

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

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

**MINUTES  
ADOPTED  
9/20/11**

August 9, 2011

5:30 p.m.

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

Absent: Board Member Louise Ayala

**SESSION ONE - Opening**

**1.0 - Opening**

**1.1 - Call to Order**

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

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

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

**SESSION TWO - Special Presentations**

**2.0 - Special Presentations**

**2.1 - Recognition of Academic Excellence for Students Receiving Advanced Placement Diploma Awards, International Baccalaureate Diplomas, Golden State Seal Merit Diplomas, and Seal of Biliteracy**

High school students within the District are able to earn special recognition for their academic achievements by either completing Advanced Placement (AP) courses, participating in the International Baccalaureate program, demonstrating their mastery of the high school curriculum by taking the Golden State Examination, and also by demonstrating high levels of proficiency in English and another language.

The Board of Education recognized and congratulated those students who have earned the distinction of graduating from high school and achieving a score of 3 or higher on AP exams, or receiving a full International Baccalaureate Diploma, a Golden State Seal Merit Diploma, or the Seal of Biliteracy.

**SESSION THREE –Public Hearing**

**3.0 - Public Hearing**

**3.1 - Public Disclosure of Memorandum of Understanding (Five Percent Salary Reduction)  
Between the San Bernardino City Unified School District and the Communications Workers of  
America (CWA)**

On July 26, 2011, the Communications Workers of America (CWA) ratified the following Memorandum of Understanding that provides for the equivalent of a five percent salary reduction effective August 1, 2011.

**MEMORANDUM OF UNDERSTANDING  
SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT  
AND COMMUNICATIONS WORKERS OF AMERICA (CWA)  
July 26, 2011  
MOU-Five Percent Salary Reduction**

This Memorandum of Understanding is made and entered into this 26th day of July, 2011 between the SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT (hereinafter referred to as “District”) and the Communications Workers of America (hereinafter referred to as “Union”).

**WHEREAS**, the Governor’s budget cuts have had a significant impact on the District’s operating budget, and;

**WHEREAS**, the Board of Education approved a budget plan on February 22, 2011, that includes a five percent (5%) salary reduction for all employees.

**IT IS HEREBY AGREED** as follows:

1. It is expected that all District employee groups (SBTA, CSEA, CWA, SBSPOA, and Management) shall make equitable contributions to the District’s budget crisis in relation to the 5% salary reduction.
2. The District and the Union agree that the reduction of five (5) days in the school calendar results in a reduction in work opportunity of approximately 2% for substitute employees which will lead to a relative cost savings.
3. The District and Union agree that the temporary elimination of the Resident Substitute program results in a savings of approximately 1%.

4. The Union and the District also agree that in order to achieve CWA's proportionate share, substitute rates will be reduced by 2% as follows:

Regular Substitute Rate	\$125.00 shall become \$122.50
Long Term Rate	\$135.00 shall become \$132.30
Retired Teacher Daily Rate	\$135.00 shall become \$132.30
Elementary Resident Substitute	\$135.00 shall become \$132.30
Secondary Resident Substitute	\$145.00 shall become \$142.10

5. Should the District's financial outlook improve (e.g. unexpected revenue is received), the District and Union shall meet to negotiate that portion that may impact restoration of the five (5) percent salary reduction to the extent allowed by the laws/regulations associated with the funding source.
6. This Memorandum of Understanding shall be effective beginning August 1, 2011 and will remain in effect until the conditions of salary restoration can be implemented or until June 30, 2013, whichever is earlier.

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

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

BE IT RESOLVED that the Board of Education accepts the Memorandum of Understanding between the Communications Workers of America and the San Bernardino City Unified School District.

#### **SESSION FOUR - Administrative Presentation**

##### **4.0 - Administrative Presentation**

##### **4.1 - SIG Turnaround Model Schools**

The principals of two SIG Turnaround Model Schools, Kris Kolling, Hunt Elementary School, and Heidi Vazquez, Wilson Elementary School, provided an update on their schools (see page \_\_\_\_).

President Tillman suggested lobbying our legislators to describe the difference additional funds can make to the success of our students.

**SESSION FIVE - Other Matters Brought By Citizens**

**5.0 - Other Matters Brought by Citizens**

President Tillman stated that this agenda item is limited to 30 minutes and asked the Board for a consensus to extend it to one hour. Board Members Penman and Parra Craig stated that the policy allows 30 minutes per topic.

Reuben Ayala, son of Board member Louise Ayala, reported that she has been ill and has made a decision that has been hard for her and for her family. Mr. Ayala read the following letter.

To: Dr. Gary Thomas, County Superintendent of Schools  
From: School Board Trustee Louise Ayala  
Subject: Letter of Intent to Resign

It is with a heavy heart that I must announce my resignation from the San Bernardino City School Board. Despite my best efforts and highest hopes, after much introspection and the medical advice of my doctors I must step aside in order to focus on my health.

My time at the School Board was never easy; how could it be with so many challenges facing those who work in our schools and the students who attend them? Yet, I was driven from day one to have an impact and to the best of my ability represent those who had followed the noble calling of being educators and as well as those who support them. More than that, the wellbeing of the children in our classrooms never left my mind for a moment and drawing upon my experiences as a teacher I only ever wanted what was best for them, no matter how hard or controversial a stand I may have to take in their defense.

Though I can no longer serve in the manner I may wish, my heart, prayers, thoughts and what limited efforts I can put forward will continue to go out to the city of San Bernardino and its parents, teachers, students, and other staff who make the task of educating so many people possible. I thank my fellow trustees for their understanding in this difficult time for myself and my family and wish them the best in what they will continue to do. I may not have always agreed with the actions of my peers, but I have faith that their spirit and intentions are in the right place and I will fervently hope that they are strengthened and given wisdom in the decisions they have to make going forward.

With the best of wishes and great sorrow I must say goodbye. My resignation will be effective August 31, 2011. I pray that God blesses the School Board and its work as well as all of those who rely on its decisions for their wellbeing. I thank the people of San Bernardino, my home, for the wonderful opportunity they gave me. I only hope I did them proud.

Louise Ann Ayala

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Board members expressed their best wishes for her health. It was the consensus of the Board to prepare a resolution to thank Ms. Ayala for her years of service on the Board.

Marcus Endert, Del Rosa Elementary School teacher, thanked Danny Tillman for being the voice of reason. Teachers took pay cuts and pay a higher rate to have Kaiser insurance. Mr. Endert stated that teachers don't trust the Board any more. The perks given to two administrators showed that the Board is not operating in good faith.

Angela Montpas, teacher in the District for 21 years, stated that she is outraged. Teachers took pay cuts for three years and class size has increased. She has 38 students and not enough desks and textbooks. The Read 180 program was pulled because of lack of money. Due to the hiring freeze, they have no secretary or aide for the SDC teacher. Ms. Montpas stated that neither administrator said they would retire and asked how this saves money.

Rebecca Harper, SBTA President and spokesperson, stated that when the Board was considering a modified traditional schedule, the Board was given assurances that air conditioning wouldn't be a problem. This year modernization portables don't have air conditioning or water. Mrs. Harper asked the Board to give them air conditioning and water. When the teachers agreed to the MOU regarding pay cuts, it was agreed that all groups will make equitable contributions. The raise for two administrators is a violation to their agreement and a slap in the face to all they are doing. Their working relationship is in danger. Some teachers are questioning the need for a pay cut. Mrs. Harper thanked Danny Tillman and asked the Board to think of the District as a whole and fix this.

Tambra Trujillo, CSEA Secretary, stated that two years ago the Board asked them to take a pay cut and then gave some administrators a raise. They have brought shame on the District.

Steven Holt, CSEA 1<sup>st</sup> Vice president, stated that the pay increases upsets them. The Personnel Commission lawsuits are costing money that should go to the classrooms. Mr. Holt thanked Danny Tillman.

Cindy Andrade expressed her disappointment in the Board. They tried to make a fair deal in negotiations. The realignment will put employees on the streets and living in cars.

Sharon Thurman asked why they are being asked to take cuts if there is money for raises. John Peukert and Mel Albisio don't deserve it. Ms. Thurman stated it may be a good time for an election and a recall for the rest of the Board members.

Ken Holt, CSEA President, stated that we need new faces on the Board who care about kids. Board members don't deserve to stay in their seats.

Carl Greenwood stated that the Board isn't holding themselves to a certain standard. What is it doing to the rest of the Cabinet? If you can't give a raise to all, don't give it to any. He spent

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two days in the hospital because of the heat, but the principal and vice principal had air conditioning.

Liz Madera stated that litigation will continue by keeping the same people in power. An employee has been working out of class since 2004. The WHAA building employees have to cover the reception area because of a vacancy.

Ricardo Quintana, parent of a student at Hillside Elementary School, expressed his concern that two or three second grade teachers were eliminated. There are 37 students in his son's second grade class and the other second grade class has 36. The District has 20 days to correct this. Capping isn't the best option, and parents aren't willing to accept combo classes. He is prepared to remove his son if that happens. Mr. Quintana asked the Board to hire another second grade teacher. There is a classroom available. Teresa Para Craig asked when this will be resolved. Mr. Bray stated that they are gathering attendance data on Wednesday and meeting on Thursday to make a decision.

Gil Navarro stated that Casa Ramona parents trust the Board's decision to approve charters. High school courses weren't approved for college credit. He asked the District if all Casa Ramona courses were approved to meet A-G requirements.

Carmen Mena, mother of two daughters at Casa Ramona, stated that her older daughter graduated in 2011, and applied to Cal State University San Bernardino. There is a discrepancy on her transcript and no room at Valley College. Ms. Mena asked who is at fault for this.

Richard Bray stated that he was here two weeks ago when people were raising the same issue about a pay raise. He looked into it and his conclusion is that the Board did what was reasonable and responsible at the time.

Barbara Flores thanked Mr. Bray for making a statement. She takes her responsibility seriously. The administrators have given a lot to the District. Their comments tonight show they are unprofessional. The Board fought for their jobs. She respectfully disagrees with them. Their figures are erroneous and she will not rescind her vote.

Judi Penman stated that their information is inaccurate. She is embarrassed of them for treating the Board like this. John Peukert went to Sacramento many times to get more money for the District. There was no plan to replace their retired Administrative Assistants. We needed their history. It saved the District \$35,000 to \$40,000 for them to not take the SERP.

Elsa Valdez stated that some comments weren't based on truth. They had already put in their retirement paperwork. *The Press Enterprise* and *The Sun* ran inaccurate information. We need to act as adults. She is appalled by some of their statements.

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Teresa Parra Craig stated that the reporters didn't write the information she gave them. They approved \$84,000 in savings. There was no one in Facilities. CSEA has been upset with the Board for everything all year. SBTA said they wouldn't support a classified person running the District. Because of that, it will cost \$90,000. Cutting five school days was done to save more teachers.

Danny Tillman stated that most of the time he agrees with the Board. It was simple to vote no on this. He values the relationship with employees. The SIG grant approval was due to trust. He wasn't willing to violate that. What is given to one should be given to all.

Rich Hansberger, attorney for New Vision Middle School, thanked the Board for the extra time. They will be ready with the new timelines.

Javier Hernandez thanked the Board for delaying their vote. New Vision Middle School starts in two weeks and they made all the arrangements to hire teachers and acquired instructional materials. Teachers for the new classrooms are ready and will begin training tomorrow for two weeks before school starts. Cal State and the University of Redlands will provide tutors. He knows the process to get the courses approved and the school is sound. Barbara Flores asked how many courses they will submit for A-G requirement approval. Mr. Hernandez stated they will have two classes of English and Algebra.

Alex Lucero, New Vision Executive Director, had asked District high school principals what they want them to teach their ninth graders. They will offer a daily course of ELD. They have been working with District staff on attendance budgets. They will work with Special Education and Business Services. They will offer 10 professional development days. Mr. Lucero expressed his concern. He had had a great relationship with the District, but over the last couple of months, he was told conflicting reports.

Jake Shaw, Kasey Coser, Gloria Ramor, Roselie Cameron, Alyssa Cameron, Lovely Clark, Cesar Ceja, Kevin Leon, and Juanita Shields expressed their support of adding ninth grade to New Vision Middle School.

President Tillman announced the end of public comments.

## **SESSION SIX – Closed Session**

### **6.0 - Closed Session**

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

#### **Conference with Legal Counsel: Anticipated Litigation**

Number of Cases: One

The Board returned to Open Session.

Upon motion by Member Tillman, seconded by Member Savage, and approved by the affirmative vote of Members Parra Craig, Flores, Savage, Tillman, and Valdez (Noes: None; Absent for Vote: Penman), agenda 10.3 was moved forward on the agenda.

10.3 - Resolution Conditionally Approving Only for the 2011-12 Fiscal Year Material Revisions to the Charter for the new Vision Middle School

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

**Resolution Conditionally Approving Only for the 2011-12 Fiscal Year  
Material Revisions to the Charter for the New Vision Middle School  
By the Governing Board of the San Bernardino City Unified School District**

**WHEREAS**, pursuant to Education Code section 47600, *et seq.*, the Governing Board of the San Bernardino City Unified School District (“District Board”) is required to review and consider authorization of charter schools and material revisions to charters under the District Board’s oversight; and

**WHEREAS**, pursuant to Education Code section 47607(a)(2), requests for material revision to a charter are governed by the standards and criteria in Education Code section 47605; and

**WHEREAS**, on or about April 7, 2009, the District Board approved the Charter for the New Vision Middle School (“New Vision” or “Charter School”) to serve students in grades sixth through eighth for a five-year term ending June 30, 2014; and

**WHEREAS**, on or about May 11, 2011, New Vision submitted a request for material revisions to its Charter, for the purpose of expanding New Vision to serve ninth grade as well as sixth through eighth grades (“Request”); and

**WHEREAS**, a public hearing on the request for material revisions to the Charter was conducted on June 7, 2011, pursuant to Education Code section 47605, at which time the District Board considered the level of support for these material revisions to the Charter by teachers employed by the District, other employees of the District, and parents. At that hearing Mr. Alex Lucero spoke in favor of the material revisions; and

**WHEREAS**, the District staff, including experts from the District’s various departments, has reviewed and analyzed all information received with respect to the request for material revisions to the Charter and information related to the operation and potential effects of the proposed revised New Vision Charter, including speaking to and meeting with New Vision

representatives relative to the request for material revisions. Pursuant to that analysis, the District staff determined that the Request included a variety of issues and deficiencies. These areas of concern were communicated, both in writing and in face-to-face communications to New Vision, and New Vision was given an opportunity to make further revisions to the Request in order to remedy these concerns. On July 15, 2011, New Vision submitted a revised Request; and

**WHEREAS**, the District staff analyzed the revised Request submitted by New Vision on July 15, 2011. Pursuant to that analysis District staff had determined New Vision successfully addressed some of the concerns that had been explained to New Vision, but that some issues and deficiencies remain with respect to the Request and, based on that review, has made a recommendation to the District Board that additional revisions to the Charter be made prior to final approval of the materially revised Charter; and

**WHEREAS**, the District Board has fully considered the request for material revisions to the New Vision Charter and the recommendation provided by District staff; and

**WHEREAS**, the District Board finds that there are serious concerns regarding New Vision's preparation to expand its operations to serve ninth grade, and that it will be necessary to reevaluate the effectiveness of New Vision's expanded program after it has been in effect for one school year; and

**WHEREAS**, the District Board finds that certain changes and revisions to the Charter are necessary to support the request for material revisions. The District administration is pursuing the implementation of such changes and revisions. New Vision has made a number of revisions to the Charter based on the District's concerns and requests, but certain additional changes and revisions remain necessary to support the material revisions including expansion to ninth grade. Such changes and revisions are set forth below:

1. By August 15, 2011, New Vision will provide a revised instructional schedule that specifically includes an English Language Development ("ELD") course description and class(es) that identifies when a set period of time will be set aside daily specifically to provide English learners the development of English.

2. By August 15, 2011, New Vision will provide information and credentialing documentation regarding the certificated employees to be hired for the ninth grade for the 2011-2012 school year.

3. By September 30, 2011, New Vision will provide written verification that it has submitted all college preparatory classes to UCOP for college approval; and

**WHEREAS**, in reviewing the request for material revisions to the New Vision Charter, the District Board has been cognizant of the value provided to the community by New Vision during the time that it has been operating pursuant to the Charter granted by the District Board; and

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED AS FOLLOWS**, that the Governing Board of the San Bernardino City Unified School District finds the above listed recitals to be true and correct and incorporates them herein by this reference.

**BE IT FURTHER RESOLVED AND ORDERED** that the Governing Board of the San Bernardino City Unified School District hereby conditionally approves the material revisions to the Charter to be effective only for the 2011-12 fiscal year, subject to necessary changes being made to the Charter as noted above, with the materially revised Charter to remain in effect only through the end of the 2011-12 fiscal year, and then the Charter shall revert to its originally approved terms for the remainder of the current term of the Charter, which expires on June 30, 2014.

### **SESSION SEVEN - Reports and Comments**

#### **7.0 - Report by Board Members**

Teresa Parra Craig asked when the Board will receive a staff report on AB 540. Daniel Arellano stated he has been working with Janet Gutierrez. Teachers are receiving training and pamphlets are ready.

Lynda Savage reported that a Cajon High School sports team is going to Hawaii in December to compete and asked if the Board can support them. Danny Tillman stated that there are several groups that receive awards and asked how much the District could afford. Mr. Tillman asked to receive an answer on September 20.

Judi Penman asked if the problem with the air conditioning is due to copper theft. Mr. Bray stated that in another school district, the M&O staff would check the air conditioners and then on the first day of school, the line voltage would drop and brown outs would occur. Older motors are sensitive and won't turn over. The line voltage is the problem.

Elsa Valdez reported that the Communications Department produced a nice ad regarding the scholarships our graduates received and included the school calendars. Dr. Valdez stated that the federal waiver for NCLB has caveats that touch on teacher evaluation. If they don't reauthorize it, 80 percent of schools will be labeled as underperforming next year. Mr. Bray stated they need some clarification. The state requests the waivers and then districts apply. Our district will be well placed with our SIG plans. Dr. Valdez thanked District staff for putting together the summer graduation.

Teresa Parra Craig stated that the PA system didn't work well at the summer graduation. The parents of two students who were scheduled to graduate, but were shot and killed, attended the ceremony.

Mrs. Parra Craig stated that if students are competing for the District, funding should be available. If schools decide to take the students some place nice, the District shouldn't pay.

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Mrs. Parra Craig stated that they haven't talked about police overtime for surveillance of air conditioning units. John Peukert stated that the system at Wong is working. Mel Albiso stated that School Police arrested some of the suspects.

Barbara Flores reported that she went to Nicaragua to give a keynote address about education to approximately 1,200 people. She visited a multi-ethnic colony where the people spoke English, Spanish, and Creole.

Danny Tillman commented on the summer graduation and welcomed Mr. Bray, Interim Superintendent. Mr. Tillman thanked the various stakeholders who met with Leadership Associates to give their input for criteria for the selection of the next superintendent. He was impressed with the level of participation.

7.1 - Legislative Update

None.

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

Richard Bray reported that 145 students graduated during the summer ceremony.

Mr. Bray reminded Board members of the Unity Conference to be held on August 17, at Sturges Auditorium.

Mr. Bray reported that he received a letter from Personnel Commission Chair Gino Baraboni requesting to meet. They are scheduled to meet on August 18.

**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 9.8, 9.16, and 9.20 were held for later consideration.

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

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9.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on June 28, and July 5, 2011, be approved as presented.

9.2 - Payment of Master Teacher – University of Phoenix

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during Spring Session 2011, as provided for in the Agreement with the University of Phoenix, as follows:

Karen Roybal	\$240.00
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9.3 - Payment of Master Teacher – National University

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during spring session as provided for in the Agreement with National University, as follows:

Gomez, Hedy	\$1,050.00
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9.4 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$800.00, Edison International, Princeton, NJ; \$1,000.00, Dr. Eliseo Davalos, San Bernardino, CA; and five new Mac computers total value of \$7,000.00, Cajon High School ASB.

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:

Manuel McMillan  
Terry Kondrack  
Rebecca Forbush  
Rachel Visco  
Patricia Godsy  
Laura Hall  
Kristin Stevens  
Robert Robertson  
Rebecca Ryan  
Pieter Nystrom  
Sue Long

Be paid a one-day stipend at \$150.00 per day for attending Gradelink and eBeam Training on August 19, 2011, at Our Lady of the Assumption School. The total stipend for all attendees, not to exceed \$1,650.00, will be paid from Accountability Department Account No. 536.

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(Board Representatives, Our Lady of the Assumption School)

Manuel McMillan  
Terry Kondrack  
Rebecca Forbush  
Rachel Visco  
Patricia Godsy  
Laura Hall  
Kristin Stevens  
Robert Robertson  
Rebecca Ryan  
Pieter Nystrom  
Sue Long  
(Board Representative, Our Lady of the Assumption School.)

Be paid a two-day stipend at \$150.00 per day for attending Step Up to Writing Training, August 22-23, 2011 at Our Lady of the Assumption School. The total stipend for all attendees, not to exceed \$ 3,300.00, will be paid from Accountability Department Account No. 536.

9.6 - Commercial Warrant Registers for Period from July 1, through July 15, 2011

BE IT RESOLVED that the Commercial Warrant Register for period from July 1, through July 15, 2011, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes James Cunningham, Accounting Services Director; David Moyes, Accounts Payable Supervisor; Derek Harris, Interim Employee Benefits Director; or Mohammad Z. Islam, Chief Business and Financial Officer, to sign disbursements.

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

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

Santa Cruz Consultants, Aptos, CA, to present two-days of Step Up to Writing professional development services at Our Lady of the Assumption School, August 22, through August 23, 2011. The fee, not to exceed \$4,150.00, will be paid from the Restricted General Fund—Title II Part A (Teacher Quality), Account No. 536.

Insight Resources, San Bernardino, CA, to conduct a series of courses to District GATE staff to provide competencies to differentiate curriculum and instruction for gifted and high ability learners, September 1, 2011, through June 30, 2012. The fee, not to exceed \$20,250.00, will be paid from the Restricted General Fund—Gifted and Talented Education, Account No. 430.

9.9 - Extended Field Trip, San Geronio High School, NCA Summer Cheer Camp, Newport Beach, California

BE IT RESOLVED that the Board of Education ratifies an extended field trip for 13 San Geronio High School students and 4 District employees to attend the NCA Summer Cheer Camp, in Newport Beach, California, July 26, through July 29, 2011. The cost of the trip, not to exceed \$6,688.00, including meals and lodging for 13 San Geronio High School students and 4 District employees will be paid from San Geronio High School Booster Club. Transportation will be provided by each student's parent/guardian, as well as one private vehicle/van driven by a District employee at no cost to the District. Names of the students are on file in the Business Services office.

9.10 - Agreement to Provide Specialized Administrative Services

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Jim Dilday, Crestline, CA, to provide specialized transitional services to the Office of Curriculum/ Instruction and Accountability and Research on an as-needed basis, effective July 1, 2011, through June 30, 2012. Total cost, not to exceed \$31,020.00, will be paid from the Restricted General Fund-Title I Account 524.

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

9.11 - Agreement with Children's Resources to Provide Training in Culturally Relevant Learning Styles to District Students and their Parents

BE IT RESOLVED that the Board of Education approves entering into an agreement with Children's Resources, Fontana, CA, to provide training in Culturally Relevant Learning Styles to parents, effective August 10, through September 19, 2011. The training will be provided to parents weekly in six sessions. The cost for the services, not to exceed \$4,500.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 501.

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

9.12 - Facilities Use Agreement with Ecclesia Christian Fellowship

BE IT RESOLVED that the Board of Education ratifies entering into a facilities use agreement with Ecclesia Christian Fellowship, San Bernardino, CA, for rental of the sanctuary and classrooms for CAPS staff development, effective July 28, through July 29, 2011. The cost, not to exceed \$800.00, will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459.

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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.

9.13 - Amendment to Agreement with Life Long Learning & Associates to Provide Staff Development for the Algebra Action Research Project

BE IT RESOLVED that the Board of Education ratifies amending the agreement with Life Long Learning & Associates, Blue Jay, CA, to provide staff development for middle and high schools for the Algebra Action Research Project, effective July 1, 2011, through June 30, 2012. This amendment is for a change in funding source, to be paid from Account No. 403, CAHSEE Intensive Instruction and Services, instead of Account No. 538, Restricted General Fund – Title II Educational Services, not to exceed \$141,000.00. All other terms and conditions will remain the same.

BE IT FURTHER RESOLVED that Mohammad Z. Islam, Chief Business and Financial Officer, be authorized to sign said Amendment.

9.14 - Amendment No. 2 to the Service Agreements with Temporary Labor Companies to Provide Nutrition Services Personnel

BE IT RESOLVED that the Board of Education approves amending the service agreements with Arrow Staffing, Redlands, CA, and Manpower, San Bernardino, CA, to provide temporary Nutrition Services personnel as needed, for the preparation, service, and clean up at District sites, as well as other nutrition services' duties as required, and is necessary due to the continued high number of vacancies and the lack of enough nutrition services substitutes. This amendment is for an additional \$400,000.00 for continued staffing, for a new, not-to-exceed total cost of \$1,000,000.00, and will to be paid from Nutrition Services Cafeteria Account No. 92.

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

9.15 - Renewal of the Agreement with the County of San Bernardino, Department of Behavioral Health, to Provide Screening, Diagnosis and Treatment to Eligible Medi-Cal Recipients

BE IT RESOLVED that the Board of Education approves renewing the agreement with the County of San Bernardino, Department of Behavioral Health, to provide early, periodic screening, diagnosis, and treatment to eligible Medi-Cal recipients ages 0-21 years, effective August 10, 2011, through June 30, 2012. 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 any related documents.

9.17 - Memorandum of Understanding (MOU) with Colton-Redlands-Yucaipa Regional Occupational Program (ROP) for Participation in the CTE TEACH Pilot Site Project

BE IT RESOLVED that the Board of Education approves entering into an MOU with the Colton-Redlands-Yucaipa ROP, Redlands, CA, effective August 10, 2011, through June 30, 2012. The Colton-Redlands-Yucaipa ROP shall provide professional development for CTE and ROP teachers. 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 - Approval of Eminent Domain Acquisition Settlement with Christ Temple Church for Property Located at the Proposed Graciano Gomez Elementary School Site

BE IT RESOLVED that the Board of Education approves the eminent domain property acquisition settlement with Christ Temple Church of Christ Trust, the seller of property located at 1442 West 11<sup>th</sup> Street, San Bernardino, CA (APN 0139-061-31), for the proposed Graciano Gomez Elementary School (Alessandro II), in the amount of \$1,082,500.00, to be paid from Fund 35. Eligible relocation costs will be reimbursed by State and are separate from this settlement.

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

9.19 - Approval to Process Payments for Pending Change Orders for Group 7 Modernization Projects at Alessandro, Bradley, Marshall, and Warm Springs Elementary Schools - Cyrcon Builders

BE IT RESOLVED that the Board of Education approves processing of payments for change orders pending Division of State Architect (DSA) approval for Cyrcon Builders, Los Angeles, CA, General Contractor for Group 7 Modernization Projects at Alessandro, Bradley, Marshall, and Warm Springs Elementary Schools, per Board of Education approval on April 20, 2010, as follows:

- The Architect, DSA Inspector of Record (IOR), and Contractor shall provide certification that all work pertaining to the pending change orders has been completed in compliance with all of the plans and specifications and applicable codes.
- The District will validate that the work pertaining to the pending change orders is satisfactorily completed.
- The Contractor will provide, with the application for payment, the above certification signed by all parties.

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- If the DSA does not approve the change orders that were submitted and the payments have been released using this procedure, any potential fixes arising from DSA corrections to these change orders would have to be paid by the District which would, in turn, seek remedies through the Architect, IOR, or Contractor.

9.21 - Expulsion of Student(s)

BE IT RESOLVED that the Board of Education accepts and adopts the recommendation and findings of the Hearing Panel, based on a review of the Panel's finding of facts and recommendations, and orders the expulsion of the following student(s) with the birth date(s) as listed below in accordance with the Board rules and regulations and in compliance with Education Code Section 48900:

\*(S)9/14/1999    \*(S)7/15/1997    \*\*(S)6/18/1995    \*(S)1/16/1999    \*\*(S)8/24/1996    \*\*(S)11/9/1995

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

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

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

9.22 - 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.

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

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

10/9/1995	2/3/1994	1/19/1996	6/18/1993	8/31/2000	3/9/1993
10/14/1997	3/23/1996	12/29/1998			

9.24 - 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:

9.25 - 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.

9.26 - 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:

2/18/1999	11/14/1996	7/28/1993	7/6/1994
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9.27 - 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:

9.28 - 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.

7/9/1998

Education Code 48213 states: that a student can be excluded from attendance pursuant to Section 120230 of the Health and Safety Code or Section 49451 of this code if a principal or his designee determines that the continued presence of the child would constitute a clear and present danger to the life, safety, and health of a pupil or school personnel. The governing board is not required to send prior notice of the exclusion to the parent or guardian of the pupil. The governing board shall send a notice of the exclusion as soon as is reasonably possible after the exclusion.

9.8 - Federal/State/Local District Budgets and Revisions

Judi Penman asked for clarification on this item.

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

BE IT RESOLVED that the Board of Education approves the addition of \$15,726,965.00 of revenues per AB114 and \$170,019.00 of expenditures in order to meet the 45-day revision requirements to Fiscal Year 2011-12 per Education Code Section 42127(i)(4).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$750.34 in the budgeting of revenues and expenditures for the restricted program, Edison International (226).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$218,445.00 in the budgeting of revenues and expenditures for the restricted program, Mental Health Services-SB 87 (508).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$108,424.00 in the budgeting of revenues and expenditures for the restricted program, Fund 12-State Preschool Program-CSPP-1435 (102, 103, 251, 252).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$61,737.00 in the budgeting of revenues and expenditures for the restricted program, Fund 12-Child Care and Development Program-CCTR-1234 (250).

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BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$668,000.00 in the budgeting of revenues and expenditures for the restricted program, Fund 67–Self Insurance Fund OPEB (OPB).

9.16 - Renewal of the Agreement with Digital Edge Learning to Provide Professional Development and Technical Training to District Staff

Teresa Parra Craig left the dais.

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

BE IT RESOLVED that the Board of Education ratifies the renewal of the agreement with Digital Edge Learning, Redlands, CA, to provide digital lesson design that will focus on checking for understanding, increased student engagement and instructional rigor, effective August 1, 2011, through June 30, 2012. The fee, not to exceed \$17,750.00, will be paid from the Restricted General Fund—School Improvement Grant, Account No. 507.

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

Mrs. Parra Craig returned.

9.20 - Resolution of Intent by the District to Grant the San Bernardino Associated Governments (SANBAG) Non-Exclusive Temporary Construction Easement at the Arrowview Middle School and the Board of Education Properties

Judi Penman stated that she is opposed to the Omnitrans sbX project.

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

BE IT RESOLVED that it is the judgment of the Board of Education, and in the best interests of the District, to grant a non-exclusive temporary construction easement to the San Bernardino Associated Governments (SANBAG) at the Arrowview Middle School site, specifically parcel numbers 0149-201-01 and 02, for the purpose of construction encroachment during the period of construction of the Omnitrans sbX E-Street Corridor Bus Rapid Transit Project, as described in attached Exhibits A & B.

BE IT ALSO RESOLVED that it is the judgment of the Board of Education, and in the best interests of the District, to grant a non-exclusive temporary construction easement to the San

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Bernardino Associated Governments (SANBAG) at the Board of Education site, specifically parcel numbers 0140-273-03, 07 thru 09, 17, 19, 20, and 22, for the purpose of construction encroachment during the period of construction of the Omnitrans sbX E-Street Corridor Bus Rapid Transit Project, as described in attached Exhibits A & B.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to execute all documents and to incur reasonable costs, as necessary, to facilitate the transactions described herein.

# PARSONS

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EXHIBIT A  
TEMPORARY CONSTRUCTION EASEMENT  
AP 0149-201-02

THAT PORTION OF LOT 1, BLOCK 84, NINE ACRE SURVEY OF RANCHO SAN BERNARDINO, IN THE CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7, PAGE 2 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY,

COMMENCING AT THE CENTERLINE OF HIGHLAND AVENUE (41.25 FEET HALF WIDTH) AND "E" STREET (41.25 FEET HALF WIDTH); THENCE N. 00°14'18" W. 125.77 FEET; THENCE S. 89°45'42" W. 41.25 FEET TO THE **TRUE POINT OF BEGINNING**; ; THENCE N.45°14'18"W., A DISTANCE OF 7.07 FEET; THENCE N.00°14'18"W., A DISTANCE OF 116.00 FEET; THENCE N.44°45'42"E., A DISTANCE OF 7.07 FEET TO THE EAST LINE OF SAID LOT 1; THENCE S.00°14'18"E., A DISTANCE OF 126.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 605 SQUARE FEET, MORE OR LESS.

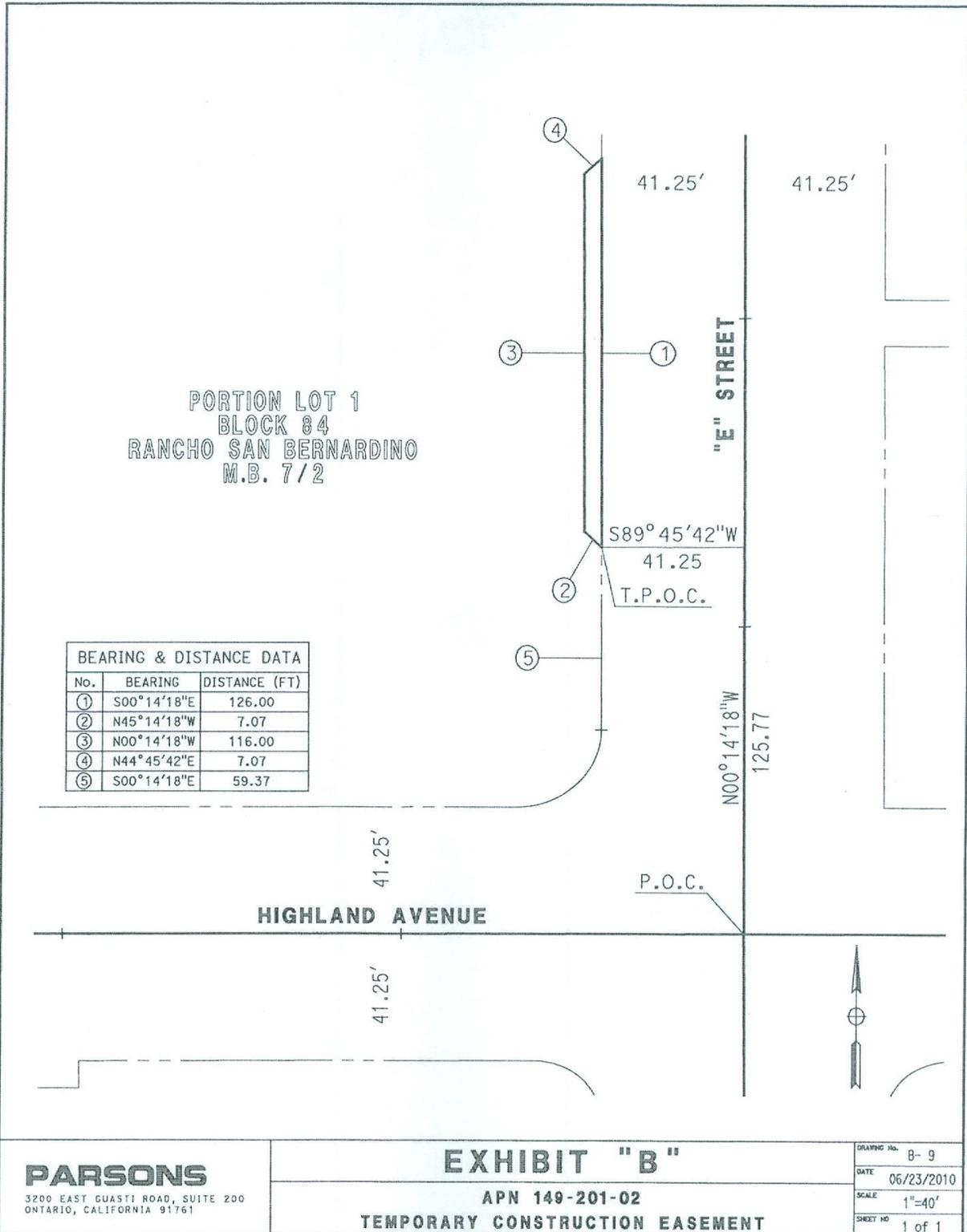
ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.

DATED THIS 15TH DAY OF JULY, 2010

  
ROBERT EDWARD STEAFFENS, PE 25068  
REGISTRATION EXPIRES 12/31/11



ARROWVIEW ES



APN149-201-02-TCE-Sheet1.dgn  
 7/15/2010  
 PLOTTER: BY: P0044960

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EXHIBIT A  
TEMPORARY CONSTRUCTION EASEMENT  
AP 0140-273-22

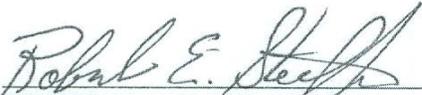
THAT PORTION OF LOT 8, BLOCK 53 OF CITY OF SAN BERNARDINO, IN THE CITY OF SAN BERNARDINO, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7, PAGE 1 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

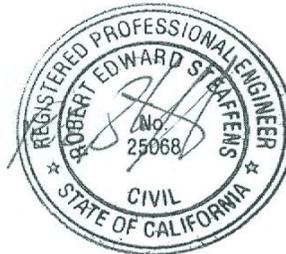
COMMENCING AT THE INTERSECTION OF 8TH STREET (41.25 FEET HALF WIDTH) AND "E" STREET (41.25 FEET HALF WIDTH); THENCE S.00°32'45"E., A DISTANCE OF 193.62 FEET; THENCE S.89°27'15"W., A DISTANCE OF 41.25 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE S.00°32'45"E., A DISTANCE OF 145.45 FEET; THENCE S.89°38'03"W., A DISTANCE OF 5.00 FEET; THENCE N.00°32'45"W., A DISTANCE OF 145.45 FEET; THENCE N.89°38'03"E., A DISTANCE OF 5.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 727 SQUARE FEET, MORE OR LESS.

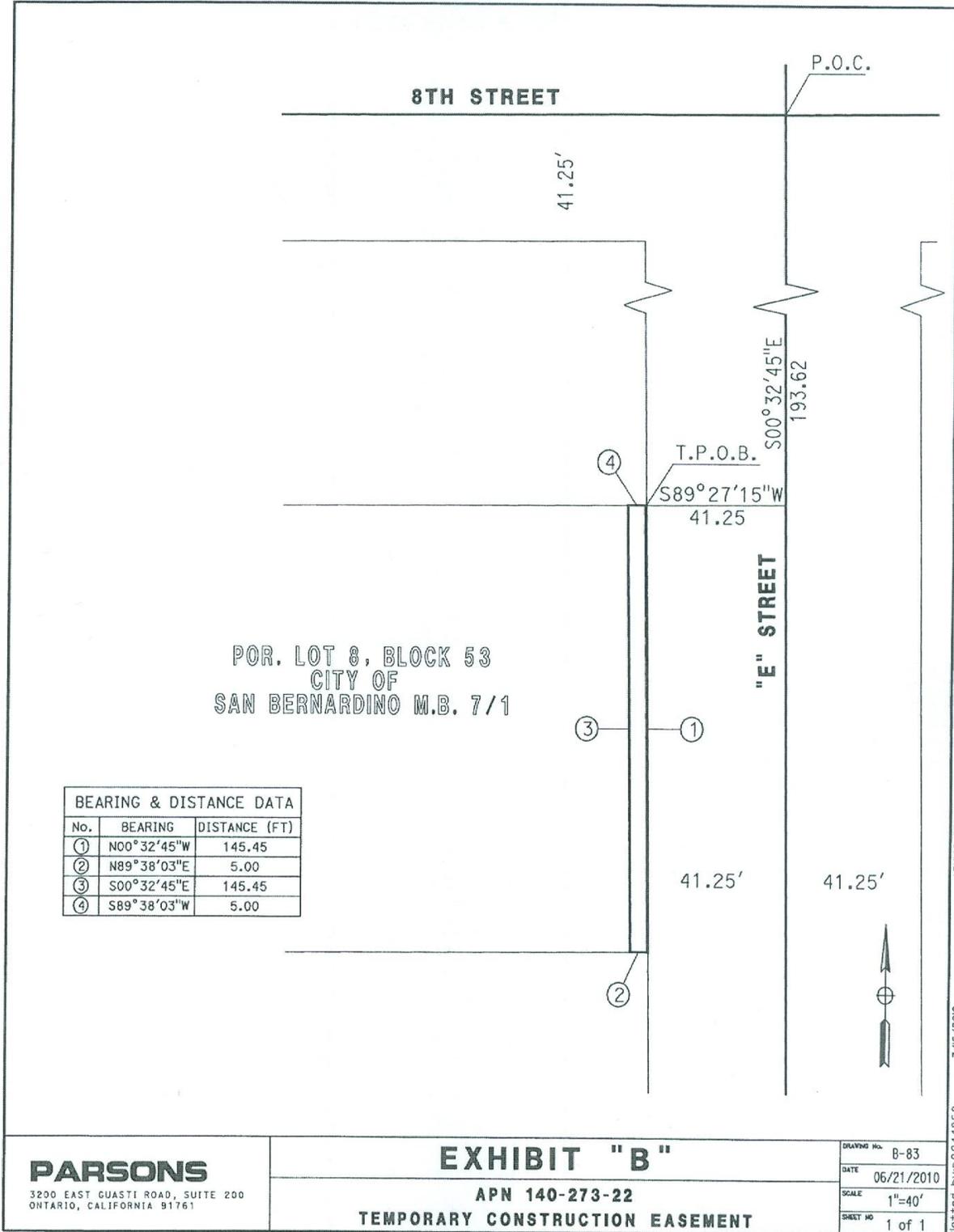
ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.

DATED THIS 16TH DAY OF JULY, 2010

  
ROBERT EDWARD STEAFFENS, PE 25068  
REGISTRATION EXPIRES 12/31/11



BOARD OF EDUCATION



**PARSONS**  
 3200 EAST GUASTI ROAD, SUITE 200  
 ONTARIO, CALIFORNIA 91761

**EXHIBIT "B"**

APN 140-273-22  
 TEMPORARY CONSTRUCTION EASEMENT

DRAWING No. B-83  
 DATE 06/21/2010  
 SCALE 1"=40'  
 SHEET NO 1 of 1

**10.0 - Action Items**

**10.1 - Election of an Interim Board Secretary and Interim Assistant Secretary**

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

BE IT RESOLVED that the Board of Education elects Richard Bray to serve as Interim Board Secretary.

BE IT FURTHER RESOLVED that the Board of Education elects Phyllis Gronck to serve as Interim Assistant Secretary.

**10.2 - Resolution Denying Request for Material Revisions to the Charter for the New Vision Middle School**

No action was taken.

**10.4 - Personnel Report #3, Dated August 9, 2011**

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

BE IT RESOLVED that the Personnel Report #3, dated August 9, 2011, be approved as presented (see page \_\_\_\_). Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

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

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**Public Employee Discipline/Dismissal/Release**

**Conference with Legal Counsel: Anticipated Litigation**  
Number of Cases: Five

**SESSION TEN – Open Session**

**12.0 - Action Reported from Closed Session**

No reportable action was taken.

**SESSION ELEVEN - Closing**

**13.0 - Adjournment**

By the affirmative vote of the members, the meeting was adjourned at 11:00 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, August 16, 2011, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.