on catering at Board meeting recognitions; consider a pay-to-play charge for use of facilities; increase the price for surplus/obsolete property sales; audit overtime usage; audit the use of and need for cell phones; audit washing District vehicles; consider increasing the walking distance for student busing; look at Medi-Cal billing rebates; cut Board travel expenses; audit vehicle allowances; and reduce the Communications Department.

President Tillman asked Board members to hold further comments until Session Seven.

SESSION FIVE - Administrative Reports

5.0 - Administrative Reports

5.1 - Acceptance of the Inland Valley Development Agency (IVDA) of Excess Tax Increment Funds

The Inland Valley Development Agency (IVDA) is a joint powers authority organized and existing pursuant to Health and Safety Code Section 33320.5 and Government Code Section 6500.

In December 1990, the District and the Inland Valley Development Agency (IVDA) entered into a certain fiscal impact agreement pursuant to Health and Safety Code Section 33401 and entitled agreement for cooperation between the District and IVDA, under which the IVDA agreed to pay to the District certain amounts of tax increment revenues reasonably required to alleviate any financial burden or detriment caused to the District as a result of the implementation of the redevelopment plan for the Inland Valley Redevelopment Project.

During the last several years the IVDA has received favorable interest rates that have dramatically reduced the debt service below initial expectations to the benefit of the IVDA and the school districts. The lower interest rate combined with the increase development activity in the project area resulted in accumulated excess debt service funds for the school district. Although the IVDA is required to retain surplus revenues under the amended 1990 pass-through agreements, the agency's decision to release 90% of the accumulated funds would better serve the school districts without jeopardizing the ability of the IVDA to continue to retire the 1997 bonds through final maturity date in 2027. Under Section 4 of the 1990 agreement, funds received from the IVDA shall be used for the rehabilitation, construction, and reconstruction of District facilities.

On February 23, 2011, the IVDA Board at its regular meeting approved the payment of the District's share of the excess tax increment of \$2,492,543.60, representing 90% of the amount retained pursuant to the 1990 Pass-Through Agreement between the District and the IVDA. As a condition for receiving the funds, the IVDA requires the District to certify the receipt of the funds as shown in the attached Exhibit A. Mohammad Z. Islam as Chief Business and Financial Officer is the District's duly appointed official to certify the receipt of funds and execute the required document.

EXHIBIT "A"

**SCHOOL DISTRICT CERTIFICATION
FOR RECEIPT OF FUNDS FROM THE
INLAND VALLEY DEVELOPMENT AGENCY**

The undersigned Mohammad Z. Islam is the duly appointed Chief Business and Financial Officer of the San Bernardino City Unified School District (the "School District"), and the undersigned has been authorized by the official action of the governing body of the School District to make the representations and other commitments as set forth herein on behalf of the School District. The undersigned recognizes that the Inland Valley Development Agency (the "IVDA") pursuant to Resolution No. 2011-03 as adopted on February 23, 2011, authorized the remittance of certain dollar amounts to the School District upon satisfaction of conditions precedent by the School District to the remittance of such funds from the IVDA to the School District.

The School District hereby requests the remittance of the amount equal to \$2,492,543.60 representing ninety percent (90%) of the dollar amount being retained by the IVDA pursuant to that certain School District Pass-Through Agreement, as amended, by and between the School District and the IVDA. The undersigned has reviewed the summary of School Districts' outstanding debts as prepared by the independent audit firm whereby the dollar amounts retained by the IVDA on behalf of the School District pursuant to the School District Pass-Through Agreement, as amended, have been calculated. The undersigned further certifies that such dollar amounts as presently retained by the IVDA for the School District are true and correct and calculated in accordance with the procedures and formulae contained in the School District Pass-Through Agreements, as amended, and the undersigned on behalf of the School District commits and binds the School District to the manner and effect of such calculations.

The undersigned on behalf of the School District further represents and warrants that in accordance with the limitations on the use of the tax increment revenues payable by the IVDA to the School District pursuant to the School District Pass-Through Agreement, as amended, the School District will use and apply such funds as received hereunder for the following purposes as authorized by the School District Pass-Through Agreement, as amended:

- Permanent or temporary classrooms.
- Gyms, pools athletic or recreational facilities.

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- Library, auditorium or school site administration facilities.
- District administrative offices, maintenance and warehousing facilities.
- On-site and off-site public improvements such as, but not limited to, sidewalks, crosswalks, lights, curbs, gutters, and streets.
- Landscaping, irrigation and lighting improvements.
- Other ancillary facilities, equipment and furnishings appurtenant to a school or District facility to make such facilities operable.
- Acquisition of property for public school facilities, District administrative facilities and other support services.
- All reasonable and customary design, planning, administrative and engineering costs in connection with the undertaking of the above described projects to be paid from Tax Increment Revenues.

This Certification and the statements contained herein shall be relied upon by the IVDA in all financial matters affecting IVDA and the School District Pass-Through Agreement, as amended, and this Certification is duly executed and delivered as of the 15th day of March, 2011.

By: _____
Mohammad Z. Islam
Chief Business and Financial Officer

5.2 - Second Period Interim Financial Report as of January 31, 2011

The Education Code, as updated by AB1200 and AB2756, requires school districts to report on their financial condition at the time of budget adoption and after closing the books with the unaudited actuals. Two interim reports are also required during the fiscal year: for the periods from July 1 through October 31 (first period), and from July 1 through January 31 (second period) (see page ____).

A resolution is contained in the Action item section of the agenda regarding the certification by the Board of Education as to the District's ability to meet its financial obligations for the current and the subsequent two years.

Second Period Interim Financial Report

The interim reports consist of projections for ADA (average daily attendance), Revenue Limit Summary, and General Fund Summary (revenues, expenditures, and fund balance) for the current and subsequent two years. Also included are a current year Cash Flow Projection, a Summary Review of State Financial Criteria and Standards, and a Certification that the District will meet its financial obligations for the current and the subsequent two years.

The Board of Education approved the 2010-2011 Adopted Budget on June 15, 2010. In addition, other budget changes have been brought to the Board on the overall financial condition of the District.

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A school district’s revenue limit is derived primarily from ADA. ADA is projected from enrollment numbers adjusted using cohort survival procedures for historic relationships, growth, attendance percentages, and other factors. The following ADA projections were used for this report and are detailed further in the accompanying Form AI, Average Daily Attendance Form.

Projection as of:	For:	CBEDS (Excluding Charter Schools & County)	Increase	* Funded ADA (Excluding Charter Schools & County)	Increase
Budget Adoption- 06/2010	10/11	51,721	N/A	48,429	N/A
Second Interim- 01/2011	10/11	51,315	(406)	47,567	(862)
Second Interim- 01/2012	11/12	49,948	(1367)	47,071	(496)
Second Interim– 01/2013	12/13	49,258	(690)	45,717	(1354)

*Funded ADA is based upon current year or prior year P-2 ADA, whichever is greater, and adjusted for resident ADA shift to Charter Schools each Fiscal Year

The **Form RLI, Revenue Limit Summary**, translates ADA numbers into revenue limit amounts.

The primary interim report document is **Form 01I, General Fund Summary**. The columns on the attached Form 01I report the following information:

- Column A** – the original (adopted) budget
- Column B** – the Board approved operating budget as of January 31
- Column C** – actual-to-date as of January 31
- Column D** – the projected year total and
- Column E** – the percentage differences between the Board approved operating budget and projected year totals

The summary Form 01I financial reports have been created projecting the current 2010-2011 fiscal year as well as 2011-2012 and 2012-2013 using the following assumptions:

Revenues:

- Projected revenue limit funding will decrease due to declining Enrollment
- COLAs of (0.39%) for 2010-2011, projected 1.67% for 2011-2012 and projected 1.80% for 2012-2013 have been included in the Revenue Limit
- The revenue limit deficit for 2010-2011 is 17.963% and 19.608% for 2011-12 and 2012-2013
- A reduction of \$330 per ADA has been included in the Revenue Limit calculation for Fiscal Year 2011-12 and Fiscal Year 2012-13
- Special education revenue (Federal and State) will be adjusted with special education ADA changes

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- State categorical programs were kept at 2009-10 funding levels for 2010-11 and 2011-12. COLA of 1.80% was applied in 2012-13. Projected funding was decreased by programs ending in subsequent years
- Local revenue has been projected at 2010-2011 levels for subsequent years and reduced for programs that are ending
- Prior year carryover is included in the current year budget but not for subsequent years
- Inland Valley Development Agency Funding of \$2.5 million was received in 2010-11 of which \$1.6 million was accrued in the prior year. FY 2011-12 is projected to be \$1.25 million.
- One-time ARRA SFSF carryover has been included in Fiscal Year 2010-11 in the amount of \$8,897,922 and must be fully spent by September 30, 2011.
- ARRA Education Jobs Funding of \$9,560,549 is to be expended over Fiscal Years 2010-11 and 2011-12. This funding must be fully spent by September 30, 2012.
- District has exercised categorical program flexibility transfer option under budget trailer bill (SBX3 4) for 2010-11 and will continue through 2014-15

Expenditures:

- The number of certificated positions will be adjusted due to the Board Budget Cut Plan, declining enrollment and lack of funding.
 - FY 2011-2012
 - 272 Certificated (FTE)
- 5% across the board salary ongoing reductions (Negotiable) are included in Fiscal Year 2011-12 as a part of the Board approved District Budget Cut Plan
- The Board approved an increase in K-3 class size from 25:1 to 30:1 resulting in a ongoing reduction of expenditures of \$5.7 million
- Classified salaries were negotiated to freeze step and column for Fiscal Year 2010-11 only. Classified salaries are projected in increase by step and column for Fiscal Years 2011-12 and 2012-13
- Nine days of furlough for Management (Certificated and Classified) are included for Fiscal Year 2010-11 and reduced to four days of furlough for Fiscal Year 2011-12 through Fiscal Year 2012-13
- Five days of furlough for Classified employees will end in 2010-11 and be restored in 2011-12
- Statutory employee benefits have been increased to reflect the increase in salaries
- Health and Welfare benefits are projected to remain at the 2010-11 level for 2011-12 and increase by an estimated 9% in Fiscal Year 2012-13
- Routine Repair and Maintenance Program will be funded at 2% of total General Fund expenditures for current and subsequent Fiscal Years.
- Deferred Maintenance Program is budgeted at state funding level and there are no District contributions for current or subsequent Fiscal Years

- Supplies, equipment and other services for subsequent years have been adjusted to enrollment levels and decreased for any one time carryover in Fiscal Year 2010-11
- Transportation costs were projected to remain at the current year level for subsequent years.
- Utility costs were projected to reflect savings for the subsequent two Fiscal Years
- Prior year carryover is included in the current year budget, but not for subsequent years

Reserves

- The required Designated Reserve for Economic Uncertainties is projected at \$9,900,000 for the current Fiscal Year and maintained at the required 2% level for subsequent Fiscal Years
- Other Designated amounts:

Reserve for Revolving Cash	\$211,000
Reserve for Stores	<u>\$500,000</u>
Total Other Designations	\$711,000
- Designated unrestricted general fund amount is \$20,449,422 to cover the projected deficit for Fiscal Year 2011-12 and the restricted general fund balance is \$31,571,742.

Current sections of the Education Code, which were revised by AB1200 and AB2756, require the governing board of the school districts to certify that the District will meet its financial obligations for the current Fiscal Year and the subsequent two Fiscal Years. Based on the foregoing information, and the following summary of financial and attendance reports, **the District has approved an estimated \$25 million of ongoing cuts for in Fiscal Year 2011-12 and is required to make an additional \$28 million ongoing cuts for Fiscal Year 2012-13 to meet its ongoing obligations for the subsequent two Fiscal Years.** These cuts are required to maintain the Fiscal Solvency of the District in the subsequent two Fiscal Years. Thus it is recommended that the Board of Education approve a **positive certification** for the Second Interim Financial Report for the Fiscal Year 2010-11.

5.3 - Amendments to BB 9270 Board Bylaws Conflict of Interest (First Reading)

**San Bernardino City USD
Board Bylaw
Conflict Of Interest**

BB 9270 Board Bylaws

Incompatible Activities

~~Board of Education members shall not engage in any employment or activity which is inconsistent with, incompatible with, in conflict with or inimical to the Board member's duties as an officer of the district. (Government Code 1126)~~

Conflict of Interest Code

~~The district's conflict of interest code shall be comprised of the terms of 2CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with a district attachment specifying designated positions and the specific types of disclosure statements required for each position.~~

The Governing Board desires to maintain the highest ethical standards and help ensure that decisions are made in the best interest of the district and the public. In accordance with law, Board members and designated employees shall disclose any conflict of interest and, as necessary, shall abstain from participating in the decision.

The Board shall adopt a resolution that specifies the terms of the district's conflict of interest code, the district's designated positions, and the disclosure categories required for each position.

Upon direction by the code reviewing body, the Board shall review the district's conflict of interest code ~~in even-numbered years~~ ***and submit any changes to the code reviewing body.*** ~~If no change in the code is required, the district shall submit by October 1 a written statement to that effect to the code reviewing body. If a change in the code is necessitated by changed circumstances, the district shall submit an amended code to the code reviewing body.~~ (Government Code 87306.5)

When a change in the district's conflict of interest code is necessitated ~~due to~~ ***by*** changed circumstances, such as the creation of new designated positions, ***changes to the duties*** assigned to existing positions, amendments or revisions, the changed code shall be submitted to the code reviewing body within 90 days. (Government Code 87306)

When reviewing and preparing conflict of interest codes, the ***Superintendent or designee*** shall provide officers, employees, consultants and members of the community adequate notice and a fair opportunity to present their views. (Government Code 87311)

Board members and designated employees shall annually file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories specified in the district's conflict of interest code. A Board member who leaves office or a designated employee who leaves district employment shall, within 30 days, file a revised statement covering the period of time between the closing date of the last statement and the date of leaving office or district employment. (Government Code 87302, 87500)

A Board member or designated employee shall not make, participate in making, or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know that he/she has a disqualifying conflict of interest. A conflict of interest exists if the decision will have a "reasonably foreseeable material financial

effect" on one or more of the Board member's or designated employee's "economic interests," unless the effect is indistinguishable from the effect on the public generally or the Board member's or designated employee's participation is legally required. (Government Code 87100, 87101, 87103; 2 CCR 18700-18709)

A Board member or designated employee makes a governmental decision when, acting within the authority of his/her office or position, he/she votes on a matter, appoints a person, obligates or commits the district to any course of action, or enters into any contractual agreement on behalf of the district. (2 CCR 18702.1)

A Board member who has a disqualifying conflict of interest on an agenda item that will be heard in an open meeting of the Board shall abstain from voting on the matter. He/she may remain on the dais, but his/her presence shall not be counted towards achieving a quorum for that matter. A Board member with a disqualifying conflict of interest shall not be present during a closed session meeting of the Board when the decision is considered and shall not obtain or review a recording or any other nonpublic information regarding the issue. (2 CCR 18702.1)

Additional Requirements for Boards that Manage Public Investments

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following: (Government Code 87105; 2 CCR 18702.5)

- 1. Publicly identify each financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.*
- 2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. The Board member shall not be counted toward achieving a quorum while the item is discussed.
BB 9270(d)*

However, the Board member may speak on the issue during the time that the general public speaks on it and may leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public.

- 3. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.*

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during consideration of the consent calendar.

- 4. If the Board's decision is made during closed session, disclose his/her interest orally during the open session preceding the closed session. This disclosure shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. He/she shall not be present when the item is considered in closed session and shall not knowingly obtain or review a recording or any other nonpublic information regarding the Board's decision.***

~~If a Board member or designated employee determines that he/she has a financial interest in a decision, as described in Government Code 87103, this determination shall be disclosed. The member shall be disqualified from voting unless his/her participation is legally required. (2 CCR 18700)~~

Statements of economic interests submitted to the district by designated employees in accordance with the conflict of interest code shall be available for public inspection and reproduction. (Government Code 81008)

Financial Interest

~~Board members and designated employees shall not be financially interested in any contract made by the Board or in any contract they make in their capacity as Board members or designated employees. (Government Code 1090)~~

Board members, employees, or district consultants shall not be financially interested in any contract made by the Board on behalf of the district, including in the development, preliminary discussions, negotiations, compromises, planning, reasoning, and specifications and solicitations for bids. If a Board member has such a financial interest, the district is barred from entering into the contract. (Government Code 1090; Klistoff v. Superior Court, (2007) 157 Cal.App. 4th 469)

A Board member shall **not** be considered to be financially interested in a contract if his/her interest is a ***"noninterest" as defined in*** ~~includes, but is not limited to, any of the following:~~ (Government Code 1091.5). ***One such noninterest is when a Board member's spouse/registered domestic partner has been a district employee for at least one year prior to the Board member's election or appointment. (Government Code 1091.5)***

A Board member shall not be considered to be financially interested in a contract if he/she has only a "remote interest" in the contract as specified in Government Code 1091 and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. (Government Code 1091)

Even if there is not a prohibited conflict of interest, a Board member shall abstain from voting on personnel matters that uniquely affect his/her relatives. However, a Board member may vote on collective bargaining agreements and personnel matters that affect a class of employees to which his/her relative belongs. Relative means an adult who is related to the Board member by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes an individual's parents, grandparents, great-grandparents, children, grandchildren, great-grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, and the similar family of the individual's spouse/registered domestic partner unless the individual is widowed or divorced.

Common Law Doctrine Against Conflict of Interest

A Board member shall abstain from any official action in which his/her private or personal interest may conflict with his/her official duties.

1. That of an officer who is being reimbursed for his/her actual and necessary expenses incurred in the performance of an official duty
2. That of a recipient of public services generally provided by the public body or board of which he/she is a member, on the same terms and conditions as if he or she were not a member of the board
3. That of a landlord or tenant of the contracting party if such contracting party is the federal government or any federal department or agency, this state or an adjoining state, any department or agency of this state or an adjoining state, any county or city of this state or an adjoining state, or any public corporation or special, judicial or other public district of this state or an adjoining state unless the subject matter of such contract is the property in which such officer or employee has such interest as landlord or tenant in which even his/her interest shall be deemed a remote interest within the meaning of, and subject to, the provisions of Government Code 1091
4. That of a spouse of an officer or employee of the district if his/her spouse's employment or officeholding has existed for at least one year prior to his/her election or appointment
5. That of a nonsalaried member of a nonprofit corporation, provided that such interest is disclosed to the Board at the time of the first consideration of the contract, and provided further that such interest is noted in its official records
6. That of a noncompensated officer of a nonprofit, tax-exempt corporation which, as one of its primary purposes, supports the functions of the nonprofit board or to which the school Board has a legal obligation to give particular consideration, and provided further that such interest is noted in its official records

7. That of a person receiving salary, per diem, or reimbursement for expenses from a governmental entity, unless the contract directly involves the department of the government entity that employs the officer or employee, provided that such interest is disclosed to the Board at the time of consideration of the contract, and provided further that such interest is noted in its official records

8. That of an attorney of the contracting party or that of an owner, officer, employee or agent of a firm which renders, or has rendered, service to the contracting party in the capacity of stockbroker, insurance agent, insurance broker, real estate agent, or real estate broker, if these individuals have not received and will not receive remuneration, consideration, or a commission as a result of the contract and if these individuals have an ownership interest of less than 10 percent in the law practice or firm, stock brokerage firm, insurance firm or real estate firm

In addition, a Board member or employee shall not be deemed to be interested in a contract made pursuant to competitive bidding under a procedure established by law if his/her sole interest is that of an officer, director, or employee of a bank or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor. (Government Code 1091.5)

A Board member shall not be deemed to be financially interested in a contract if he/she has only a remote interest in the contract and if the remote interest is disclosed during a Board meeting and noted in the official Board minutes. The affected Board member shall not vote or debate on the matter or attempt to influence any other Board member to enter into the contract. Remote interests are specified in Government Code 1091(b); they include, but are not limited to, the interest of a parent in the earnings of his/her minor child. (Government Code 1091)

~~A Board member may enter into a contract if the rule of necessity or legally required participation applies as defined in Government Code 87101.~~

On a case-by-case basis and upon advice of legal counsel, a Board member with a financial interest in a contract may participate in the making of the contract if the rule of necessity or legally required participation applies pursuant to Government Code 87101 and 2 CCR 18708.

Board members shall not engage in any employment or activity or hold any office which is inconsistent with, incompatible with, in conflict with, or inimical to the Board member's duties as an officer of the district. (Government Code 1099, 1126)

Even if there is no prohibited or remote interest, a Board member shall abstain from voting on personnel matters that uniquely affect a relative of the Board member. A Board member may vote, however, on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. "Relative" means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree. (Education Code 35107)

A relationship within the third degree includes the individual's parents, grandparents and great-grandparents, children, grandchildren and great-grandchildren, brothers, sisters, aunts and uncles, nieces and nephews, and the similar family of the individual's spouse/*registered domestic partner* unless the individual is widowed or divorced.

Disqualification for Board Members Who Manage Public Investments

A Board member who manages public investments pursuant to Government Code 87200 and who has a financial interest in a decision shall, upon identifying a conflict or potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

1. Publicly identify the financial interest that gives rise to the conflict or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required. (Government Code 87105)
2. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of Government Code 87100. This Board member shall not be counted toward achieving a quorum while the item is discussed. (Government Code 87105; 2 CCR 18702.5)
3. Leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters. (Government Code 87105)

If the item is on the consent calendar, the Board member must recuse himself/herself from discussing or voting on that matter, but the Board member is not required to leave the room during the consent calendar. (2 CCR 18702.5)

(cf. 3430 - Investing)

The Board member may speak on the issue during the time that the general public speaks on the issue. The Board member shall recuse himself/herself from voting on the matter and leave the dais to speak from the same area as members of the public. He/she may listen to the public discussion of the matter with members of the public. (Government Code 87105; 2 CCR 18702.5)

If the Board's decision is made during closed session, the public identification may be made orally during the open session before the Board goes into closed session and shall be limited to a declaration that his/her recusal is because of a conflict of interest pursuant to Government Code 87100. The Board member shall not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the Board's decision. (2 CCR 18702.5)

Gifts

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Board members and designated employees may accept gifts only under the conditions and limitations specified in Government Code 89503 and 2 CCR 18730.

The limitations on gifts do not apply to wedding gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value. (Government Code 89503)

Gifts of travel and related lodging and subsistence shall be subject to the prevailing gift limitation except as described in Government Code 89506.

A gift of travel does not include travel provided by the district for Board members and designated employees. (Government Code 89506)

Honoraria

Board members and designated employees shall not accept any honorarium, which is defined as any payment made in consideration for any speech given, article published, or attendance at any public or private gathering, in accordance with law. (Government Code 89501, 89502)

The term honorarium does not include: (Government Code 89501)

1. Earned income for personal services customarily provided in connection with a bona fide business, trade or profession unless the sole or predominant activity of the business, trade or profession is making speeches
2. Any honorarium which is not used and, within 30 days after receipt, is either returned to the donor or delivered to the district for donation into the general fund without being claimed as a deduction from income for tax purposes

Appendix A Defines Disclosure Categories And Appendix B Identifies Designated Positions In The District:

Appendix A - Disclosure Categories

Category 1. Designated positions must report:

1. Interests in real property that are located in whole or in part (1) within the boundaries of the district, (2) within two miles of the boundaries of the district, or (3) within two miles of any land owned by the district, including leasehold, beneficial or ownership interest or option to acquire such interest in real property.
2. Investments and business positions (i.e., director, officer, partner, trustee, employee, or holds any position of management) in business entities or income from sources which engage in the acquisition or disposal of real property within the district.

3. Investments and business positions (i.e., director, officer, partner, trustee, employee, or holds any position of management) in business entities or income from sources which: (1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the district, or (2) which manufacture, sell or provide supplies, materials, books, machinery, services or equipment of the type used by the district.

Category 2. Designated positions must report investments and business positions in business entities and income from sources that manufacture, sell, or provide supplies, materials, books, machinery, services or equipment of the type used by the employee's department or the district. For the purposes of this category a principal's department is his/her entire school.

Appendix B - Designated Positions

The persons holding positions listed in this Appendix are designated employees. It has been determined that the persons occupying the positions listed below make or participate in the making of decisions that may foreseeably have a material effect on financial interests of the district. Designated positions must disclose investments, business positions, and interests in real property held on, and income received during the previous 12 months as defined in Appendix A categories 1-2, and will file the Form 700, Statement of Economic Interests.

POSITION TITLE

CATEGORIES

Member, Board of Education

1, 2

Superintendent

1, 2

~~Deputy Superintendent~~

~~1, 2~~

Chief Business and Financial Officer

1, 2

Associate Superintendent/Chief Administrative Officer

1, 2

Assistant Superintendent

1, 2

Accounting Services Director

1, 2

~~Accounts Payable Officer~~

~~1, 2~~

Accounts Payable Supervisor

1, 2

Affirmative Action Director

1, 2

Alternative Programs Director

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1, 2

Assistant Affirmative Action Officer

1, 2

Assistant Building Services Director

1, 2

Assistant Director

1, 2

Assistant Director Facilities Planning and Development

1, 2

Assistant Director of Management Information Services

1, 2

Assistant Nutrition Services Director

1, 2

Assistant Principal

1, 2

Assistant Purchasing Services Director

1, 2

Budget Officer

1, 2

Building Services Director

1, 2

Communications/Community Relations Director

1, 2

Consultant*

1, 2

Coordinator

1, 2

Curriculum, Instruction and Assessment Administrator

1, 2

Directors

1, 2

Director of Enrollment

1, 2

Director of Management Information Services

1, 2

Director of Special Projects

1, 2

Environmental Safety Officer

1, 2

Facilities Administrator

1, 2

Facilities Planning and Development Director

1, 2

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Facilities Officer

1, 2

Facilities Planning Manager

1, 2

Fiscal Services Director

1, 2

~~Internal Auditor~~

~~1, 2~~

Nutrition Services Business Manager

1, 2

Nutrition Services Director

1, 2

Payroll Officer

1, 2

Principal

1, 2

Program Improvement Administrator

1, 2

Purchasing Services Director

1, 2

Research and Instruction Director

1, 2

School Linked Services Director

1, 2

School Police and Safety Director

1, 2

Supervisor

1, 2

Youth Services Director

1, 2

Buyer

2

Elementary Instruction and Curriculum Development Director

2

English Learner and Support Program Director

2

Facilities Planning Manager

2

Human Resources Director Certificated

2

Human Resources Director Classified

2

Maintenance Manager

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2
Nutrition Services Computer Analyst

2
Nutrition Services Program Manager

2
Operations Manager

2
Personnel Commission Director

2
Personnel Commission Member

2
Principals

2
Recruitment/Employment Director Certificated

2
Secondary Instruction and Curriculum Director

2
Special Education Program Director

2

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code when it is determined that the temporary consultant will have a significant influence on district financial matters. When notified by the Filing Officer, the consultant will have 30 calendar days to provide a completed Form 700, Statement of Economic Interests to the district.

A consultant is an individual who, pursuant to a contract with the district, makes a governmental decision whether to: (2 CCR 18701)

1. Approve a rate, rule or regulation
2. Adopt or enforce a law
3. Issue, deny, suspend or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement
4. Authorize the district to enter into, modify or renew a contract that requires district approval
5. Grant district approval to a contract or contract specifications which require district approval and in which the district is a party
6. Grant district approval to a plan, design, report, study or similar item

7. Adopt or grant district approval of district policies, standards or guidelines

A consultant is also an individual who, pursuant to a contract with the district, serves in a staff capacity with the district and in that capacity participates in making a governmental decision as defined in 2 CCR 18702.2 or performs the same or substantially all the same duties for the district that would otherwise be performed by an individual holding a position specified in the district's Conflict of Interest Code. (2 CCR 18701)

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office

35107 School district employees

35230-35240 Corrupt practices

35233 Prohibitions applicable to members of governing boards

35239 Compensation for board members in districts under 70 ADA

GOVERNMENT CODE

1090-1098 Prohibitions applicable to specified officers

1125-1129 Incompatible activities

81000-91015 Political Reform Act of 1974, especially:

82011 Code reviewing body

82019 Definition of designated employee

82028 Definition of gifts

82030 Definition of income

87100-87103.6 General prohibitions

87200-87210 Disclosure

87300-87313 Conflict of interest code

87500 Statements of economic interests

89501-89503 Honoraria and gifts

91000-91014 Enforcement

CODE OF REGULATIONS, TITLE 2

18110-18997 Regulations of the Fair Political Practices Commission, especially:

18702.5 Public identification of a conflict of interest for Section 87200 filers

COURT DECISIONS

Thorpe v. Long Beach Community College District, (2000) 83 Cal.App.4th. 655

Kunec v. Brea Redevelopment Agency, (1997) 55 Cal.App.4th 511

ATTORNEY GENERAL OPINIONS

86 Ops.Cal.Atty.Gen. 138(2003)

85 Ops.Cal.Atty.Gen. 60 (2002)

82 Ops.Cal.Atty.Gen. 83 (1999)

81 Ops.Cal.Atty.Gen. 327 (1998)

80 Ops.Cal.Atty.Gen. 320 (1997)

69 Ops.Cal.Atty.Gen. 255 (1986)

68 Ops.Cal.Atty.Gen. 171 (1985)

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65 Ops.Cal.Atty.Gen. 606 (1982)

Management Resources:
WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

Bylaw SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT
adopted: October 16, 2007 San Bernardino, California

CONFLICT OF INTEREST E 9270

**RESOLUTION ADOPTING A
CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act, Government Code 87300-87313, requires each public agency in California to adopt a conflict of interest code; and

WHEREAS, the Governing Board of the San Bernardino Unified School District has previously adopted a local conflict of interest code; and

WHEREAS, past and future amendments to the Political Reform Act and implementing regulations may require conforming amendments to be made to the district's conflict of interest code; and

WHEREAS, a regulation adopted by the Fair Political Practices Commission, 2 CCR 18730, provides that incorporation by reference of the terms of that regulation, along with an agency-specific appendix designating positions and disclosure categories shall constitute the adoption and amendment of a conflict of interest code in conformance with Government Code 87300 and 87306; and

WHEREAS, the San Bernardino City Unified School District has recently reviewed its positions, and the duties of each position, and has determined that (changes/no changes) to the current conflict of interest code are necessary; and

WHEREAS, any earlier resolutions, bylaws, and/or appendices containing the district's conflict of interest code shall be rescinded and superseded by this resolution and Appendix; and

NOW THEREFORE BE IT RESOLVED that the San Bernardino City Unified School District Governing Board adopts the following Conflict of Interest Code including its Appendix of Designated Employees and Disclosure Categories.

PASSED AND ADOPTED THIS _____ day of _____, _____ at a meeting, by the following vote:

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AYES: _____ NOES: _____ ABSENT: _____

Attest:

Secretary/President

**Conflict of Interest Code of the
San Bernardino City Unified School District**

The provisions of 2 CCR 18730 and any amendments to it adopted by the Fair Political Practices Commission, together with the preceding Appendix specifying designated positions and disclosure categories, are incorporated by reference and shall constitute the district's conflict of interest code.

Governing Board members and designated employees shall file a Statement of Economic Interest/Form 700 in accordance with the disclosure categories listed in the attached Appendix. The Statement of Economic Interest shall be filed with the district's filing officer and/or, if so required, with the district's code reviewing body. The district's filing officer shall make the statements available for public review and inspection.

5.4 - Adoption of 2011-2012 Traditional and Year-Round (60-20) School Calendars

This item was deleted.

5.5 Budget Update

There was no new information to report.

SESSION SEVEN - Reports and Comments

7.0 - Report by Board Members

Teresa Parra Craig stated that we haven't done enough to connect with unions. Mrs. Parra Craig would like to have a workshop with Mohammad Islam and all are welcome. There needs to be a discussion on leadership. Mrs. Parra Craig recommended paying for personal cell phones for one year.

Elsa Valdez reported that the District lost \$2.7 million to date due to student absences and recommended that Staff look into recapturing this. Possible solutions could be Saturday classes, evening school, on-campus suspension, a transition program for students with multiple suspensions, on-line instruction, or independent study. Dr. Valdez also recommended using our lobbyists to look at flexibility for SIG and QEIA money. Ray Culberson can work with Harold Vollkommer to find which schools have good student recovery.

Judi Penman stated that she has asked for a budget workshop for three years and someone doesn't want her input. Staff goes to Sacramento often and would probably do a better job than our lobbyists. We are losing students to charter schools due to bullying. At a Five-Year Housing Committee meeting, John Peukert gave information on how to cut costs. Mrs. Penman stated that she is embarrassed that employees received a letter.

Barbara Flores reported that she comes from a working class family. She doesn't want us to lay off anyone. She recommended that we submit a waiver to the state for flexibility.

Lynda Savage reported that this month has been difficult. Mrs. Savage asked that all schools have the proper emergency supplies and requested a status report. The School Police Officers Association union should be included with negotiations.

7.1 - Legislative Update

None.

8.0 - Report by Superintendent and Staff Members

Dr. Delgado announced that the winner of the 2011 Congressional Art Competition will be announced at an Art Forum on Friday, April 8, 6-8 p.m., at the Home of Neighborly Services. There will be another series of School Bell Forums on March 29, April 11, and May 9.

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 9.9, 9.15, 9.19, and 9.26 were held for further discussion.

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 Meetings held on February 15, and February 22, 2011, be approved as presented.

9.2 - Business and Inservice Meetings

BE IT RESOLVED that the Board of Education approves the attendance and participation of the following individual in a scheduled business and inservice meeting:

DANNY TILLMAN
(Governing Board Member) To attend the Families in Schools “School Boards and Community Engagement Initiative,” in Sacramento, CA, April 1-2, 2011. Airfare and hotel accommodations will be paid by Families in Schools. Total cost of reimburseables, not to exceed \$200.00, will be paid from Board of Education Account No. 066.

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

BE IT RESOLVED that the Board of Education approves payment for services as a master teachers during Winter Session 2011, as provided for in the Agreement with California State University San Bernardino, as follows:

Allen, Vickie	\$166.70	Arce, Gus	\$166.70
Basoco, Kelly	\$166.70	Benninger, Kathryn	\$166.70
Brett, Beverly	\$166.70	Burns, Brenda	\$166.70
Deininger, Scott	\$166.70	Del Rincon, Naomi	\$166.70
Diefendorf, Ellen	\$166.70	Dondalski, Jennifer	\$166.70
Flores Bravo, Nanette	\$166.70	Flores-Sanz, Lorena	\$166.70
Garcia, Guadalupe	\$166.70	Hegardt, Gregory	\$166.70
Luna, Karen	\$166.70	Magdaleno, Leonard	\$166.70
Meaca, Marisol	\$166.70	Marcus, Brian	\$166.70
Martinez, Armida	\$166.70	Massicotte, Stephen	\$166.70
Mc Gee, Brenda	\$166.70	Mendoza, Victor	\$166.70
Morris, Elizabeth	\$166.70	Mudd, Brian	\$166.70
Payne, Elisabeth	\$166.70	Paz, Elva	\$166.70
Posiviata, Susan	\$166.70	Ramirez, Leandra	\$166.70
Quesada, Rebecca	\$166.70	Sanguino, Gretty	\$166.70
Sanz, Lizette	\$166.70	Stufkosky, Emma	\$166.70

9.4 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$100.00, Celia Mariscal; \$226.00, Amie Duplissis; \$100.00, Monarrez Trucking, Inc.; \$700.00, Target Field Trips; \$560.00, Monterey PTA; \$700.00, Scholarship America/Target Field Trip Grants; and \$400.00, Jose Chavez.

9.5 - Business and Inservice Meetings

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

Griselda Camberos
Lilia Cisnero-Felix
Rosa Hernandez
Mayra Higuera
(Board Representatives)

To attend the 2011 California Association for Bilingual Education (CABE) Conference, in Long Beach, CA, March 23-26, 2011. Total cost, including meals and mileage per District guidelines, not to exceed \$3,670.00, will be paid from Rio Vista Elementary School Account No. 436.

Arballo, Irene
Azzurro, Suzanne
Bakshi, Shawn
Barron, Leslie
Benart, David
Brown, Kim
Canedo, Melina
Canteo, Michael
Carra, Blanca
Chavez, Tammera
CiRullo, Chanel
Contreras, Leslie
Cruz, Michelle
Delgado, Marlon
Diaz, Flor
DosRemedios, Heather
DosRemedios, Teresa
Garcia, Yesenia
Geary, Kenneth
Gonzalez, Enrique
Goodloe, Joshua
Griffin, Ja'Sher
Jones, Danielle
Krell, Kristin
LaBarbera, Kaila
Lopez, Evelyn
Mann, Andrea
Martinez, Leilani
Mendez, Angel
Miguel, Selena

To attend the Best Of Out-Of School Time Conference (BOOST), in Palm Springs, CA, April 28-30, 2011. Total cost, including meals and mileage per District guidelines, not to exceed \$44,835.00, will be paid from CAPS ASES Account No. 459 and CAPS ASSETs Account No. 566.

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Morgan, Candace
Morris, Gina
Musial, Elizabeth
Orellana, Brianna
Pot, Khaty
Poullard, Haleii
Rainbolt, Desiree
Ramirez, Sonia
Rivera, Gabriela
Robinson, Soleil
Rodriguez, Ronald
Rubio, Elizabeth
Seward, Karen
Sorensen, Nicole
Torres, Lily
Trillo, Lisa
Villanueva, Ameer
Warren, Nadifa
Zylman, Kelly
(Board Representatives,
YMCA East Valley)

9.6 - Cafeteria Warrant Register, Ending February 28, 2011

BE IT RESOLVED that the Cafeteria Warrant Register, ending February 28, 2011, be approved.

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

9.7 - Commercial Warrant Registers for Period from February 16, through February 28, 2011

BE IT RESOLVED that the Commercial Warrant Register for period from February 16, 2011, through February 28, 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.

9.8 - 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:

Aquarium of the Pacific for two presentations titled "Aquarium on Wheels" on March 23, 2011. The cost, not to exceed \$750.00, will be paid from Kendall Elementary School Account No. 420.

Homeboy Goes to Harvard for four presentations by Richard Santana on April 4, 2011. The cost, not to exceed \$4,000.00, will be paid from Shandin Hills Middle School Account No. 501.

9.10 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$1,500.00 in the budgeting of revenue and expenditures for the unrestricted program, FEDCO Grant (307).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$307,099.00 in the budgeting of revenue and expenditures for the unrestricted program, Fund 11, Adult Education CalWorks & ROP Program (132).

9.11 - Extended Field Trip, Rodriguez PREP Academy, Odyssey of the Mind State Competition, Brentwood, California

BE IT RESOLVED that the Board of Education approves the extended field trip for seven Rodriguez PREP Academy students and two District employees to attend Odyssey of the Mind State Competition, in Brentwood, California, March 24, through March 27, 2011. The cost of the trip, not to exceed \$2,700.00, including meals and lodging for seven Rodriguez PREP Academy students and two District employees, will be paid from Rodriguez PREP Academy Account No. 204. Transportation provided by Xpress Van Rental, not to exceed \$350.00, will be paid from Rodriguez PREP Academy Account No. 204. Names of the students are on file in the Business Services office.

9.12 - Extended Field Trip, Serrano Middle School, Smithsonian Student Travel, Washington, D.C. and New York

BE IT RESOLVED that the Board of Education approves the extended field trip for five Serrano Middle School students and one District employee, to attend the Smithsonian Student Travel, in Washington, D.C. and New York, March 25, through March 30, 2011. The cost of the trip, not to exceed \$9,540.00, including meals and lodging for five Serrano Middle School students and one District employee, will be paid through sponsorship from anonymous sponsors. Transportation to and from Los Angeles International Airport will be provided by Hertz Car Rental, not to exceed \$140.00, and will be paid from sponsorship by Raquel Almazan. Names of the students are on file in the Business Services office.

9.13 - Extended Field Trip, Cajon High School, California State Thespian Festival 2011, Ontario, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 11 Cajon High School students, 1 chaperone, and 2 District employees to attend the California State Thespian Festival 2011, in Ontario, California, April 8, through April 10, 2011. The cost of the trip, not to exceed \$2,385.00, including meals and lodging for 11 Cajon High School students, 1 chaperone, and 2 District employees, will be paid from fundraising and Cajon High School Drama Club Account No. 730. Transportation will be provided by private vehicles driven by District employees and chaperone, at no cost. Names of the students are on file in the Business Services office.

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

BE IT RESOLVED that the Board of Education approves the extended field trip for eight Cajon High School students and two District employees to attend the Girls Varsity Basketball San Diego Summer Tournament, in San Diego, California, July 14, through July 17, 2011. The cost of the trip, not to exceed, \$1,500.00, including meals and lodging for eight Cajon High School students and two District employees, will be paid from Cajon High School Girls Basketball ASB Account. Transportation provided by Xpress Van Rental, not to exceed \$500.00, will be paid from Cajon High School Girls Basketball ASB Account. Names of the students are on file in the Business Services office.

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

BE IT RESOLVED that the Board of Education approves the extended field trip for 13 San Geronio High School students, 1 volunteer chaperone, and 1 District employee to attend Odyssey of the Mind State Competition, in Brentwood, California, March 25, through March 27, 2011. The cost of the trip, not to exceed \$3,500.00, including meals and lodging for 13 San Geronio High School students, 1 volunteer chaperone, and 1 District employee, will be paid from San Geronio High School Account No. 203. Transportation provided by Xpress Van Rental, not to exceed \$700.00, will be paid from San Geronio High School Account No. 203. Names of the students are on file in the Business Services office.

9.17 - Memorandum of Understanding (MOU) with the University of Southern California for Curriculum Advisement and Development

BE IT RESOLVED that the Board of Education approves entering into an MOU with the University of Southern California (USC), Los Angeles, CA, effective March 16, through September 15, 2011. USC shall provide curriculum advisement and development. There is no cost to the District.

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

9.18 - Agreement with the Knotts Family & Parenting Institute for Child Excellence to Provide Training for Parents of District Students Enrolled at Shandin Hills Middle School

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Knotts Family & Parenting Institute for Child Excellence, San Bernardino, CA, to provide training to parents of District students enrolled at Shandin Hills Middle School, effective April 4, through May 23, 2011. The training sessions will include the following topics: self- esteem, emotional health, physical health, education, GED information, parenting skills, character formation, and nutrition. The training will provide the skills and techniques that will enable parents to address the educational needs of their school-aged children. There is no cost to the District.

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

9.20 - Amendment to the Agreement with Albert Thomas to Provide Training in Anger Management to District Students and their Parents

BE IT RESOLVED that the Board of Education approves amending the agreement with Albert Thomas, Highland, CA, approved by the Board on July 6, 2010, Agenda Item 9.40. The amendment is necessary to add funds to the cost due to an increase in services provided. The cost of \$6,000.00, added to the initial cost of \$36,000.00 for an aggregate total not to exceed \$42,000.00, will be paid from the Restricted General Fund—Drugfree Schools, Account No. 555. All other terms and conditions will remain the same.

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

9.21 - Amendment No. 1 to the Agreement with Prodek, Inc., Bid No. F08-23, District-Wide Rubberized Playground Flooring

BE IT RESOLVED that the Board of Education approves amending the agreement with Prodek, Inc., Los Angeles, CA, Bid No. F08-23, for district-wide rubberized playground flooring. This amendment is needed to add Restricted General Fund Routine Repair & Maintenance Account No. 01-076. All other terms and conditions remain the same. The total not-to-exceed cost is \$293,000.00.

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

9.22 - Amendment No. 1 to the Agreement with PW Construction, Inc., Bid No. F08-11, San Bernardino High School Modernization Project

BE IT RESOLVED that the Board of Education approves amending the agreement with PW Construction, Inc., Chino, CA, Bid No. F08-11, General Contractor for the San Bernardino High School Modernization Project. The District reserved the right to award alternates at a later time. The District now requests Board approval to award and include Alternate "A" with the previously approved base bid and allowance. All other terms and conditions remain the same.

Contractor	Original Award Amount (Base Bid & Allowance)	Amendment Amount (Alternate "A")	New Total Bid Award
PW Construction, Inc. 4075 Schaefer Avenue Chino, CA 91710	\$11,982,600.00	\$697,400.00	\$12,680,000.00

BE IT ALSO RESOLVED that Fund 01-707, Deferred Maintenance, will pay \$255,865.00; Capital Facility Funds 21, 35, and 40 will pay \$441,535.00.

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

9.23 - Amendment No. 1 to the Agreement with RGSLA, Inc., Bid No. F08-29, Category 09A - Re-Roofing for the New Indian Springs High School New Construction and the Curtis Middle School Modernization Project

BE IT RESOLVED that the Board of Education approves amending the agreement with RGSLA, Inc., Whittier, CA, Bid No. F08-29, Category 09A, for the new Indian Springs High School New Construction and the old Curtis Middle School Modernization Project, due to unforeseen conditions arising from structural repair, dry rot and lightweight concrete, that were exposed upon demolition of the existing roof at the Old Curtis Middle School. County Counsel has approved the amendment which includes the proposed change orders. This amendment is for an additional \$101,268.61, for a new not-to-exceed total cost of \$611,156.61 and will be paid from Funds 21, 35, and 40. 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. 1.

9.24 - Amendment No. 2 to the Agreement with Ruhnu, Ruhnu & Clarke Architects for Architectural and Engineering Services at the Proposed Captain Leland Norton Elementary School Project

BE IT RESOLVED that the Board of Education approves amending the agreement with Ruhnu, Ruhnu & Clarke Architects, Riverside, CA, for architectural and engineering services at the proposed Captain Leland Norton Elementary School Project. This amendment is for an additional \$8,600.00, for services required by the San Bernardino Municipal Water District for incorporation of their current standards, including civil engineering and architectural designs. The total cost, not to exceed \$8,600.00, plus 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.

9.25 - Amendment No. 3 to the Agreement with WLC Architects for Architectural and Engineering Services for the Proposed George Brown Jr. Elementary School

BE IT RESOLVED that the Board of Education approves amending the agreement with WLC Architects, Rancho Cucamonga, CA for architectural and engineering services at the proposed George Brown Jr. Elementary School. This amendment is for additional services required by the City of San Bernardino for off-site improvements and the Storm Water Pollution Prevention Plan (SWPPP) including civil engineering and architectural designs; the revision of construction documents for incorporation of soils' Remediation Action Work plan (RAW) requirements as approved by DTSC and for preparation of bid package for demolition of remaining footings and slabs for the new construction project; revision of construction documents and DSA submittal for incorporation of high efficiency plumbing, heating, ventilation and air conditioning fixtures, updated fire alarm and security systems and smart boards in teaching walls. The cost for the additional services: \$4,300.00 for off-site improvements and SWPPP; \$22,600.00 for RAW and demolition package; and \$53,720.00 for high efficiency fixtures, for a total not-to-exceed cost of \$80,620.00, plus 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. 3.

9.27 - Bid No. 10-10, Technology Infrastructure Equipment and Maintenance

BE IT RESOLVED that all bids received in response to Bid No. 10-10, Section 1 be rejected in their entirety in the best interest of the District. Work covered under Section 1 will be rebid.

BE IT ALSO RESOLVED that bids received in response to Bid No. 10-10, Section 2 are as follows:

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<u>Vendor</u>	<u>Bid Amount</u>
Siemens Enterprise Costa Mesa, CA	\$673,500.12
Vector Resources Rancho Cucamonga, CA	\$612,354.93

BE IT ALSO RESOLVED that bid received from Siemens Enterprise be rejected as non-responsive, and Board approves the award of contract to Vector Resources, lowest responsive and responsible bidder.

BE IT ALSO RESOLVED that the single bid response received for Bid No. 10-10, Section 3 from Siemens Enterprise, be rejected as non-responsive.

BE IT ALSO RESOLVED that Bid 10-10 for Technology Infrastructure Equipment and Maintenance, Section 2 term shall be July 1, 2011, through June 30, 2012, and any other extensions, not to exceed three years total.

BE IT ALSO RESOLVED that the District reserves the right to purchase more than or less than the quantities indicated on a line item basis per the terms of the Bid, as needed through the initial one-year term of the Bid, and all extensions, not to exceed three years total.

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

9.28 - Request for Proposal (RFP) No. 28-10, Technology Infrastructure

BE IT RESOLVED that all bids received in response to RFP No. 28-10 be rejected in their entirety as in the best interest of the District. The District will rebid the project(s).

9.29 - Siemens Enterprise Communication, Inc., Sole Source Recommendation

BE IT RESOLVED that the Board approves entering into an agreement with Siemens Enterprise Communications, Inc., a sole source supplier of Siemens brand equipment, services, and maintenance for an initial term of one year, effective July 1, 2011, through June 30, 2012, and any extensions, not to exceed three years total.

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

9.30 - Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107 - Drywall

BE IT RESOLVED that the Board of Education approves the request by the general contractor, Great West Contractors, Inc., Bid F08-06, for Mt. Vernon, Rio Vista, and Roosevelt Elementary Schools (Group 2) Modernization Projects, to release McKinney Drywall, Inc., the drywall subcontractor, from their obligation on the projects, and to substitute Truwall Builders, Highland, CA, as the drywall 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.

9.31 - Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107 - Electrical

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 Modernization Project, to release Action Electric Corp., the electrical subcontractor, from their obligation on the project, and to substitute Sanchez Electric, Chino, CA, for electrical systems; Fire Comm, Garden Grove, CA, for fire alarm systems; and Intelinet, Corona, CA, for low-voltage systems, 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.

9.32 -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:

7/24/1995	*(S)9/2/1995	*(S)2/4/1995	*(S)5/5/1995	*(S)10/30/1994	***(S)7/2/1996
12/23/1993	*(S)9/7/1993	*(S)10/7/1995	*(S)2/28/1995	12/12/1996	*(S)12/30/1994
***(S)2/9/1994	*(S)9/30/1994	1/20/1995	*(S)6/3/1991	***(S)6/26/1997	**2/22/1994

*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.

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

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

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

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

4/26/1995 6/19/1997

9.35 - 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:

9.36 - Revocation of Suspension of Expulsion

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

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

9.37 - 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:

9.38 - 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:

9.39 - 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.

9.40 - 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.

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

Upon motion by Member Tillman, 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:

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

Digital Edge Learning for the following teacher training: Digital Formative Assessment Training, April 15, through June 30, 2011. The fee, not to exceed \$24,750.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 507.

Amending the resolution approved by the Board on March 1, 2011, Agenda Item 10.8. The name of the requesting department should be changed from English Learner Programs to Special Education Department. All other terms and conditions remain the same.

Judi Penman asked for clarification on the budgets for items 9.15 and 9.19.

9.15 - Extended Field Trip, Pacific High School, AVID 2010-11 College Tour, Multiple Northern California Locations

Upon motion by Member Savage, seconded by Member Penman, 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 extended field trip for 49 Pacific High School students, 1 adult chaperone, and 4 District employees, to attend the AVID 2010-11 College Tour, in multiple Northern California locations, from March 21, through March 25, 2011. The cost of the trip, not to exceed \$13,600.00, including meals and lodging for 49 Pacific High School students, 1 adult chaperone, and 4 District employees, will be paid from Pacific High School AVID Club funds. Transportation provided by charter coach, not to exceed \$4,000.00, will be paid from Pacific High School Account No. 511. Names of the students are on file in the Business Services office.

9.19 - Agreement with Lollipop & Associates to Provide Training for Parents of District Students Enrolled at Davidson Elementary School

Upon motion by Member Penman, 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 entering into an agreement with Lollipop & Associates, Highland, CA, to provide training to parents of District students enrolled at Davidson Elementary School, effective March 16, through May 31, 2011. The training sessions will include reading and math activities, encourage discussion between parent and child, identify subject specific activities to use at home to stimulate learning, and develop the ability of parents to tutor and monitor their children's progress. The cost, not to exceed \$2,550.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Title I, Account No. 501.

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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.

9.26 - Bid No. NSB 2010/11-2, Food Service Equipment

Teresa Parra Craig asked if this equipment needed to be purchased now. John Peukert stated that the equipment has gone through its useful cycle. It would cost more to repair than to replace it.

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 bids be awarded by line item, to the lowest responsible bidders, for the following:

Arrow Restaurant Equipment 5601 Arrow Hwy Montclair, CA 91763			
Bid Item #	Description	Quantity	Total Price
3	Dishwasher, Corner, 1PH	1	\$ 9,918.00
4	Dishwasher, Corner, 3PH	2	\$ 19,836.00
5	Dishwasher, Corner, Low temp.	1	\$ 8,146.00
6	Dishwasher, Straight-thru, 1PH	2	\$19,636.00
7	Dishwasher, Straight-thru, 3PH	6	\$58,908.00
8	Dishwasher, Straight-thru, LT	2	\$16,092.00
9	Dishwasher, Conveyor, w/hood	2	\$33,014.00
10	Dishwasher, Conveyor	2	\$30,934.00
14	Oven, Electric, Double	1	\$12,274.00
15	Oven, Electric, Single	1	\$ 6,016.00
16	Oven, Gas, Double	6	\$78,966.00
17	Oven, Gas, Single	1	\$ 6,681.00
25	Steamer, Countertop	2	\$13,776.00
26	Table	2	\$ 1,208.00
28	Warmer, Heated Cab., Mobile	3	\$ 8,653.05

Subtotal: \$324,058.05
 9% Sales Tax: \$29,165.22
 Total: \$353,223.27

Duray/J.F. Duncan Ind., Inc. 9301 Stewart and Grey Road Downey, CA 90241			
Bid Item #	Description	Quantity	Total Price
19	Refrigerator, Reach-in 2 Door	2	\$ 5,496.90

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21	Refrigerator, Roll-in, 2 Door	1	\$ 7,416.48
		Subtotal:	\$12,913.38
		9% Sales Tax:	\$1,162.20
		Total:	\$14,075.58

F.S.E. 1248 Market Street San Diego, CA92101			
Bid Item #	Description	Quantity	Total Price
2	Can Opener	1	\$ 2,779.00
11	Dishwasher, Undercounter	1	\$ 5,363.00
12	Freezer, Reach-In, 2 Section	1	\$ 3,287.00
13	Freezer, Reach-in 3 Section	1	\$ 4,539.00
18	Refrigerator, Reach-in 1 Door	1	\$ 2,187.00
20	Refrigerator, Reach-In 3 Door	1	\$ 3,617.00
22	Silverware Dispenser	28	\$46,144.00
23	Sink, 3 Compt. w/24" Drnbrd.	2	\$ 4,998.00
24	Sink, 3 Compt. w/36" Drnbrd.	2	\$ 5,098.00
		Subtotal:	\$78,012.00
		9% Sales Tax:	\$7,021.08
		Total:	\$85,033.08

Kamran & Company 411 E. Montecito Street Santa Barbara, CA 93101			
Bid Item #	Description	Quantity	Total Price
1	Bun Pan Rack	10	\$ 2,990.00
27	Warmer, Heated Cabinet	6	\$ 24,991.80
		Subtotal:	\$27,981.80
		9% Sales Tax:	\$ 2,518.36
		Total:	\$30,500.16

AWARD TOTAL: \$482,832.09

BE IT ALSO RESOLVED that bids from Murray's Hotel and Restaurant Supply and Zappia's Restaurant Equipment be rejected in their entirety, as not meeting bid specifications.

BE IT ALSO RESOLVED that the District may use this bid, based upon unit prices awarded, throughout the initial one-year term, in accordance with the terms and conditions of the bid, with an option for a one-year extension. The cost will be paid from restricted Nutrition Services Account No. 92.

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

10.0 - Action Items

10.2 - Second Period Interim Financial Report as of January 31, 2011

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, on the basis of information presented, the Second Interim Financial Report as of January 31, 2011.

BE IT ALSO RESOLVED that the President of the Board of Education be authorized to certify on behalf of the Board that the San Bernardino City Unified School District will be able to meet its ongoing financial obligations for the current fiscal year and subsequent two fiscal years with the required estimated ongoing cuts of \$25 million in Fiscal Year 2011-12 as approved by the Board of Education on February 22, 2011, and additional estimated \$28 million in ongoing cuts for Fiscal Year 2012-13 to maintain the fiscal solvency of the District in the subsequent two Fiscal Years.

BE IT FURTHER RESOLVED that the Board of Education approves a **positive certification** for the Second Interim Financial Report for Fiscal Year 2010-11.

10.3 - Amendments to BB 9270 Board Bylaws Conflict of Interest (First Reading)

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 Board of Education receives the amendments to BB 9270 Board Bylaws Conflict of Interest as a first reading.

10.4 - Adoption of 2011-2012 Traditional and Continuous Year Round (60-20) Calendars

This item was deleted.

10.5 - Personnel Report #18, Dated March 15, 2011

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 Personnel Report #18, dated March 15, 2011, be approved as presented (see page ____). Personnel actions included in this report are in accordance with

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policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

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: San Bernardino School Police Officers Association

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

Public Employee Discipline/Dismissal/Release

Conference with Legal Counsel: Anticipated Litigation

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

SESSION TEN – Open Session

12.0 - Action Reported from Closed Session

None.

SESSION ELEVEN - Closing

13.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 11:20 p.m.

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