

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

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

**MINUTES
ADOPTED
9/20/11**

August 16, 2011

5:30 p.m.

Present: President Danny Tillman; Vice President Barbara Flores; Board Members Teresa Parra Craig, 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 Gronek. Minutes recorded by Administrative Assistant Jennifer Owens.

Absent: Board Members Louise Ayala and Judi Penman.

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:

Kendall Elementary School

Shyanne Heflin, Elysia Rios, and Calista Silalahi

Newmark Elementary School

Ezven Collins, Alexander Reyes, and Kaylene Zavala

Rio Vista Elementary School

Henry Guillen, Sergio Lizarraga, and Sabrina Spratt

President Tillman moved agenda item 2.4 forward and invited family members of Louise Ayala to come forward and receive the following resolution from the Board.

2.4 - Recognition of Board of Education Member Louise A. Ayala

WHEREAS Louise A. Ayala was elected to the Board of Education of the San Bernardino City Unified School District in 2006; and

WHEREAS she provided outstanding leadership in shaping the structure and goals of the District and improving the quality of public education in San Bernardino; and

WHEREAS she worked tirelessly as an advocate for all children and was dedicated to putting the needs of children first; and

WHEREAS Louise Ayala encouraged the involvement of parents and the community in the educational process and in the celebration of student and organizational successes;

THEREFORE, BE IT RESOLVED that in appreciation for her dedication to our students, our community and the San Bernardino City Unified School District, we honor Louise A. Ayala with this resolution acknowledging her commitment to public education.

Steve Lopez thanked the Board on behalf of the Ayala and Lopez families. Mayor Pat Morris and representatives of County Supervisor Josie Gonzales, Congressman Joe Baca, and Assembly Member Wilmer Amina Carter also presented special resolutions to the family.

2.2 - Community and School Alliance (CaSA) Foundation Grant Awards

Glenda Rice, treasurer of the Community and School Alliance Board of Directors, presented 25 CaSA grants to 18 District schools and the ASTERISK Student Intern Program. Funding for these grants totals almost \$22,000. CaSA grant money is raised through the publication of the annual CaSA *Tabloid*, with this year being its 20th Anniversary Edition.

2.3 - Outstanding Customer Service Awards

Since 1998, the Board of Education and Superintendent have placed a high priority on providing outstanding customer service. To this end, a variety of programs have been developed to address this objective. The newest of these programs recognizes individual employees who have been nominated by their supervisors for their outstanding performance in the area of customer service. Ten such worthy recipients are recognized each quarter for their accomplishments in this important area.

Harold Vollkommer introduced the following employees who were recognized by the Board for their outstanding customer service:

Grace Beach, Bilingual Clerk II, North Verdemont Elementary School
Ruth Bicking, Budget Analyst, Fiscal Services
Yolanda Carrillo, Bilingual Attendance Clerk, Belvedere Elementary School
Eva Cervantes, Bilingual Clerk II, Muscoy Elementary School
Don Cook, Maintenance Worker I, Facilities/M&O
Dolores Godoy, Bilingual Secretary, English Learner Programs
Vivian Hernandez, School Secretary, Bradley Elementary School
Angela Jones, Coordinator, Health Services
Norma Rodriguez, Bilingual Secretary II, Bonnie Oehl Elementary School
Shanyn Sanders Garcia, Bilingual Clerk I, Shandin Hills Middle School

SESSION THREE –Public Hearing

3.0 - Public Hearing

3.1 - K-12 Textbook and Instructional Materials Incentive Program, Tracks A, B, and C, 2011-2012

California Education Code Section 60119 specifies that the governing boards of school districts are subject to the requirements of Education Code Section 60119 (as revised by Chapter 118, Statutes of 2005 and CCR, Title 5, Section 9531) in order to receive instructional materials funds. The governing board of each district and county office of education is required to hold an annual public hearing and adopt a resolution stating whether each pupil in the district has sufficient textbooks or instructional materials in specified subjects that are aligned to the academic content standards and consistent with the content and cycles of the curriculum frameworks adopted by the state board.

The adoption of designated textbooks for each course Districtwide is an essential part of the development of an articulated, sequential, and standardized curriculum in each subject. The San Bernardino City Unified School District has an ongoing procedure whereby textbooks are continually reviewed and updated by committees that are representative of the school community. Books are reviewed for content and their match with District and State frameworks.

This public hearing is being held to enable additional input by parents, teachers, and members of the community, and bargaining union leaders in order to comply with Education Code 60119.

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

Board of Education Minutes
August 16, 2011

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

WHEREAS, the governing board of the San Bernardino City Unified School District, in order to comply with the requirements of Education Code Section 60119 held a public hearing on August 16, 2011, at 5:30 o'clock, which is on or before the eighth week of school and which did not take place during or immediately following school hours, and;

WHEREAS, the governing board provided at least 10 days notice of the public hearing posted in at least three public places within the district that stated the time, place and purpose of the hearing, and;

WHEREAS, the governing board encouraged participation by parents, teachers, members of the community, and bargaining unit leaders in the public hearing, and;

WHEREAS, information provided at the public hearing and to the governing board at the public meeting detailed the extent to which textbooks and instructional materials were provided to all students, including English learners, in the San Bernardino City Unified School District, and;

WHEREAS, the definition of "sufficient textbooks or instructional materials" means that each pupil has a textbook or instructional materials, or both, to use in class and to take home, and;

WHEREAS, sufficient textbooks and instructional materials were provided to each student, including English learners, that are aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks in the following subjects:

- Mathematics
- Science
- History-social science
- English/language arts

WHEREAS, sufficient textbooks or instructional materials were provided to each pupil enrolled in foreign language or health classes, and;

WHEREAS, laboratory science equipment was available for science laboratory classes offered in Grades 9-12, inclusive;

THEREFORE, BE IT RESOLVED that for the 2011-2012 school year, the San Bernardino City Unified School District has provided each pupil in Tracks A, B, and C with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

SESSION FOUR - Administrative Presentation

4.0 - Administrative Presentation

4.1 - Attendance Update

Ray Culberson, Youth Services Director, presented information regarding current student enrollment and attendance, growth targets for 2011-2012, and site and district-level strategies to meet growth targets (see page ____).

Following the presentation, Board members requested the following:

- Breakdown the actual student attendance rate by elementary, middle, and high school levels.
- Get data from like districts to see their trends.
- Ask parents to provide their daytime contact information.
- Send text messages to parents' cell phones or emails regarding student absences.
- Have parents update their contact information online.
- Give a report on top IT projects.
- Try to get more volunteers from our nonprofits to serve on SARB hearings.
- Provide a comprehensive analysis on attendance, curriculum, a centralized tardy policy, SARB meetings, why students don't want to attend school, and dropout and graduation rates.
- Provide information to the Board regarding the District's program that is similar to "Scared Straight."
- Put more resources into additional SARB meetings if it pays off.
- Consider using interns from California State University San Bernardino.

Mr. Bray stated that he will work in collaboration with Eliseo Davalos and Kennon Mitchell to develop a comprehensive plan and will bring it back to the Board in four to six weeks.

SESSION FIVE - Other Matters Brought By Citizens

5.0 - Other Matters Brought by Citizens

Rebecca Harper, SBTA President, welcomed Richard Bray, Kennon Mitchell, and Eliseo Davalos to the District. Mrs. Harper stated that it is her responsibility to tell the Board what the teachers are saying. She didn't speak at the last Board meeting to berate the two administrators who received raises. If the Board had offered similar benefits to teachers, more teachers would have retired than those that took the SERP and the Board wouldn't have had to lay off as many teachers. Many teachers left Kaiser because they couldn't afford it anymore and they see it as not being fair for the District to pay for one administrator's cost for Kaiser. Mrs. Harper stated that some modernization portables were set up without air conditioning and water.

President Tillman requested a report on schools without air conditioning and told staff to provide water to those schools. Barbara Flores asked how many schools are affected. Mel Albiso reported that he is only aware of a problem at Emmerton Elementary School.

Angela Montpas stated that she never resorted to name calling and was flabbergasted when they were referred to as a herd of cattle. Her school still has no secretary and has large class sizes. Ms. Montpas stated that two School Board members have lost touch with the classroom.

Ken Holt, CSEA President, parent, taxpayer, and voter, asked how many School Board candidates received contributions from John Peukert and Mel Albiso. Mr. Holt stated that it is hard to negotiate when they are belittled and called cattle. They need to see term limits for Board members.

Steve Holt, CSEA First Vice President, stated that they have a difference of opinion. He has nothing against them. He is just trying to get their point across. How can we continue to build schools when we are in trouble. They can't be maintained with existing staff and maintenance costs. The raises were in bad taste at this time. It is portrayed that the Board doesn't care for the working people and their sacrifices aren't appreciated.

Carl Greenwood stated that he isn't upset with Mel Albiso and John Peukert. It's a timing issue. They feel their sacrifices aren't appreciated. He hopes Mr. Albiso's and Mr. Peukert's replacements wouldn't be hired at the same salary. He is upset with the Personnel Commission because they have to work hard. Mr. Greenwood stated that he would like to see a Board member in a negotiations meeting. The Board may not be getting the whole story.

Liz Madera, classified employee, expressed her opinion of agenda item 8.6 for an in-depth study of the Special Education Program. Too much change at once is a problem, i.e., shifted duties, a learning curve for a new director, and the departure of Keith Driberg. Ms. Madera asked the Board to postpone the study for six months. Teresa Parra Craig expressed her hope that the study would involve more than the curriculum.

Gil Navarro, education advocate, stated that the County Superintendent can investigate charter schools whenever it is believed to be warranted. He and two parents will ask Dr. Gary Thomas to audit Casa Ramona and Public Safety Academy.

Ron Fletcher, elected representative and substitute teacher, stated that the Board should look at why they all had to take cuts. Mr. Fletcher asked the Board to respect teachers. They know which subs they want in their classrooms. Mr. Fletcher will present his annual report to the Board on September 16. Mr. Fletcher asked if it is worth it to have everyone take a 5 percent cut in order to give two people a raise.

Barbara Flores asked why teachers couldn't request their own substitutes. Harold Vollkommer reported that it is the law. We have to demonstrate the most senior employee who has asked to sub is offered the job first. Almost all laid off teachers that requested to sub have been rehired. Elsa Valdez stated that Los Angeles Unified isn't following the law. Richard Bray stated that LA is ignoring it because they have enough teachers. Dr. Vollkommer reported that the District included that information in the substitute newsletter and will put it in the next one.

Ivan Rosales reported that he is spreading awareness of AB 540 to District students. He put together workshops for educators, students, and parents. Danny Tillman stated that the number of minorities in business is low and he is willing to support it. Teresa Parra Craig asked when they will get a staff report on AB 540. Daniel Arellano stated that he has spoken to all high school counselors, and he is working with the Enrollment Center to include information in the enrollment packets. Registrars will have brochures and ninth grade counselors have information to share during the students' four-year plan meeting. Mr. Arellano will provide a written report. Elsa Valdez asked if DELAC parents would be invited to the workshops. Daniel Arellano reported that Janet Gutierrez provided information to all counselors, he will inform DELAC members, and SBTA is telling their teachers.

Richelle Capozio, substitute teacher, stated that when a student misses 15 days of instruction, they have failed everything. Something needs to be done about this.

Stephen Gianni reported that bus passes are \$32 and asked why they are so high. Danny Tillman reported that Omnitrans is offering free bus passes to Cal State and Valley College students.

SESSION SIX - Reports and Comments

6.0 - Report by Board Members

Board members reported on school-related activities they have attended during the past few weeks and announced upcoming events they believe will be of interest to their fellow Board members.

Board of Education Minutes
August 16, 2011

Barbara Flores expressed her concern with evaluation and assessment programs and asked Mr. Bray to do an analysis of their effectiveness. Teachers are doing more testing than teaching. Where can we pool our resources.

Barbara Flores requested that Board Bylaw 9322 Agenda Content be brought back for Board consideration. It was the consensus of the Board to place this on the next Board agenda.

Barbara Flores asked Staff to start planning ahead for the English/Language Arts and Math common core standards. Eliseo Davalos reported that there is a public comment period and wants to open that to our teachers. Dr. Davalos reported that we will be involved from the school and site level.

Elsa Valdez asked if the class size issue has been resolved. Harold Vollkommer reported that most of the issues have been resolved, but he is still working on four or five classes. We have to have it done by the end of next week. We authorized an additional teacher at Urbita and are adding a second grade teacher at Hillside. Richard Bray stated that we tried to do as few combo classes as possible. We added teachers instead of capping students.

Elsa Valdez requested a report on the remaining SIG schools. Dr. Davalos stated that they will have a presentation on academic achievement at a future Board meeting.

Dr. Valdez requested an update on the BLU College Exodus project when it is up and running and the Youth Action Project after it is halfway completed. Mr. Bray stated that we will be watching both projects. Dr. Davalos stated that he won't approve a contract without an evaluation component. Mr. Bray stated that he is working with Dr. Davalos on restructuring to have the right person in the right spot.

Teresa Parra Craig asked if the District was supposed to have a SIG director. Dr. Davalos reported that the requirements call for a Program Administrator, Director, Coordinator, and Parent Involvement Program Specialist. He will bring something to the Board for appointments. Dr. Davalos stated that that person will assure the program is fiscally and programmatically correct and will provide assistance to school staff.

Teresa Parra Craig asked for an update on the Saturday School proposal. Kennon Mitchell reported that he met with her recommended consultants. He will have a recommendation on September 2.

6.1 - Legislative Update

None.

7.0 - Report by Superintendent and Staff Members

Richard Bray reminded Board members of the Norton Elementary School Groundbreaking event scheduled for August 23, at 9 a.m.

SESSION SEVEN - Legislation and Action

8.0 - 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 8.4, 8.12, 8.14, and 8.17 were pulled for later consideration.

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

INTERIM SUPERINTENDENT

8.1 - Renewal of the Agreement with Stanfill Associates, Inc., to Perform as External Evaluator for Pacific High School's Federal Smaller Learning Communities Grant

BE IT RESOLVED that the Board of Education approves renewing the agreement with Stanfill Associates, Inc., Los Osos, CA, to perform as external evaluator for Pacific High School's Federal Smaller Learning Communities grant, effective August 17, 2011, through June 30, 2012. Stanfill Associates, Inc., will regularly assess the school's progress toward meeting the intended goals, to include making periodic visits to the school to verify progress, and will assist in the yearly narrative and report required by the United States Department of Education. The cost, not to exceed \$15,000.00, will be paid from the Restricted General Fund—SLC-Every Student Connected, Account No. 511.

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

BUSINESS SERVICES DIVISION

8.2 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$120.00, Rudolph Sandoval, San Bernardino, CA; \$120.00, Rudolph Sandoval, San Bernardino, CA; \$120.00,

Board of Education Minutes
August 16, 2011

Rudolph Sandoval, San Bernardino, CA; \$300.00, Edison International, Princeton, NJ; \$107.00, Cartridges for Kids, Loveland, CO; Refreshments with the total value of \$2,000.00, Schools First Federal Credit Union; \$225.00, Nancy Jackson, Princeton, NJ; \$225.00, Nancy Jackson, Princeton NJ; \$225.00, Nancy Jackson, Princeton, NJ; \$225.00, Edison International, Princeton, NJ; and \$173.17, Lifetouch National School Studios, Corona, CA.

8.3 - Commercial Warrant Registers for Period from July 16, through July 31, 2011

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

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

8.5 - Change Organized to Unorganized Associated Student Body (ASB) at San Andreas High School

BE IT RESOLVED that the Board of Education approves changing the Associated Student Body at San Andreas High School from an organized to an unorganized associated student body for the fiscal year 2011-12.

8.6 - Agreement with Fiscal Crisis & Management Assistance Team (FCMAT) to Provide an In-depth Study of the Special Education Program

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Fiscal Crisis & Management Assistance Team (FCMAT), to provide an in-depth study of the Special Education Program, effective August 17, 2011, continuing through November 30, 2011. The study will involve the overall review of the Special Education delivery system. The report will be presented to the Board on November 15, 2011. The total cost, not to exceed \$31,150.00, will be paid from the Restricted General Fund, Special Education Program, Account No. 827.

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

8.7 - Request for Proposals (RFP) No. 19-11, Network Monitoring Solution

BE IT RESOLVED that bids were received as follows:

Bidder	Bid Amount - Excluding Tax	Terms
DLT Solutions Herndon, VA	\$82,198.16	Net 30

Board of Education Minutes
August 16, 2011

Presidio Network Solutions Orlando, FL	\$79,017.84	Net 30
NetXperts, Inc. San Ramon, CA	\$76,954.55	Net 30
Sehi Computer San Clemente, CA	No Bid	No Bid
Vector Resources Rancho Cucamonga, CA	\$84,781.33	Net 30

BE IT ALSO RESOLVED that RFP No. 19-11, Network Monitoring Solution be awarded to NetXperts, Inc., San Ramon, CA; the lowest responsible bidder in accordance with Public Contract PCC 20118.1.

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

8.8 - Bid No. 19-10 R1, Chain Link Fencing & Associated Materials

BE IT RESOLVED that Bid No. 19-10 R1, Chain Link Fencing and Associated Materials be awarded to Crown Fence Supply Co., Santa Fe Springs, CA, lowest responsive bidder meeting District specifications.

BE IT ALSO RESOLVED that the District reserves the right to purchase more than or less than the quantity indicated on a line item basis, as needed, throughout the initial one-year term of bid, and all extensions, not to exceed three years total. The cost for the materials will be charged to the General Fund, Account No. 076.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign any agreements associated with this bid.

8.9 - Bid No. 20-10 R1, Irrigation Materials

BE IT RESOLVED that Bid No. 20-10 R1, Group A (Items 1 – 29), be awarded to John Deere Landscapes, Riverside, CA; and Imperial Sprinklers Supply, Inc., Escondido, CA; the lowest responsible bidders meeting District specifications.

BE IT ALSO RESOLVED that Bid No. 20-10 R1, Group B (Items 30 – 39), be awarded to Imperial Sprinkler Supply Inc., Escondido, CA; the single responsive bidder for these items.

BE IT FURTHER RESOLVED that the District reserves the right to purchase more than or less than the quantity indicated on a line item basis, as needed, throughout the initial one-year term of the bid, and all extensions, not to exceed three years total. The cost for the materials will be charged to the General Fund, Account No. 076.

8.10 - Bid No. 21-10 R1, Electrical Materials & Supplies

BE IT RESOLVED that Bid No. 21-10, Electrical Materials & Supplies be awarded to Consolidated Electrical Distributors, San Bernardino, CA, the lowest responsible bidder meeting District specifications.

BE IT FURTHER RESOLVED that the District reserves the right to purchase more than or less than the quantity indicated on a line item basis, as needed, throughout the initial one-year term of bid, and all extensions, not to exceed three years total. The cost for the materials will be charged to the General Fund Account No. 076.

8.11 - Bid No. 21-11 Requirements for Built-Up Roofing Installation and Repair District-Wide

BE IT RESOLVED that Bid No. 21-11, Requirements Contract for Built-Up Roofing Installation and Repair District-wide be awarded to Inland Valley Roofing, San Bernardino, CA, the lowest responsible bidder meeting District specifications as follows:

<u>BIDDER</u>	<u>TOTAL BID AMOUNT EXCLUDING TAX</u>
Inland Valley Roofing San Bernardino, CA	\$472.25

BE IT ALSO RESOLVED the initial contract term shall be for one year from Board award, and may be extended in 12-month increments, not to exceed a total of five years. The cost will be charged to deferred and non-deferred maintenance, Unrestricted General Fund 01.

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

CERTIFICATED HUMAN RESOURCES DIVISION

8.13 - Payment of Master Teacher – Chapman University

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

Goebel, Kristen	\$125.00
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CURRICULUM/INSTRUCTION AND ACCOUNTABILITY AND RESEARCH

8.15 - Agreement with Action Learning Systems, Inc., to Provide Accountability Coaching and Interactive Instruction Workshops for Elementary School Teachers

BE IT RESOLVED that the Board of Education approves entering into an agreement with Action Learning Systems, Inc., Pasadena, CA, to provide accountability coaching and interactive instruction workshops for elementary school teachers, August 30, 2011, through May 24, 2012. The fee, not to exceed \$100,000.00, 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 all related documents.

8.16 - Agreement with Cengage Learning to Provide Certiport Authorized Testing Center for Arroyo Valley High School for CTE Classes

BE IT RESOLVED that the Board of Education approves entering into an agreement with Cengage Learning, Independence, KY, to provide Certiport Authorized Testing Center for CTE classes effective August 17, 2011, through June 30, 2012. The fee, not to exceed \$3,982.95, will be paid from the Restricted General Fund—Title II Secondary Education, Account No. 512.

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

8.18 - 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 2011-12 school year and approves payment to the following:

The Power of One for two presentations titled “The Anti-bullying Show” on September 8, 2011. The cost, not to exceed \$785.00, will be paid from Kimbark Elementary School ASB Account

EMPLOYEE RELATIONS

8.19 - Alternate Charter School Facilities Agreement with Real Journey Academies, Inc. dba New Vision Middle School

BE IT RESOLVED that the Board of Education approves the sale of four (4) portables, identification numbers 36007/8, 36005/6, 31511, and 54611 to Real Journey Academies, Inc. dba New Vision Middle School as set forth under the provisions of Education Code section 47614, “Proposition 39 Request” for the cost of One Dollar (\$1.00).

BE IT ALSO RESOLVED that the Board of Education approves reimbursing the charter school for the cost of moving the portables at a not-to-exceed amount of \$13,200.00.

BE IT ALSO RESOLVED that the Board of Education approves entering into the following agreements for the sale of the portables as mutually agreed upon by both parties:

1. Alternate Charter School Facilities is Agreement By and Between San Bernardino City Unified School District and Real Journey Academies, Inc., dba New Vision Middle School;
2. Purchase and Sale Agreement; and
3. Bill of Sale

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all documents associated with the sale of the four (4) portables.

FACILITIES/OPERATIONS DIVISION

8.20 - Approval to Process Payments for Pending Change Orders for the Indian Springs High School New Construction/Old Curtis Middle School Modernization Project - Various Contractors

BE IT RESOLVED that the Board of Education approves the processing of payments for change orders pending Division of State Architect (DSA) approval for the following contractors for the Indian Springs High School New Construction/Old Curtis Middle School Modernization Project: Blazing Industrial Steel, Inc. - Structural Steel; Bogh Engineering, Inc.- Concrete and Offsite Street Improvements; Chapman Coast Roof Co., Inc.- Roofing; Fischer, Inc.- Plumbing; Rancho Pacific Electric, Inc.- Electrical; RGSLA, Inc.- Modernization Re-Roofing; and Sierra Lathing Company, Inc.- Gypsum & Plaster, per Board of Education approval on April 20, 2010, as follows:

The Architect, Construction Manager, DSA Inspector of Record and Contractor shall provide certification that all work pertaining to the pending change orders has been completed in compliance with all of the plans and specifications and applicable codes.

- The District will validate that the work pertaining to the pending change orders is satisfactorily completed.
- The Contractor will provide, with the application for payment, the above certification signed by all parties.
- If the DSA does not approve the change orders that were submitted and the payments have been released using this procedure, any potential fixes arising from DSA corrections to these change orders would have to be paid by the District which would, in turn, seek remedies through the Architect, Construction Manager, IOR, or Contractor.

Board of Education Minutes
August 16, 2011

8.21 - Approval to Reject Bid No. F10-07, Classroom of the 21st Century at San Bernardino High School, Arrowview Middle School, Pacific High School, and HVAC at Arrowview Middle School

BE IT RESOLVED that Bid No. F10-07, Classroom of the 21st Century at San Bernardino High School, Arrowview Middle School, Pacific High School, and HVAC at Arrowview Middle School be rejected in its entirety and will rebid at a later time after reviewing the scope of work and budget with the Architect of Record.

8.22 - Resolution for Approval of Replacement Contractor for New Construction of the George Brown Jr. Elementary School Project – Bid No. F08-13, Category No. 4, Multi-Trade

BE IT RESOLVED that the Board of Education makes the following findings which exist:

WHEREAS, the District and Great West Contractors, Inc. entered into a contract for the George Brown Jr. Elementary School Project whereby Great West was required to provide demolition, site clearing, earthwork, concrete, and other work on the Project;

WHEREAS, due to Great West's failure to properly perform and meet the contract requirements of their contract, the District's legal counsel issued letters dated July 20, 2011 and August 4, 2011 providing Great West and its Surety, Safeco Insurance Company of America, with the required notice of the District's intent to terminate for cause of the Project contract in accordance with terms of the Project contract;

WHEREAS, pursuant to the terms of the termination letter, Great West was required to cure to the issues raised in the District's Notice of Intent to Terminate within three (3) days of receiving the notice and has failed to either address or cure the issues raised in the District's Notice of Intent to Terminate;

WHEREAS, on August 9, 2011, the District formally terminated Great West's contract for cause and made a formal demand on the Surety, Safeco Insurance Company of America, to take over and complete Great West's scope of work;

WHEREAS, Safeco Insurance Company of America has failed to provide notice within five (5) days that they will take over the contract and has failed to tender performance within the seven (7) day timeline set forth under Article 2.5;

WHEREAS, competitive rebidding for the Project would cause unnecessary and further delays and expose the District to additional cost overruns related to those delays;

WHEREAS, Meakin v. Steveland (1977) 68 Cal.App.3d 490 and Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 holds that statutes requiring competitive bidding do not apply when competitive bidding would work an incongruity or not produce any advantage;

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

WHEREAS the Board of Education approves, pursuant to Education Code Section 17604 and similar statutes,

1. That the above recitals are true and correct.
2. That the needs of the District require the District to ensure the Project is completed without interruption.
3. That it would not produce any advantage to the District to competitively rebid the Project.
4. That this Resolution shall be effective as of the date of its adoption.

BE IT ALSO RESOLVED that the Board of Education approves the replacement contractor, KAR Construction, Inc. for Bid No. F08-13, New Construction for the George Brown Jr. Elementary School, Category No. 4 – Multi Trade, originally awarded to Great West Contractors, Inc. The cost, \$7,259,220.00, will be paid from Funds 21, 25, 35, and 40.

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

8.23 - Cafeteria Warrant Register, Ending July 31, 2011

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

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

8.24 - Notice of Completion, Bid No. F07-04, Hillside and Hunt Elementary Schools Modernization and Deferred Maintenance Projects

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F07-04, Modernization and Deferred Maintenance Projects at Hillside and Hunt Elementary Schools, for the work awarded to the Contractor listed below:

Board of Education Minutes
August 16, 2011

General Contractor
Plyco Corporation
Mira Loma, CA

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

8.25 - Notice of Completion, District Bid No. 09-09, Technology Infrastructure-Nutrition Services PO C 200636

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for District Bid No. 09-09, Technology Infrastructure, for the work awarded to Vector Resources under Nutrition Services PO C 200636.

Contractor
Vector Resources
Rancho Cucamonga, CA

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

STUDENT SERVICES DIVISION

8.26 - 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 expert:

Kristine S. Kaufman, Upland, CA, to assist in preparation for and participation in the California Department of Education Special Education Self Review (SESR) August 17, 2011, through June 30, 2012. The fee, not to exceed \$3,750.00, will be paid from the Restricted General Fund—Special Education Central, Account No. 827.

8.27 - Agreement with Juvenile Court Schools for the Adult School to Provide GED Testing Services

BE IT RESOLVED that the Board of Education approves entering into an agreement with Juvenile Court Schools (JCS), San Bernardino, CA, for the Adult School to provide GED testing services for qualified students from JCS, effective August 17, 2011, through June 30, 2012. The Adult School will provide a certified GED examiner and proctor. All funds received will be deposited into the Restricted General Fund—Adult Education GED, Account No. 137.

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

8.28 - Agreement with San Bernardino County Head Start and Preschool Program for Special Education Services

BE IT RESOLVED that the Board of Education approves entering into an agreement with San Bernardino County Preschool Services, San Bernardino, CA, to provide special Education and related services to children ages thirty-six months to non-kindergarten eligible five-year-olds of District residents, effective September 1, 2011, through August 31, 2012. The agreement will meet requirements of the Head Start Performance Standards under Part B, Section 619 in compliance with Federal and California laws. There is no cost to the District.

8.29 - Agreement with STRUMPF Associates to Assist in Completing the Development of a Comprehensive Strategic Plan for Adult School

BE IT RESOLVED that the Board of Education approves entering into an agreement with STRUMPF Associates, Washington, D.C., to assist in completing the development of a comprehensive strategic plan to sustain growth and provide direction to the Adult School over the next three to four years, effective September 1, 2011, through April 1, 2012. The fee, not to exceed \$13,200.00, will be paid from the Restricted General Fund—Adult Education, Account No. 130.

8.30 - 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:

**10/27/1996 **(S)8/5/1999 *5/24/1999 **9/3/1993 **7/31/1997

*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.

8.31 - 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.

8.32 - 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:

8.33 - 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:

8.34 - 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.

8.35 - 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:

2/12/1996	11/5/1997	4/25/1994	4/20/1994	11/29/1994	12/1/1997
2/8/1994	7/19/1995	4/22/1997	6/30/1994	5/11/1994	2/15/1995
4/17/1997	9/6/1994				

8.36 - 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:

8.37 - Petition to Expunge, Rescind, or Modify Expulsion

6/10/1997	2/28/1995	1/5/2000	9/12/1996
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Education Code 48917, Section (e) states: upon satisfactory completion of the rehabilitation assignment of a pupil, the governing board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.

7/6/1994

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.

8.4 - Federal/State/Local District Budgets and Revisions

Barbara Flores asked for clarification on this item.

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

Board of Education Minutes
August 16, 2011

BE IT RESOLVED that the Board of Education approves the addition of \$22,500.00 in the budgeting of expenditures and the decrease of \$22,500.00 in the unrestricted fund balance for the unrestricted program, Charter School Oversight (099).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$4,182.90 in the budgeting of revenues and expenditures for the restricted program, Smaller Learning Environments-AVHS (376).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$4,902.61 in the budgeting of revenues and expenditures for the restricted program, Smaller Learning Environments-CHS (377).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$493,255.00 in the budgeting of revenues and expenditures for the restricted program, After School Education and Safety Program (459).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$4,154.00 in the budgeting of revenues and expenditures for the restricted program, Indian Education Formula (505).

BE IT FURTHER RESOLVED that the Board of Education approves the reduction of \$100,101.00 in the budgeting of revenues and expenditures for the restricted program, 21st Century Community Learning Centers (574).

8.12 - Bid No. 24-11, Curriculum-Based Measurement Software

This item was tabled.

8.14 - Agreement with A 2 Z Educational Consultants to Provide English Language Arts Site Support to Teachers at Arroyo Valley High School

This item was tabled.

8.17 - 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, Savage, Tillman, and Valdez (Noes: None; Absent for Vote: Parra Craig), the following was adopted:

BE IT RESOLVED that the Board of Education approves entering into an agreement with Digital Edge Learning, Redlands, CA, to provide digital lesson design that will focus on

Board of Education Minutes
August 16, 2011

checking for understanding, increased student engagement and instructional rigor, effective August 17, 2011, through June 30, 2012. The fee, not to exceed \$50,000.00, 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.

9.0 - Action Items

9.1 - Personnel Report #4, Dated August 16, 2011

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

BE IT RESOLVED that the Personnel Report #4, dated August 16, 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 SEVEN - Closed Session

10.0 - Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

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

Public Employee Discipline/Dismissal/Release

Conference with Legal Counsel: Anticipated Litigation

Number of Cases: Three

Board of Education Minutes
August 16, 2011

SESSION EIGHT – Open Session

11.0 - Action Reported from Closed Session

No reportable action was taken.

SESSION NINE - Closing

12.0 - Adjournment

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

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, September 6, 2011, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.