

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
1/10/12**

November 1, 2011

5:30 p.m.

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

Absent: Interim Superintendent Richard Bray and Associate Superintendent/Chief Administrative Officer Mel Albiso.

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 – Closed Session

2.0 - 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

One Administrative Position

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Conference with Legal Counsel: Anticipated Litigation

Number of Cases: One

SESSION THREE - Special Presentations

3.0 - Special Presentations

3.1 - Recognition of Veterans Day

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

WHEREAS November 11, 1918, marked the end of World War I; and

WHEREAS in 1938, the United States Congress passed a bill to make November 11 a permanent day dedicated to the cause of world peace and known as Armistice Day, and following War II, the day became known as Veterans Day; and

WHEREAS on Veterans Day, all citizens should pause, reflect, remember, and honor our veterans, past and present, our MIAs, and the survivors of those brave and courageous Americans whose service and sacrifice enable us to enjoy the peace and freedom in the greatest nation in the world, the United States of America;

THEREFORE, BE IT RESOLVED that the Board of Education and the Superintendent of the San Bernardino City Unified School District hereby express their gratitude, appreciation, and respect for the service of veterans and members of the United States Armed Forces and encourage all District schools to undertake educational activities which commemorate the history and contributions of our nation's veterans.

SESSION FOUR – Student Report/School Showcase

4.0 - Student Report/School Showcase

4.1 - San Andreas High School

Andrew Cortez, Student Board Representative from San Andreas High School, presented a report of activities taking place at the high schools during the month of November. Vice Principal Ed Hensley introduced a PowerPoint presentation about their school that had been prepared by students and teachers

SESSION FIVE – Other Matters Brought By Citizens

5.0 - Other Matters Brought by Citizens

Cal Gordon, M&O employee, reported the CSEA is at impasse and asked the Board to tell the negotiators to accept their language to protect them from further layoffs and reductions. Teresa Parra Craig stated that the Board directed staff to go back to negotiations and one Board member will attend a session.

Pat Maher, Personnel Commission Director, thanked the Board for the opportunity to move forward with hiring. They have started recruiting and are updating classifications and tests. Openings are listed on the web site and applications can be downloaded.

Cindy Andrade reported that CSEA members offered to take a 5 percent pay cut. They have been asking for a Personnel Commission Director for two years and she is looking forward to working with Mr. Maher.

Bill Byrd thanked Dr. Davalos and School Police Chief Joe Paulino for their quick response to the issues he raised at the last Board meeting. Mr. Byrd reported that Erik Vetere, Environmental Safety Officer, is also going to look into his safety concerns.

Steven Holt, 1st Vice Present of CSEA, stated that Board members are always welcome at negotiation meetings. They are willing to give 5 percent and they want the District to be solvent.

Erika Delgado stated that she would like the Bilingual Education Program to be successful. Barbara Flores requested a status report.

Angela Montpas thanked Dee Tarango and Tanya Fisher for getting the supplies she had requested. Ms. Montpas expressed her concern that her school does not have enough emergency supplies. Yolanda Ortega stated that Safety Officer Erik Vetere is doing a survey of available supplies and funds and looking for state and federal grants. Teresa Parra Craig suggested requesting grants from First 5 and the County. Danny Tillman requested a presentation on safety preparedness.

Dr. James Wallace recommended the Board name a school for former principal Jack Oakes. Dr. Wallace submitted a petition supporting a school to be named for Jack Oakes.

SESSION SIX - Reports and Comments

6.0 - Report by Board Members

Elsa Valdez thanked Mars Serna, Family Involvement Officer, and his staff for the Parent Institute. Dr. Valdez reported that a math homework hotline is available at 1-877-827-5462 and

asked that it be posted on the District's website. Dr. Valdez thanked Linda Bardere for the George Brown Elementary School groundbreaking ceremony and for the ad in *The Sun* regarding our "800 Schools." Dr. Valdez reported that Senator Gloria Negrete McLeod wrote a letter to the editor in *The Sun* to highlight our district's scores.

Lynda Savage reported that Cal State San Bernardino is working with our district so our students won't have to take remedial classes. Mrs. Savage stated that the District has to ensure that we have adequate lighting for all schools with after-school programs.

Barbara Flores reported that she, Lynda Savage, and Teresa Parra Craig attended the adoption ceremony on October 28. Lincoln Elementary School was adopted by the Kiwanis Club.

Teresa Parra Craig reported that she was informed that 82 teachers would accept the alternate SERP. Mrs. Parra Craig stated that she would like to support SCA 5. Danny Tillman stated that it would be a bad precedent. Judi Penman agreed that it was not a good idea. The people voted for the 2/3 requirement.

Mrs. Parra Craig stated that RDA funds were shifted into a nonprofit organization. Dennis Craig is an appointed person from the Chamber of Commerce, but our Board doesn't have a representative on their board. Mrs. Parra Craig recommended that the Board appoint someone to participate and requested a report on the legalities of the organization.

Elsa Valdez requested information on the Saturday program at Arroyo Valley and Pacific High Schools. Kennon Mitchell reported that some schools are running intervention programs.

Danny Tillman reported that he attended an orchestra and band performance at Cajon High School. Mr. Tillman asked for the cost to fund a Districtwide drum line.

It was the consensus of the Board to agendaize the Superintendent's Search for the November 15 Board meeting. Staff will bring back options.

6.1 - Legislative Update

Barbara Flores reported that the Senate is working on the reauthorization of No Child Left Behind.

7.0 - Report by Superintendent and Staff Members

Yolanda Ortega announced that Arroyo Valley High School and Chavez and King Middle Schools received \$10,000 planning grants from the California Academic Partnership Program to help reduce the achievement gap for students in Algebra. The schools will be eligible to receive \$150,000 for two years.

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 item 8.7 was held 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; Absent for Vote: Penman), the following were adopted:

BOARD OF EDUCATION

8.1 - Personnel Commission Budget – Fiscal Year 2011-2012

BE IT RESOLVED that the Board of Education approves the addition of \$52,704.62 at this time, in the budgeting of unrestricted expenditures for the Unrestricted General Fund Program 01, Personnel Commission, Account No. 071.

BUSINESS SERVICES DIVISION

8.2 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of (2) used golf bags, balls, tees, and towels, (2) Callaway drivers, (2) fairway woods, (2) Hybrids, (1) full set of Ping irons and misc. wedges, with the fair market value of \$150.00, Julie Tabler, San Bernardino, CA; (1) flute, (1) clarinet, (1) trumpet, (1) trombone, (5) violins, (4) guitars, (2) keyboards, and (1) ukulele, with the fair market value of \$1,900.00, Tzu Chi Foundation, San Dimas, CA; \$126.77, Target Take Charge of Education, Minneapolis, MN; (1) tenor saxophone and (1) flute, with the fair market value of \$350.00, Dr. Robert A. Senour, San Bernardino, CA; \$300.00, Ledesma & Meyer Construction Co., Inc., Rancho Cucamonga, CA; \$200.00, FEI Enterprises Inc., Los Angeles, CA; \$250.00, K.A.R. Construction Inc., Ontario, CA; and \$300.00, Alma Construction Co., Inc., Colton, CA.

8.3 - 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:

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Bellet, Laura
Bojorquez, Yvette
Eke, Nneke
Gonzales, Summer
Johnson, Linwood
Muecke, Sarah
Negrete, Sharon
Pinon, Eddie
Price, Jennifer
Salinas, Lawrence
Tripsea, Jennifer
Valenzuela-Gonzalez, Tiffany
Ziepke, Laura
(Board Representatives, Project Life Impact
and YMCA East Valley)

To attend the 2011 Healthy Behavior
Conference, December 7 – 9, 2011, at the
Bahia Resort Hotel in San Diego, California.
Total cost, including meals and mileage per
District guidelines, not to exceed \$8,125.00,
will be paid from CAPS ASSETs Account No.
566.

Greg Blanco
Austin Conley
Barbara Maloug
Mary Jo Suquett
(Board Representatives, St. Adelaide School)

To attend the 2011 CAPSO Convention in
Long Beach, California, November 21-22,
2011. Total cost, including meals and mileage
per District guidelines, not to exceed
\$1,500.00, will be paid from Accountability
Department Account No. 536.

Karina Schepper
(Board Representative)

To attend the NEA Priority Schools Campaign,
on November 9-13, 2011, in New Orleans,
Louisiana. Total cost, including meals and
mileage per District guidelines, not to exceed
\$266.00, will be paid from Davidson
Elementary School Account No. 507.

8.4 - Commercial Warrant Registers for Period from October 1, through October 15, 2011

BE IT RESOLVED that the Commercial Warrant Register for period from October 1, 2011,
through October 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.

8.5 - 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 2011-2012 school year and approves payment to the following:

Discovery Science Center of Orange County for an assembly titled, "Reaction Lab" on December 9, 2011. The cost, not to exceed \$295.00, will be paid from Curtis Middle School, Account No. 422.

8.6 - Charter School Facility Needs (Prop. 39) Budget – Fiscal Year 2011-2012

BE IT RESOLVED that the Board of Education approves the addition of \$50,000.00, in the budgeting of unrestricted expenditures for the Unrestricted General Fund Program 01, Charter School Facility Needs (Prop. 39), Account No. 089.

8.8- Special Program Expenditures

District Instructional Program Expenditures

BE IT RESOLVED that the Board of Education authorizes special program expenditures for the 2011-2012 school year, in accordance with the curricula of the following programs: Special Education Services Region, Gifted and Talented Education, Compensatory Education, and International Baccalaureate.

BE IT ALSO RESOLVED that, for instructional purposes, these expenditures may include admissions, food for instructional purposes only, transportation (except public transportation), lodging, registration, inservices, and workshops.

BE IT FURTHER RESOLVED that these activities be considered part of the regular course of study for the 2011-2012 school year.

Expenditures for Incentives and Awards for District-Sponsored Competitions

BE IT RESOLVED that the Board of Education authorizes special program expenditures for the 2011-2012 school year in accordance with the curricula of the following programs: District-sponsored competitions such as Science Fairs, Math Marathons, Challenge Bowls, Junior Olympics, etc.

BE IT FURTHER RESOLVED that, for instructional purposes, these expenditures may include incentives and awards such as plaques and trophies, the total yearly cost of which will not exceed \$5,000.00.

Outdoor Education Activity Expenditures

BE IT RESOLVED that the Board of Education authorizes special program expenditures, for the 2011-2012 school year, in accordance with the curricula of outdoor science education programs, including field trips.

BE IT FURTHER RESOLVED that, for instructional purposes, these expenditures may include admissions, food, transportation (except public transportation), lodging, and registration.

Exemplary Employee Program

BE IT RESOLVED that the Board of Education authorizes special program expenditures for the 2011-2012 school year, in accordance with Education Code Section 35160.0.

BE IT FURTHER RESOLVED that these expenditures may include awards such as plaques.

Educational Incentive Program for Middle Schools

BE IT RESOLVED that the Board of Education approves expenditures for the Educational Incentive Program for middle school team concept of \$2,500.00 for each middle school, for the 2011-2012 school year.

BE IT FURTHER RESOLVED the following items are approved as incentives for middle school students for the 2011-2012 school year:

T-shirts	Gift Certificates	Sweatshirts
Hats	Mugs	Pizza
Buttons	Pins	Fresh Fruit
Folders	Notebooks	Snow Cones
Pencils	CD's	Certificates
Popcorn	Cotton Candy	Candy
Ice Cream/Toppings	Movie Tickets	

Educational Incentive Program for High Schools

BE IT RESOLVED that the Board of Education approves expenditures for the Educational Incentive Program for high school team concept of \$2,500.00 for each high school, for the 2011-2012 school year.

BE IT FURTHER RESOLVED the following items are approved as incentives for high school students for the 2011-2012 school year:

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Academic Letters	Gift Certificates	Sweatshirts
Certificates	Pins	Medallions
Hats	Shirts	T-shirts
Pens	Notebooks	School Bags
Pencils	Folders	Lanyards
Buttons	Mugs	CD's
DVD's	School Apparel	Food
Movie Tickets		

School Police

BE IT RESOLVED that the Board of Education authorizes expenditures for meals for the 2011-2012 school year for individual students in the custody of school police.

BE IT FURTHER RESOLVED that these meals will be paid from the Revolving Cash Fund in an amount not to exceed \$5.00 per student, and a yearly amount not to exceed \$100.00.

8.9 - Extended Field Trip, Alternative Programs, Team and Confidence Building Event, Pine Springs Ranch Camp, Mountain Center, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 33 Alternative Programs students, 5 District employees, and 20 Loma Linda University Medical Center students to attend The Team and Confidence Building Event, in Pine Springs Ranch Camp, Mountain Center, California, November 4, through November 5, 2011. The cost of the trip, not to exceed \$10,531.30, including meals and lodging for 33 Alternative Programs students, 5 District employees, and 20 Loma Linda University Medical Center students, will be paid from Alternative Programs, Account No. 006 and sponsorship from Loma Linda University Medical Center. Transportation by Durham School Services, not to exceed \$1,416.30, will be paid from Alternative Programs, Account No. 006. Names of the students are on file in the Business Services office.

8.10 - Renewal of the Agreement with the San Bernardino County Superintendent of Schools for Participation in Smaller Learning Communities Grant

BE IT RESOLVED that the Board of Education ratifies the renewal of the agreement with the San Bernardino County Superintendent of Schools (SBCSS) for Arroyo Valley High School and Cajon High School to participate in the Smaller Learning Communities Grant, effective July 1, 2011, through June 30, 2012. The grant is designed to: (1) improve the academic achievement for all students by decentralizing and personalizing schools by developing Smaller Learning Communities that provide a sense of identity and safe learning environments for students; (2) improve the quality of instruction by developing Professional Learning Communities, and developing a variety of scientific and research-based instructional strategies for teachers; (3) seek parental and community involvement by developing an infrastructure that allows parents to be

involved in the school restructuring, and business partnerships to promote work-based and project-based learning; and (4) to connect students to college, career, and technical development by developing a sequence of courses that integrates career technical education and extends learning beyond the classroom walls. SBCSS will act as the Applicant Agency for the grant on behalf of itself, the District, Arroyo Valley High School, and Cajon High School. SBCSS will be legally responsible for the use of all grant funds and in ensuring the project is carried out by the group according to federal requirements. Once the grant is awarded, appropriate amendments detailing the scope, payments, duration, and other grant obligations will be initiated.

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

EDUCATIONAL SERVICES

Curriculum and Instruction

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

BE IT RESOLVED that the Board of Education approves the Waiver of CAHSEE Passage Requirement for Students with a Disability.

8.12 - 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:

Cambium Learning Sopris West, Longmont, CO, to conduct “Step Up to Writing” training for District teachers who will implement the “Step Up to Writing” strategies in their classrooms, effective November 21, 2011, through November 22, 2011. The fee, not to exceed \$5,000.00, will be paid from the Restricted General Fund-Title III LEP Student Subgrant, Account No. 544.

The Active Network, San Diego, CA, to conduct two hours of customized Blue Bear Tracks training to staff and administrators. The staff and administrators will be trained on using the ASB computerized accounting system, effective November 2, through December 31, 2011. The fee, not to exceed \$200.00, will be paid from the Unrestricted General Fund—INAP, Account No. 203.

8.13 - Agreement with Catapult Learning West, LLC, to Provide Title I Services to Identified Students Attending a Local Private School-Holy Rosary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Catapult Learning, LLC, Camden, NJ, to provide Title I services to students attending a local private school, Holy Rosary School, effective November 2, 2011, through April 30, 2012. The

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fee, not to exceed \$14,935.00, will be paid from the Restricted General Fund, Elementary Secondary Education Act Title I, 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.

8.14 - Agreement with Life Long Learning & Associates to Provide Designing Common Assessments Leadership Staff Development at Golden Valley Middle School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Life Long Learning & Associates, Blue Jay, CA, to provide professional development for school leadership on effective assessment design and development, effective November 2, 2011, through May 23, 2012. The fee, not to exceed \$10,000.00, will be paid from the Restricted General Fund—Economic Impact Aid State Compensatory Education, Account No. 420.

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

8.15 - Agreement with Orange County Superintendent of Schools, Department of Education for Project Guided Language Acquisition Design (Project GLAD) Staff Development

BE IT RESOLVED that the Board of Education approves entering into an agreement with Orange County Superintendent of Schools, Department of Education, Costa Mesa, CA, to provide Project GLAD, Tier II Training for two teachers to become Certified Agency Trainers, effective March 5, through March 9, 2012. The fee, not to exceed \$1,500.00, will be paid from the Restricted General Fund—Title III LEP Student Subgrant, Account No. 544.

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

8.16 - Amendment of the Agreement with the University of California, Berkeley Destination College Advising Corps

BE IT RESOLVED that the Board of Education approves amending the agreement with the University of California, Berkeley - Destination College Advising Corps (DCAC), approved by Board on June 7, 2011, Agenda Item 9.71. The amendment is necessary to include services at Arroyo Valley High School and to include the cost of \$30,000.00, per site for the cost of two DCAC Advisors. Total cost, not to exceed \$60,000.00, will be paid from the Restricted General Fund-Quality Education Investment Act, Account No. 436 and Restricted General Fund-School Improvement Grant-New SIG, Account No. 507. All other terms and conditions remain the same.

Student Services

8.17 - Agreement with John Duran to Provide Federal Program Monitoring (FPM) Consulting Services to the Creative Before- and After-School Programs for Success (CAPS) Department

BE IT RESOLVED that the Board of Education approves entering into an agreement with John Duran, Indio, CA, to provide Federal Program Monitoring (FPM) consulting services, effective November 2, 2011, through January 31, 2012. John Duran will train, evaluate, visit, advise, assist, and prepare the CAPS programs for the Federal Program Monitoring (FPM) for the 2011-2012 school year. The cost, not to exceed \$8,766.71, will be paid from the Unrestricted General Fund—After School Safety and Enrichment for Teens, Account No. 566 and Unrestricted General Fund—After School Education and Safety Program, Account No. 459.

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

8.18 - Agreement with the Boy Scouts of America, Los Angeles Area Council to Use the Forest Lawn Scout Reservation for California Cadet Corps Bivouac

BE IT RESOLVED that the Board of Education ratifies entering into a facilities use agreement with the Boy Scouts of America, Los Angeles Area Council, Los Angeles, CA, for use of the Forest Lawn Scout Reservation, Cedar Glen, CA, for a California Cadet Corps bivouac, effective October 28, through October 30, 2011. The use includes the Circle X at Big Horn camp site, the dining facility, and the headquarters/first aid building. The cost, not to exceed \$4,075.00, will be paid from the Unrestricted General Fund—Leadership Skills Academy, Account No. 030.

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

8.19 - Agreement with Loma Linda University School of Medicine to Provide Mentors for the Healthy Neighborhoods Project, “Special Opportunities (Special Opps)” Program at San Bernardino High School and San Geronio High School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Loma Linda University School of Medicine, Loma Linda, CA, to provide mentors for District students to participate in the Healthy Neighborhoods Project, “Special Opportunities (Special Opps)” Program, effective November 4, 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.

8.20 - Amendment to the Agreement with Project Life Impact to Provide After School Programs

BE IT RESOLVED that the Board of Education approves amending the agreement with Project Life Impact, San Bernardino, CA, approved by the Board on June 21, 2011, Agenda Item 8.49. The amendment is necessary to add \$13,000.00 to the initial fee of \$306,341.00, for an aggregate total not to exceed \$319,341.00, for additional services at Lankershim Elementary School. The additional fee will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459. All other terms and conditions will remain the same.

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

8.21 - Amendment No. 1 of the Agreement with Stanley Security Convergent Security Solutions to Monitor the Security System for Middle College High School Office

BE IT RESOLVED that the Board of Education approves amending the agreement with Stanley Security Convergent Security Solutions, Palatine, IL, approved by Board on June 7, 2011, Agenda Item 9.67. The amendment is necessary to add \$123.23, to the original fee of \$996.00 for an aggregate total of \$1,119.23, to monitor the security system for Middle College High School office. All other terms and conditions remain the same. The additional costs will be paid from the Unrestricted General Fund—Middle College High School, Account No. 050.

8.22 - Renewal of the Affiliation Agreement with Valley Health Care

BE IT RESOLVED that the Board of Education approves renewing the agreement with Valley Health Care, San Bernardino, CA, to provide a clinical site for practical learning experience for Licensed Vocational Nursing Program, Certified Nurse Assistant Program, and Home Health Aide students, effective November 2, 2011, through October 31, 2014. 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.

8.23 - Physical Education Exemptions

BE IT RESOLVED that the following students whose birth dates are listed below be exempt from physical education requirements and placed in alternative periods of instruction for the 2011-2012 school year:

2/6/96 6/22/96 9/6/96 11/11/96 2/11/97 9/24/98 5/22/96

8.24 - Expulsion of Student(s)

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

**~~(S)~~8/23/1994 ~~(S)~~8/12/1996 ~~(S)~~11/28/1997 ~~(S)~~11/11/1996 ~~(S)~~6/7/1995 ~~(S)~~10/1/1998
10/9/1997 ~~(S)~~10/8/1997 **11/1/1993 ~~(S)~~1/26/1994

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

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

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

8.25 - 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.

8.26 - 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.

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Therefore, although they were recommended for expulsion, the expulsion is not granted:

12/4/1992 9/21/1993

8.27 - 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:

8/21/2004

8.28 - 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:

11/11/1998

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.

8.29 - Lift of Expulsion of Student(s)

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

7/2/1996 4/15/1998 11/17/1994

8.30 - 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:

8.31 - Petition to Expunge, Rescind, or Modify Expulsion

3/2/1998

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.

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.

FACILITIES/OPERATIONS DIVISION

Facilities Management

8.32 - Tender Agreement with Safeco Insurance Company of America for the 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 Board of Education of the San Bernardino City Unified School District (District) originally awarded a contract for construction work at George Brown Jr. (aka Wilson II) Elementary School, Bid No. F08-13, Bid Category No. 4, Multi-Trade, to Great West Contractors, Inc. on June 8, 2011; and

WHEREAS, the District terminated Great West's contract for cause on July 20, 2011, and demanded that the surety, Safeco Insurance Company of America, complete Great West's scope of work on the project; and

WHEREAS, Safeco Insurance Company of America has agreed to tender a replacement contractor, KAR Construction, and pay the difference in price between Great West's contract and the replacement contractor's price, in the amount of \$362,604.00; and

WHEREAS, the District also made demand on the surety, Safeco Insurance Company of America, for liquidated damages for the delays caused by Great West's termination for cause and Safeco Insurance Company of America has agreed to pay the District the sum of \$105,000.00 in liquidated damages, in exchange for a full release of their obligations under the Performance Bond; and

WHEREAS, the Board of Education approves by a majority of the vote;

1. That the recitals are true and correct.
2. That Safeco Insurance Company of America will pay the District the difference between Great West's contract and the replacement contractor's, KAR Construction, price to complete the work, in the amount of \$362,604.00.
3. That Safeco Insurance Company of America will pay the District the sum of \$105,000.00 in liquidated damages for delays and impacts caused by Great West's termination for cause.
4. That upon payment of \$362,604.00 for the difference in price between Great West and KAR Construction's contract, and \$105,000.00 in liquidated damages for a total payment of \$467,604.00 to the District, Safeco Insurance Company of America's obligations under the Performance Bond are fulfilled.
5. That this Resolution shall be effective as of the date of its adoption.

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

8.33 - Amendment No. 1 to Agreement with KAR Construction 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 approves amending the agreement with KAR Construction as replacement contractor for the demolition, site clearing, earthwork, concrete, and other work at George Brown Jr. Elementary School. This amendment is for an additional \$217,680.00, for a new total not to exceed \$7,476,900.00. The surety, Safeco Insurance Company of America, has agreed to pay the difference between terminated Great West's contract and KAR Construction's amended contract, in the amount of \$362,604.00. There will be no cost to the District.

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

8.34 - ASR Constructors, Inc. Settlement Agreement

BE IT RESOLVED the Board of Education approves entering into a settlement agreement with ASR Constructors, Inc., Riverside, CA, for payment of interest and release of retention funds as listed and will be paid from Funds 21, 25, and 35:

Change Order/Release of Retention Funds	Interest	Retention Amount
10 SDCs	\$105,631.48	\$14,411.17
Curtis landscape, concrete	\$122,160.42	0

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Monterey II (Bing Wong) landscape, concrete	\$89,421.18	0
Barton SDC	\$12,395.64	0
Palm SDC	\$10,720.04	0
8 SDCs	\$76,844.01	0
Emmerton II (Rodriguez) landscape, plumbing, paving	\$2,720.57	\$146,668.76
SGHS	\$163.42	\$43,863.31

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

8.35 - Approval to Process Payments for Pending Change Orders for the Group 4 Modernization Projects at Arrowhead, Carmack, Harmon, and Kendall 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 the Group 4 Modernization Projects at Arrowhead, Carmack, Harmon, and Kendall Elementary Schools, per Board of Education approval on April 20, 2010, as follows:

- The Architect, Construction Manager (CM), 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.
- 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.

8.36 - Bid No. F11-01, Site Clearing and Soil Remediation Workplan Implementation at the Proposed H. Frank Dominguez Elementary School Project

BE IT RESOLVED that Bid No. F11-01, Site Clearing and Soil Remediation Workplan Implementation at the proposed H. Frank Dominguez Elementary School Project, be awarded to Innovative Construction Solutions, Inc. as the lowest responsible bidder meeting all specifications for the Base Bid. The cost, \$713,314.65, will be paid from Funds 21, 25, 35, and 40.

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

Nutrition Services

8.37 - Change to Nutrition Services Signature Authority

BE IT RESOLVED that the Board of Education approves revoking cafeteria transfer authorization for E. Gene Fortajada, former Accounting Services Director and Dalia Gademawla, former Nutrition Services Business Manager and approves cafeteria investment transfer authorization to James S. Cunningham, Accounting Services Director, effective November 2, 2011. All other terms and conditions remain the same.

8.38 - Amendment No. 2 to the Agreement with PCS Revenue Control Systems, Inc.

BE IT RESOLVED that the Board of Education approves amending the agreement with PCS Revenue Control Systems, Inc., to incorporate additional point of sale hardware and Optional Services Pricing per bid for technical services, including additional training and custom reports. The additional amount, \$159,805.60, for a new total cost not to exceed \$837,410.10, will be paid from Nutrition Services Cafeteria Account No. 92. All other terms and conditions remain the same.

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

HUMAN RESOURCES DIVISION

8.39 - Agreement with Alliant International University, Hufstedler School of Education, to Provide Pupil Services Credential Program in School Psychology Fieldwork and Practicum

BE IT RESOLVED that the Board of Education approves entering into an agreement with Alliant International University, Hufstedler School of Education, Pupil Services Credential Program, Alhambra, CA, to provide supervised fieldwork for a student in the Pupil Services Credential Program in School Psychology, effective November 2, 2011, through October 30, 2016. The University will provide a fieldwork candidate for whom the District will provide practicum experience opportunities and orientation activities. The University will assign a Program Coordinator to support the practicum student during their required practicum experience. The District will provide a liaison and contact person in order that the student can access the necessary practicum assignments. There will be no cost to the District.

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

8.40 - Agreement with the University of Southern California, Rossier School of Education to Provide Teacher Candidates to Observe District Students

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with the University of Southern California, Rossier School of Education, Los Angeles, CA. The District will host a teacher candidate or candidates during a period of observation and/or practice, allowing the candidate to observe students and/or teach well-planned lessons mediated by Guiding Teachers, effective September 1, 2011, through June 30, 2015. 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.

8.41 - Internship Agreement with Claremont Graduate University

BE IT RESOLVED that the Board of Education ratifies entering into a teacher intern agreement with Claremont Graduate University, Claremont, CA, effective September 1, 2011, through June 30, 2013. The University will provide interns for active participation in the duties and functions of classroom teaching under the direct supervision and instruction of employees of the District holding valid teaching credentials issued by the Commission on Teacher Credentialing. The interns will not displace a certificated employee(s) of the District, and must meet the University's competencies or the District's performance criteria during the course of the program. The interns will assume the functions that are authorized by the regular standard credential (EC 44454), and the interns' services will meet the instructional service needs of the District (EC 44458). The interns' salaries will be in accordance with the Internship Act of 1997.

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

8.42 - Amendment to the Agreement with Musick, Peeler & Garrett, LLP to Provide Legal Services for Labor, Personnel, and Employment Issues

BE IT RESOLVED that the Board of Education approves amending the agreement with Musick, Peeler & Garrett, LLP, Los Angeles, CA, approved by the Board on July 5, 2011, Agenda Item 7.14. The amendment is necessary to add \$22,513.00, to the initial fee of \$32,000.00, for an aggregate total not to exceed \$54,513.00, for additional legal work regarding Personnel Commission of the San Bernardino City Unified School District matters and to add \$10,000.00, for conflict of interest legal consultation and assistance with the disciplinary appeal of Abe Flory, effective July 1, 2011, through June 30, 2012. The additional fees will be paid from the Unrestricted General Fund—Legal Fees, Account No. 077. All other terms and conditions will remain the same.

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

8.7 - Educational Services Budget – Fiscal Year 2011-2012

Barbara Flores asked for clarification on this item.

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

BE IT RESOLVED that the Board of Education approves the addition of \$109,016.80 incurred at this time, in the budgeting of unrestricted expenditures for the Unrestricted General Fund Program 01, Educational Services, Account No. 031.

9.0 - Action Items

9.1 - Approval to Apply for State Grant Funds for the Proposed Pakuma K-8 School Project

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

BE IT RESOLVED that the Board of Education approves seeking State funding for New Construction of the Pakuma K-8 School Project under the State School Facility Program and acknowledges that State funds for the purpose of housing students are being diverted to an alternative use, specifically for a different grade level configuration and that the State has satisfied its obligation to house the students for which it is receiving grant units.

BE IT FURTHER RESOLVED that the Board of Education approves the housing plan (Exhibit A) that identifies how the District has housed, or will house, the students receiving grants at the Proposed Pakuma K-8 School Project. Below is a chart that demonstrates how the additional 216 K-6 students will be housed:

Exhibit A

Plan to Accommodate K-6 th Student Grants Being Utilized at Pakuma K-8 School							
	<i>K-6 Student Grants Requested</i>				<i>216</i>		
Project	Grade Level	# CRs	District Loading	State Loading	District Capacity	State Capacity	Excess Capacity
Pakuma K-8	K-6	27	30	25	810	675	135
Little Mountain	K-6	24	30	25	720	600	120
Total		51			1,530	1,275	255

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9.2 - Personnel Report #9, Dated November 1, 2011

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

BE IT RESOLVED that the Personnel Report #9, dated November 1, 2011, be approved as presented (see page ____). Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

SESSION EIGHT - 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

One Administrative Position

Conference with Legal Counsel: Anticipated Litigation

Number of Cases: One

SESSION NINE – Open Session

11.0 - Action Reported from Closed Session

No reportable action was taken.

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SESSION TEN - Closing

12.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 8:10 p.m.

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