

San Bernardino City Unified School District

Minutes of a Regular Meeting of the Board of Education

**MINUTES
ADOPTED
5/11/10**

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

April 6, 2010

5:30 p.m.

Present: President Danny Tillman; Vice President Barbara Flores; Board Members Louise Ayala, Judi Penman, Lynda Savage, and Elsa Valdez; Superintendent Arturo Delgado; Deputy Superintendent Judy White; Chief Business and Financial Officer Mohammad Islam, Associate Superintendent Mel Albiso, Assistant Superintendents Dayton Gilleland, Yolanda Ortega, John Peukert, Paul Shirk, and Harold Vollkommer; and Superintendent's Assistant Phyllis Gronck. Minutes recorded by Administrative Assistant Jennifer Owens.

Absent: Board Member Teresa Parra Craig

SESSION ONE - Opening

1.0 - Opening

1.1 - Call to Order

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

1.2 - Pledge of Allegiance to the Flag

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

SESSION TWO - Special Presentations

2.0 - Special Presentations

2.1 - Recognition of Public Schools Month

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

WHEREAS the Board of Education of the San Bernardino City Unified School District joins the Free and Accepted Masons of California in declaring April as Public Schools Month and recognizing the value of public education in the lives of our citizens; and

WHEREAS “Public schools – the foundation of our democracy,” is this year’s theme for Public Schools Month; and

WHEREAS concern for the common good and well-being of all citizens is one of the highest virtues of American democracy, and generations ago our ancestors recognized the importance of this virtue by creating the public school system; and

WHEREAS public schools are responsible, not only for sound instructional programs that prepare and equip our youth to have productive lives as adults, but also for instilling in our children a love of freedom and appreciation for the benefits of living in a democratic society; and

WHEREAS with community support throughout California, public schools can bring a variety of educational opportunities into the classrooms to benefit all children;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does declare the month of April to be Public Schools Month and does acknowledge the role of public education in developing students educationally and socially.

2.2 - Recognition of National Volunteer Week

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

WHEREAS the Board of Education of the San Bernardino City Unified School District wishes to acknowledge the role played by volunteers in our schools and joins school districts in California and the U.S. in recognition of National Volunteer Week; and

WHEREAS the Board of Education appreciates and gratefully accepts the contributions and conscientious efforts made by volunteers to bring strong and constructive guidance to the learning environment of schools in the District; and

WHEREAS school volunteers have become an integral part of school campuses, handling countless responsibilities from assisting students in classrooms and libraries to mentoring young people who desperately need positive role models; and

WHEREAS school volunteers also form an essential link with the community and help to show our youth that the greater community cares for their welfare and supports them in their efforts to grow and become hard-working, thoughtful, and responsible adults; and

WHEREAS the role of school volunteers and their contributions to students deserves recognition and celebration by students, teachers, and staff members throughout the District;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to join others in the state and nation in declaring April 18-24, 2010, as National Volunteer Week.

SESSION THREE – Student Report/School Showcase

3.0 - Student Report/School Showcase

3.1 - San Bernardino High School

Ashley Jonson, Student Board Representative from San Bernardino High School, reported on activities taking place at the District high schools during the month of April. Principal Sandra Rodriguez discussed the interventions programs being used at San Bernardino High School. Program Specialist Manuel Romero described their I PASS program. Mr. Romero said they are looking for ways to incorporate PE, fine arts, and career courses into the program.

President Tillman moved Action Item 10.1 forward on the agenda.

10.1 - Review of the Charter Petition for the Carden Virtual Academy Charter School

District staff review of the charter petition for the Carden Virtual Academy Charter School indicates that the petition does not contain a reasonably comprehensive description of all the element requirements for the establishment of a California charter school as stipulated in California Education Code sections 47605-47608. Specifically, the petition is not reasonably comprehensive in regard to the measurable pupil outcomes (Element 2) or methods of measuring progress for English Language Learners (Element 3).

Findings of Education Code 47605: Teacher and/or Parent/Guardian Endorsement:

Education Code section 47605 requires that the petition be signed by a number of parents or guardians of pupils equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation or that the petition be signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation.

Findings: The petition includes the signatures of eighteen (18) teachers stating that they are meaningfully interested in teaching at the Charter School. With an initial enrollment projection of 300 students for the first year of operation (2010-11), the number of teacher signatures is sufficient to meet this requirement.

Requirement Element 1: The charter must contain a description of the educational program of the school, designed, among other things, to identify those whom the school is attempting to educate, what it means to be an “educated person” in the 21st century, and how learning best occurs. The goals identified in that program shall include the objective of enabling pupils to become self-motivated, competent, and lifelong learners.

Findings:

- The petition makes reference that students will be “working at their own pace” and utilizing a modular learning model which is then contradicted when it describes its pacing schedules and tighter alignment to assignments.
- There is detailed reference to Response To Intervention (RTI) and No Child Left Behind (NCLB) legislation as a systematic method for evaluating the needs of all students through interventions. The petition indicates that the charter school will utilize research-based core instructional delivery model for all students (Tier 1) plus more intensive, small group or 1:1 delivery model for students who are not at grade level (Tier 2) and an alternative core curriculum for students who are not successful with Tier 1 or Tier 2 methodology.
- The petition indicates that progress monitoring meetings will be held every 10 days for students who are not at benchmark in reading.
- The content of the charter petition related to special education is accurate and valid.
- The petition indicates that the charter is not yet WASC accredited, and therefore students potentially returning to the District and then seeking college entrance would be at a significant disadvantage in terms of coursework being accepted for university admission. The petition includes language that indicates advance notice to all students and parents that Carden Virtual Academy is pursuing WASC accreditation and that all credits earned before accreditation may or may not be recognized by other schools, colleges, and universities.
- The petition describes a detailed plan regarding the educational program for English learners. It is clear that the petitioner expects to provide an appropriate English Language Development (ELD) program for English learners. The petition describes how English learners will be placed, the curriculum to be used, and that ELD instruction will occur consistently.
- English Language Learners will be assigned to a self-contained classroom where students will be grouped together for their ELD course and lessons will be planned according to the students’ English language proficiency levels.
- The petition specifies that the charter school will serve English learners, socioeconomically disadvantaged students, and ethnic subgroups that have a significant representation in the local community.

The petition meets this element requirement.

Requirement Element 2: The charter must contain the measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to

which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program.

Findings:

- The petition adequately covers assessment and testing criteria, but is very general on federal and state high-stakes measures of accountability.
- There is a general statement indicating that all AYP and API targets will be met, but details in the achievement goals do not specifically address all of the multiple growth requirements outlined in NCLB and PSAA. The petition stipulates that the percentage of English learners, socioeconomically disadvantaged, and significant ethnic subgroup students who demonstrate proficiency in math and language arts will increase by 7.5% per year until reaching the achievement level of their peers.
- The petition specifies that the charter school is committed to the RTI model and will use formative assessments to drive instructional practices and create a preventative approach using data driven decision making.
- The petition indicates that English Learners will demonstrate the equivalent of one year's academic growth each year on the CELDT. This measure should specify a target of one year's growth in students' English language proficiency, as measured by the CELDT. There are no identified expectations for English Learners in terms of ELD progress.

The petition does not meet this element requirement.

Requirement Element 3: The charter must contain the method by which pupil progress in meeting those pupil outcomes is to be measured.

Findings:

- Again, CELDT is mentioned in this section, however, there is no information on how ELD progress will be measured and with what frequency.
- There is a section that references the use and reporting of data with a chart that identifies the data to be reported, the frequency of reporting, and the specific time for each report (pages 88-9). However, this section does not reference the administration of the CELDT or any other assessment that would be specific to proficiency measures of development for English learners.

The petition does not meet this element requirement.

Requirement Element 4: The charter must contain the governance structure of the school, including, but not limited to, the process to be followed by the school to ensure parental involvement.

Findings:

- The charter petition indicates that the school will ensure that parents have an opportunity to participate in the governance of the school through involvement in the Charter School

Advisory Council. The petition further stipulates that the council will be composed of three parents, three teachers, a student representative, and that the principal shall attend all advisory council meetings and report Advisory Council recommendations to the Board of Directors.

- The charter states that it will not require any employee and/or student to participate in the charter school Advisory Council of the Governing Board.

The petition meets this element requirement.

Requirement Element 5: The charter must contain the qualifications to be met by individuals to be employed by the school.

Findings:

- Teacher qualifications including the requirements of an English learner authorization (i.e. CLAD/BCLAD) for teachers who instruct English Learners are included.
- The signatures of teachers who indicate meaningful interest in teaching at the charter school are sufficient in number to meet the Education Code requirement (E.C. 47605); however, the qualifications of interested teachers are not sufficient to meet the curricular needs of students in the secondary school environment and would not meet the highly qualified teacher stipulations set forth in NCLB. Additional teachers will be needed to meet this requirement upon the initial opening of the school.

The petition meets this element requirement.

Requirement Element 6: The charter must contain the procedures that the school will follow to ensure the health and safety of pupils and staff. These procedures shall include the requirement that each employee of the school furnish the school with a criminal record summary as described in Education Code section 44237.

Findings:

- The charter petition states that employees will be required to have a fingerprinting/criminal background check per Education Code 44237. The petition specifies that the Live Scan service will be utilized, the employment criteria related to all background checks, as defined in Education Code 44011 and 45123, the maintenance of such records and compliance with Sections 700-708 inclusive of Title II, of the California Code of Regulations and Section 11077 of the penal code.
- The petition states that employees will be required to submit tuberculosis clearance as a condition of employment and indicates that employees who test negative will be required receive further examination at least once every four years.
- The charter petition states that the school will maintain all necessary and appropriate insurance coverage.
- The petition does not mention that the District will be named as additional insured.

The petition meets this element requirement.

Requirement Element 7: The charter must contain the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted.

Findings:

- The petition states that the charter school will implement a student recruiting strategy that includes elements or strategies to ensure a racial and ethnic balance among students that is reflective of the territorial jurisdiction of the District.
- The charter intends to use a variety of methods to inform families about the school and provide them an opportunity to enroll. Strategies include the school's website, the internet, billboards and signs, radio/TV, print media, direct mail and e-mail campaigns, information sessions, and parent referrals/"word of mouth."
- The petition states that all student recruitment materials will be provided in both Spanish and English.

The petition meets this element requirement.

Requirement Element 8: The charter must contain admission requirements, if applicable.

Findings:

- The petition indicates that all students who wish to attend the school shall be admitted, subject only to capacity.
- The charter will conduct outreach efforts to ensure that the school is equally accessible to low achieving and economically disadvantaged students and to encourage the enrollment of such students.
- Provisions for a public random drawing are defined, in the event that the number of students who wish to attend the school exceeds the school's capacity in any grade level.

The petition meets this element requirement.

Requirement Element 9: The charter must contain the manner in which annual, independent, financial audits shall be conducted, which shall employ generally accepted accounting principles, and the manner in which audit exceptions and deficiencies shall be resolved to the satisfaction of the chartering authority.

Initial Petition Findings:

- The initial charter petition indicated a net state aid that was overstated in each of the projected years.
- The District's 5% reserve requirement was not met in earlier budget projections.
- The initial petition included an overall enrollment projection that the District determined to be overstated.

- Based on the revised Budget Projections and Assumptions it appears that the Carden Virtual Academy meets all requirements under Element 9.

The petition meets this element requirement.

Requirement Element 10: The charter must contain the procedures by which pupils can be suspended or expelled.

Findings:

- The petition states that procedures by which students can be suspended or expelled will adhere to stipulations set forth in California Education Code.
- Specific offenses are enumerated and consistent with the Education Code.
- The petition indicates that alternatives to suspension or expulsion will first be attempted with students who are truant, tardy, or otherwise absent from assigned school activities.
- The petition stipulates that the pupil shall have a right of appeal from expulsion from the charter school if the San Bernardino County Board of Education agrees to accept appeals from charter school pupils. If the San Bernardino County Board of Education does not agree to accept appeals from charter school pupils, the decision of the Charter School Board shall be final.

The petition meets this element requirement.

Requirement Element 11: The charter must contain the manner by which staff members of the charter schools will be covered by the State Teachers' Retirement System, the Public Employees' Retirement System, or federal social security.

Findings:

- The petition indicates that employees will participate in the State Teachers Retirement System (STRS) and the Public Employee Retirement System (PERS) as applicable to their position.
- Further indication is given stating that all employees, except for those participating in STRS, shall participate in the Social Security system.

The petition meets this element requirement.

Requirement Element 12: The charter must contain the public school attendance alternatives for pupils residing within the school district who choose not to attend charter schools.

Findings:

- The petition indicates that no student may be required to attend the charter school.
- Parents and guardians of each student enrolled in the charter school will be informed on admissions forms that the students have no right to admission in a particular school of a

local education agency as a consequence of enrollment in the charter school, except to the extent that such a right is extended by the local education agency.

The petition meets this element requirement.

Requirement Element 13: The charter must contain a description of the rights of any employee of the school district upon leaving the employment of the school district to work in a charter school, and any rights of return to the school district after employment at a charter school.

Findings:

The petition meets this element requirement.

Requirement Element 14: The charter must contain the procedures to be followed by the charter school and the entity granting the charter to resolve disputes relating to provisions of the charter.

Findings:

The petition meets this element requirement.

Requirement Element 15: The charter must contain a declaration whether or not the charter school shall be deemed the exclusive public school employer of the employees of the charter school for the purposes of the Educational Employment Relations Act [Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 4 of Title 1 of the Government Code].

Findings:

The petition meets this element requirement.

Requirement Element 16: The charter must contain a description of the procedures to be used if the charter school closes. The procedures shall ensure a final audit of the school to determine the disposition of all assets and liabilities of the charter school, including plans for disposing of any net assets and for the maintenance and transfer of pupil records.

Findings:

- The petition provides a detailed protocol for the closure of the charter school.
- This protocol includes notification to parents the District, the County Office of Education, the School's SELPA, the retirement systems, and the California Department of Education of the closure and the effective date of such closure.
- The notification will also identify contact information, the students' school districts of residence, and the manner in which parents/guardians may obtain copies of pupil records.

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- As soon as reasonably practical, the charter will prepare final financial records and will have an independent audit completed within six months of closure.
- The school will pay for the final audit, to be prepared by a qualified Certified Public Accountant, and provided to the District promptly upon its completion.
- On closure, the charter school shall remain solely responsible for all liabilities arising from the operation of the school.

The petition meets this element requirement.

Dayton Gilleland reported that District staff worked with representatives of Carden Virtual Academy Charter School and legal counsel. Two of the 16 elements were not met and require additional work.

Timothy Smith reported that Carden Virtual Academy is looking forward to the opportunity to improve.

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

BE IT RESOLVED that the Board of Education adopts the findings regarding the charter petition submitted by the Carden Virtual Academy Charter School.

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

BE IT FURTHER RESOLVED that the Board of Education approves the charter petition submitted by the Carden Virtual Academy Charter School for an initial period of three (3) years, with an expiration date of June 30, 2013, and with the following conditions:

1. The petitioners will identify a specific location of the charter school facility within the San Bernardino City Unified School District boundary before June 1, 2010.
2. The petitioners will provide evidence that the charter board has approved a Conflict of Interest policy prior to June 1, 2010.
3. The charter group must specify ELD objectives, measurable targets, and assessment(s) to be utilized to monitor students' English Language Development progress by June 1, 2010.
4. Actual student enrollment at the school will be reflected in the P1 attendance report via an attendance accounting system that is valid and compatible with the District's accounting procedures. A discrepancy of 5% or more from the projected enrollment submitted in the petition will require an adjusted budget plan, due within 30 days of the 1st Interim Report submission to the District (December 15, 2010).

SESSION FOUR - Administrative Presentation

4.0 - Administrative Presentation

4.1 - Communications/Community Relations Update

Dr. Delgado reported that the Board had requested a report on the Communications/Community Relations Department. Linda Bardere, APR, Director, and Richard Carlos, Reprographics Supervisor, reported on the activities of the Communications and Printing Services Departments for the 2008-2009 school year (see page ____).

Barbara Flores asked Staff to develop a strategic plan to inform parents of the SIG schools. It needs to be more sustainable, possibly running a weekly column in the newspaper. Danny Tillman stated that we have tried to work with *The Sun* before and we should consider paying for a column.

James Butts stated that it has been a pleasure working with the Communications staff through his work with the *Westside Story* and *Black Voice News*. Mr. Butts stated it is important to have a staff person who knows how the public relations system works. Mr. Butts announced that Chief Gary Underwood is going to retire and expressed his hope that the Board would find someone who has the same high standards.

President Tillman moved Session Six forward on the agenda.

SESSION SIX – Other Matters Brought By Citizens

6.0 - Other Matters Brought by Citizens

Adult School Principal Charlie Brown announced that the Adult School opened in April 1920, and they are having a 90th birthday celebration on May 14. Elsa Valdez asked if there are waiting lists to enroll at the Adult School. Mr. Brown said some classes have waiting lists. Dr. Valdez asked if they can receive any funds after the May Revise. Mohammad Islam stated that he can bring back a report after the May Revise. Danny Tillman reported that some districts are closing their adult schools and asked if students are enrolling from other cities. Mr. Brown stated that students from other cities are enrolled.

Norm Foisy, First Student Contract Manager, reported that his company has a 30-year history of providing bus service to the District. They have worked to provide the best service and have a 98 percent on-time rate. Mr. Foisy stated that Bid No. 03-10, Bus Transportation Services is on the agenda tonight and Staff has recommended the contract be awarded to Durham Student Services. Mr. Foisy asked the Board to consider the following issues with Durham. Can they get their vehicles here on time and up and running? They need to be certified by the California Highway Patrol and SCAQMD. SCAQMD approval can take several months. First Student

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submitted a responsible bid. They reduced their rates in the past through technology and reduced idling time. Barbara Flores asked if First Student hires local drivers. Mr. Foisy stated that 320 employees are from the greater San Bernardino area. Judi Penman stated that she would like to pull this item and have Staff look into Mr. Foisy's concerns. Lynda Savage agreed with Mrs. Penman. The difference in the bid amount is small. If there has been a problem with First Student, the Board should hear it. Mr. Foisy stated that they could give back the cost of the performance bond if the District waives it based on their long history. Danny Tillman stated that First Student has been a great partner and asked if there are other things the Board can consider. Mr. Islam stated that we can't waive the performance bond. Mr. Foisy stated that the bid says the Board doesn't have to accept the lowest bid. Dr. Flores requested a copy of the code requiring the Board to accept the lowest bid.

Gary Chetoni, Durham School Services, stated that it is his company's intent to move local, offer equal wages, and keep the First Student drivers. Durham School Services has been in business since 1917, and have had some of the same customers. They have a commitment letter from the manufacturer that the buses will be here on time. Their special ed buses will be air conditioned. The buses have GPS and camera systems. They have new green fleets and 50 CNG buses. They have signage space available for the District to advertise. All buses will meet AQMD requirements.

Tim Williamson, Public Safety Academy (PSA) teacher, expressed his concern about the treatment teachers receive from the administration. Mr. Williamson said that PSA Board meetings have been canceled if parents attend. Mr. Williamson also expressed his concern about the safety of the school because it is located on a Super Fund site. President Tillman stated that the Superintendent will follow up with his concerns.

Peg Tracey stated that she represents the California Teachers Association in San Bernardino and the PSA teachers association. Ms. Tracey stated that Mr. Williamson's issues should be a concern to the Board because they have an oversight responsibility. The PSA administrators have refused to negotiate with her.

Richard O'Howell, Pacific High School student and California Cadet Corps member, reported that he earned first place at a recent competition, which means he should compete at the state level on Saturday. He was informed yesterday that he won't be going due to a discipline issue, but the second place cadet will be going instead. Dr. Gilleland stated that he would contact him tomorrow morning.

Victoria Mindiola reported that this is a grave injustice to Richard O'Howell. He made a mistake and continues to be disciplined. He deserves this honor and asked the Board to defend him. Ms. Mindiola reported that he son was beaten badly on a First Student special ed bus. She was told nothing could be done because the camera wasn't working.

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Rebecca Clark, Citrone Robinson, and Derneeka Childers thanked the Board for allowing them to attend the CAAASA Conference. They learned effective practices they will share with others.

Calvin Dalke of Dalke and Sons Construction implored the Board to not adopt a Project Labor Agreement (PLA). His employees receive medical and retirement plans.

David Bertino, manufacturing cabinet contractor in San Bernardino, stated that his company is working on three schools now. A PLA would affect him and merit shops and are only good for unions. PLAs cut down the competition and prices go up.

Raul Guedea, Jr., contractor, stated that they provide a program where apprentices receive free training, but they would be excluded under a PLA. Most of what PLAs stand for are already law. Mr. Guedea asked the Board to not approve a PLA and leave it to open competition.

John Field, Oakview Construction, reported that a PLA won't help local people. Mr. Field belongs to the ABC program and they pay the prevailing wage and offer health insurance. It wouldn't be fair to not allow him to bid on projects in the future.

Ken Coate, chair of a contractors association, stated that they don't support PLAs. It will eliminate local workers. The District would have to pay to monitor the PLA. Mr. Coate stated that the District is getting great prices now and advised against a PLA.

Tom Brickley of Brickley Environmental stated that they have 75 employees. They offer prevailing wages, health insurance, and a retirement plan. Mr. Brickley asked the Board to not adopt a PLA because they restrict the bidding process.

Eric Christen stated that his organization is opposed to PLAs and is trying to meet with the ICUC students to share their perspective. PLAs make it almost impossible for merit shops to bid on projects. Bids would be reduced and prices would increase.

Gary Cufford reported that he was the lowest bidder for RFP No. 04-10, Refuse & Waste Hauling and Recycling Services, which is being recommended by Staff to be rejected. He followed instructions and asked the Board to approve his bid instead of rejecting it.

SESSION FIVE - Administrative Reports

5.0 - Administrative Reports

5.1 - Peer Assistance and Review (PAR) Report of Participation

The Peer Assistance and Review (PAR) program was initiated as one of the Governor's reform measures in 2000. The Peer Assistance and Review program was successfully implemented in the District during the 2000-2001 school year and has continued with strong success to date. The

Memorandum of Understanding between the San Bernardino City Unified School District and the San Bernardino Teachers Association, requires that by April 15, the Joint Panel must review all peer assistance reports and forward the names of participants who, after assistance, are not able to demonstrate satisfactory improvement.

During the 2009-2010 school year, the Peer Assistance and Review Program has served 109 teachers. The breakdown of service is listed below:

Emergency Permit Teachers:	10 (6 High School/4 Middle School)
Tenured Teachers (Unsatisfactory):	7 (4 Middle School/3 Elementary School)
Tenured Teachers (Self-Referral):	71 (3 High School/17 Middle School/ 51 Elementary School)
P2 Teachers (Self-Referral):	9 (1 High School/3 Middle School/ 5 Elementary School)
P1 Teachers (Unsatisfactory):	1 (1 Middle School)
P1 Teachers (Self-Referral):	4 (2 Middle School/2 Elementary School)
Intern (Unsatisfactory):	1 (1 High School)
Intern (Self-Referral):	4 (3 Middle School/1 Elementary School)
Emergency (Self-Referral):	2 (2 High School)

Of the 109 teachers served, it was the conclusion of the Joint Panel that 105 benefited satisfactorily and 4 did not.

The Board of Education received specific names of those teachers who participated in the Peer Assistance and Review (PAR) Program during the 2009-2010 school year, as well as those who did not benefit from sustained assistance in Board Correspondence.

SESSION SEVEN - Reports and Comments

7.0 - 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.

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Barbara Flores reported that she attended a STEM conference last week and learned there are a lot of programs we can apply for. Dr. Flores asked for the cost of class sizes of 20:1 at Grades K-3; 25:1 at Grades 4-5; 20:1 at the high school; and 15:1 at the elementary SIG schools. President Tillman stated that there are several school districts that have filed qualified budgets and we haven't heard that we will get any more money. Judi Penman stated that the RTI program is making a big difference and Dr. Flores' request isn't attainable. Dr. Flores asked to see all the funding sources and ending balances. Mohammad Islam stated that the District can't use federal funds for class size reduction. President Tillman suggested that Dr. Flores meet with Mr. Islam. It is important for us to be fiscally sound. After the May Revise they can relook at it. We always promised unions we would restore funds to them. QEIA schools will remain at 20:1.

Lynda Savage stated that she would like to have a workshop to get additional information on the SIG schools before being asked to vote. She would like to know all of the ramifications. Judi Penman agreed and stated that a workshop would be worthwhile. Dr. Delgado stated that it is his intent to bring it to the Board on April 20. Danny Tillman stated that the Superintendent will give them information and then they can decide if they need another meeting.

Danny Tillman reported that he attended community forums at Arroyo Valley High School and Rio Vista and Hunt Elementary Schools. The state didn't analyze the District's interventions. The state is positioning itself to get Race to the Top money. Mr. Tillman suggested that Board members go to Sacramento to lobby. Changing principals doesn't guarantee you will find one that will make an improvement.

Judi Penman stated that parents need to be held accountable. It is not fair to make the teachers and administrators the scapegoats.

7.1 - Legislative Update

Barbara Flores reported that she and Jim Davenport from Alcalde & Fay met with staffers from Congressmen Jerry Lewis, Joe Baca, and Gary Miler and Senators Dianne Feinstein and Barbara Boxer regarding four District projects for possible funding. Dr. Flores stated that the District is to notify Senators Boxer and Feinstein when they should write letters of support. Jim Davenport will let us know when the money is available.

8.0 - Report by Superintendent and Staff Members

Dr. Delgado thanked Board members for attending the community forums. Dr. Delgado stated that a workshop is a good idea. He has visited all 11 schools. We are committed to making changes in a timely way. The Promise Neighborhood Initiative can be blended into some of these requirements.

Dr. Delgado stated that he has scheduled meetings to hear the pros and cons of a PLA on April 15, and 16.

Dr. Delgado announced that the ACSA Region 12 Annual Awards meeting will be held at the University of Redlands on April 19. Deputy Superintendent Judy White and Adult School Vice Principal Janie Roselius will be honored.

SESSION EIGHT - Legislation and Action

9.0 - Consent Items (When considered as a group, unanimous approval is advised.)

Certain items of business require review and approval by the Board of Education. Other items are for information and review only. Therefore, the following items are grouped as a consent list for receipt and approval. When members have questions about items included in the consent calendar, these items are pulled out of the group and considered separately.

Consent items 9.27 and 9.29 were held for later consideration.

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

9.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on March 2, and March 9, 2010, be approved as presented.

9.2 - 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.

9.3 - Payment of Master Teachers – Azusa Pacific University

BE IT RESOLVED that the Board of Education approves payment for services as master teachers during the Fall Session 2009, as provided for in the Agreement with Azusa Pacific University, as follows:

Bartels, Coley	\$100.00	Lin-Koster, Patty	\$100.00
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9.4 - Payment of Master Teachers – University of Redlands

BE IT RESOLVED that the Board of Education approves payment for services as a master teachers as provided for in the Agreement with the University of Redlands, as follows:

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Gallardo, Ray	\$100.00	Mc Gilvery, Wayne	\$100.00
Sole, Carol	\$100.00		

9.5 - 2010-2011 English Language Acquisition Program (ELAP)

BE IT RESOLVED that the Board of Education authorizes the English Learner Programs Office to submit a District Application for Funding for the 2010-2011 English Language Acquisition Program (ELAP).

BE IT ALSO RESOLVED that the Board of Education certifies that the District will meet the requirements listed above.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, and Judy D. White, Deputy Superintendent, to sign documents related to the application and implementation of the English Language Acquisition Program.

9.6 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$10,000.00, San Manuel Band of Mission Indians; \$100.00, Charles and Cynthia Peterson; \$100.00, Robert and Yolanda Gallegos; \$100.00, Terence Welsh II; \$100.00, Kellie Maxwell; \$500.00, George Murillo; \$100.00, Robert and Donna Eatinger; \$200.00, Style Effects II Beauty Salon; \$500.00, Alaina Mathews; \$300.00, James Ramos and Rowena Ramos; \$200.00, Tracy Kang; \$500.00, Kellie Vollkommer Trustee; \$100.00, Robert and Diane Balderama; \$100.00, Melonie Calderon; \$200.00, Brennan Electric; \$225.00, Edison International; and \$2,000.00, Sempra Energy Foundation.

9.7 - 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:

Alegria, Aida	To attend the California Association for Bilingual Education - Parents and Para - Educators: Engaging Learning Communities to Strengthen Programs for English Learners, Region IV, in Riverside, CA, on May 26, 2010. Total cost, not to exceed \$2,560.00, will be paid from Accountability Department Account No. 501.
Ceja, Silvia	
Famutimi, Odunola	
Garcia, Rosalia	
Gonzalez, Henry	
Granados, Esperanza	
Guzman, Olga	
Leigue, Benicio	
Leigue, Maria	
Lopez, Marian	
Lopez, Roberto	

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Mandujano, Maria
Nieto, Leonila
Nolasco, Joel
Nolasco, Silvia
Van Aken, Magdalena
(Board Representatives, Parents)

Alvizar, Alma D.
Baeza, Daniel
Botello, Cathlene
Calderon, Sara
Canedo, Melina
Canteo, Michael Angelo
Carroll, William D. Sr.
Castillo, Annie
Chavez, Rosa
Clark, Gail
Clark, Kurtis
Contreras, Leslie
Davidson, Loreal
Jones, Shamia
Jones, Sheme're
Krell, Kristin
Maldonado, Vanessa M.
Medina, Ashley
Navar, Juana
Rainbolt, Desiree
Reddick, La-Kyshia
Rodriguez, Elaine
Saldana, Lizzie
Sanders, Gandalf
Tipton, Jennifer
Ulloa, Shaina
Uy, Sarrine
Warren, Nadifa
Wright, Laura Ann
(Board Representatives, Youth Leaders)

To attend the BOOST – Best Of Out Of School Time Conference, Palm Springs Convention Center, in Palm Springs, CA, April 28, through May 1, 2010. Total cost, including meals and mileage per District guidelines, not to exceed \$24,679.00, will be paid from CAPS ASES Account No. 459.

9.8 - Cafeteria Warrant Register, Ending February 28, 2010

BE IT RESOLVED that the Cafeteria Warrant Register, ending February 28, 2010, be approved.

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

9.9 - Commercial Warrant Registers for period from February 16, through February 28, 2010

BE IT RESOLVED that the Commercial Warrant Register for period from February 16, through February 28, 2010, be approved.

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

9.10 - 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 2009-10 school year and approves payment to the following:

Drumtime for two Drumtime Rhythm Rally performances on April 28, 2010. The cost, not to exceed \$1,200.00, will be paid from Lincoln Elementary School Account No. 459.

Prismatic Magic for a performance on April 20, 2010. The cost, not to exceed \$695.00, will be paid from Cesar Chavez Middle School Account No. 039.

University of Phoenix for various presentations by Kayava Lenoir during the remainder of the 2009-10 school year. Presentations will be free of charge.

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

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

Ron Simmons to serve as an assignor for the middle schools Basketball Program, scheduled from February 22, through April 20, 2010. The cost, not to exceed \$500.00, will be paid from Restricted General Fund – Intermediate Sports Program, Account No. 209.

The persons listed below as officials for the middle schools Basketball Program, scheduled from February 22, through April 20, 2010. The cost, \$30.00 per game, will be paid from Restricted General Fund – Intermediate Sports Program, Account No. 209.

Dave Farmer, Robert Huckleby, Greg Jones, Eric Manker, Robert Burries, Benet Benfield, Ron Simmons, Lady Jackson, Robert Murphy, Richard Simmons, Larry Olsen, and Ray Reyes.

9.12 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$1,500.00 in the budgeting of expenditures and revenues for the restricted program, Project Inspire Grant Program (116).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$20,929.00 in the budgeting of expenditures and revenues for the restricted program, Quality Education Investment Act Program (436).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$34,705.00 in the budgeting of expenditures and revenues for the restricted program, Youth Risk Behavior Survey (520).

BE IT FURTHER RESOLVED that the Board of Education approves the increase of \$1,781.00 in the budgeting of expenditures and revenues for the restricted program, Fund 12-Instructional Materials, Contract CIMS 9495.

9.13 - Payment Authorization to San Bernardino High School Associated Student Body Fund

BE IT RESOLVED that the Board of Education approves exercising its authority under EC 48930 to authorize a one-time payment in the sum of \$162,109.22 as a loan to the San Bernardino High School ASB fund.

BE IT ALSO RESOLVED that the Board of Education authorizes a one-time payment be made from Unrestricted General Fund to the San Bernardino High School ASB fund. As a condition of the authorization, a repayment plan will be submitted within 30 days to the Business Services Division.

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

9.14 - Emergency Repairs for Flooding at the Adult School Facility

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

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

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BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign all documents deemed necessary for remediation and restoration work caused by the flooding at the Adult School facility.

9.15 - Extended Field Trip, Rodriguez PREP Academy, Odyssey of the Mind State Finals, San Francisco, California

BE IT RESOLVED that the Board of Education ratifies the extended field trip for seven Rodriguez PREP Academy students and two District employees to attend the Odyssey of the Mind State Finals, in San Francisco, California, March 25, through March 28, 2010. The cost of the trip, not to exceed \$1,100.00, including meals and lodging for seven Rodriguez PREP Academy students and two District employees, will be paid from Rodriguez PREP Academy Account No. 204 and by sponsorship from anonymous sponsors. Transportation provided by private vehicles driven by students' parents and District employees, not to exceed \$670.00, will be paid from Rodriguez PREP Academy Account No. 204 and by sponsorship from anonymous sponsors. Names of the students are on file in the Business Services office.

9.16 - Extended Field Trip, Arrowview Middle School, Sea World Adventure Camp, San Diego, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 16 Arrowview Middle School students and 3 District employees to attend the Sea World Adventure Camp, in San Diego, California, May 8, through May 9, 2010. The cost of the trip, not to exceed \$3,125.00, including meals and lodging for 16 Arrowview Middle School students and 3 District employees, will be paid from Arrowview Middle School Account No. 459. Transportation provided by First Student bus lines, not to exceed \$1,403.00, will be paid from Arrowview Middle School Account No. 459. Names of the students are on file in the Business Services office.

9.17 - Extended Field Trip, Cajon High School, California State Thespian Festival 2010, Ontario, California

BE IT RESOLVED that the Board of Education ratifies the extended field trip for 15 Cajon High School students, 1 chaperone, and 2 District employees to attend the California State Thespian Festival 2010, in Ontario, California, March 26, through March 28, 2010. The cost of the trip, not to exceed \$4,720.00, including meals and lodging for 15 Cajon High School students, 1 chaperone, and 2 District employees, will be paid from Cajon High School Drama Club ASB Account. Transportation will be provided by private vehicle's driven by District employees and chaperone at no cost. Names of the students are on file in the Business Services office.

9.18 - Extended Field Trip, Cajon High School, Heritage Festival, Las Vegas, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 45 Cajon High School students, 6 chaperones, and 2 District employees to attend the Heritage Festival, in

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Las Vegas, California, April 8, through April 11, 2010. The cost of the trip, not to exceed \$14,100.00, including meals and lodging for 45 Cajon High School students, 6 chaperones, and 2 District employees, will be paid from the Gold Star Band Booster funds. Transportation provided by JC Tours, not to exceed \$2,555.00, will be paid from the Gold Star Band Booster funds. Names of the students are on file in the Business Services office.

9.19 - Extended Field Trip, Cajon High School, Hugh O' Brian Youth Leadership Seminar, Irvine, California

BE IT RESOLVED that the Board of Education approves the extended field trip for two Cajon High School students and two District employees to attend the Hugh O' Brian Youth Leadership Seminar "HOBY," in Irvine, California, June 18, through June 20, 2010. The cost of the trip, not to exceed \$475.00, including meals and lodging for two Cajon High School students and two District employees, will be paid from Cajon High School Account No. 203. Transportation will be provided by students' parents at no cost. Names of the students are on file in the Business Services office.

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

BE IT RESOLVED that the Board of Education approves the extended field trip for 40 Pacific High School students, 2 chaperones, and 2 District employees to attend the AVID 2010 College Tour, in multiple Northern California locations, May 17, through May 21, 2010. The cost of the trip, not to exceed \$10,365.00, including meals and lodging for 40 Pacific High School students, 2 chaperones, and 2 District employees, will be paid from Pacific High School AVID 2010 Club funds. Transportation provided by a chartered coach, not to exceed \$3,600.00, will be paid from Pacific High School Account No. 511. Names of the students are on file in the Business Services office.

9.21 - Extended Field Trip, San Bernardino High School, Key Club International District Convention 2010, Sacramento, California

BE IT RESOLVED that the Board of Education approves the extended field trip for five San Bernardino High School students and two District employees to attend the Key Club International District Convention 2010, in Sacramento, California, April 9, through April 11, 2010. The cost of the trip, not to exceed \$1,900.00, including meals and lodging for five San Bernardino High School students and two District employees, will be paid from San Bernardino High School Key Club ASB Account and by sponsorship from anonymous sponsors. Transportation provided by America's Express Van Rental, not to exceed \$225.00, will be paid from San Bernardino High School Key Club ASB Account and by sponsorship from anonymous sponsors. Names of the students are on file in the Business Services office.

9.22 - Agreement with Casa Colina Hospital for Rehabilitation to Provide Speech and Language Evaluation to a Certain District Student

BE IT RESOLVED that the Board of Education approves entering into an agreement with Casa Colina Hospital for Rehabilitation, Pomona, CA, to provide speech and language evaluation services to a certain District student (34CFR300.502), effective April 7, through June 30, 2010. The fee, not to exceed \$1,500.00, will be paid from the Restricted General Fund—Special Education, 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.

9.23 - Agreement with Dr. Carrie N. Dilley to Provide Functional Behavior Analysis (FBA) to a Special Education Student

BE IT RESOLVED that the Board of Education approves entering into an agreement with Dr. Carrie N. Dilley, Sierra Madre, CA, to provide a functional behavior analysis to a special education student, effective April 7, through June 30, 2010. The total cost, not to exceed \$3,200.00, will be paid from Restricted General Fund - Special Education, 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

9.24 - Agreement with Sean Dorsett to Provide Programming Services to Upgrade the “Basics2 Curriculum Framework for Students with Severe Disabilities” Program

BE IT RESOLVED that the Board of Education approves entering into an agreement with Sean Dorsett, Moreno Valley, CA, to develop new software to upgrade the “Basics2 Curriculum Framework for Students with Severe Disabilities” program, and develop new software for the Preschool Basics2Benchmarks effective April 7, 2010, through June 30, 2011. The Basics2 assessment is designed to facilitate measuring the level of independence of moderate/severe students across five domains. The cost, not to exceed \$13,000.00, will be paid from the Restricted General Fund—Special Education Central, 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.

9.25 - Amendment of the Agreement with California School Management Group to Provide E-Rate Consulting Services

BE IT RESOLVED that the Board of Education approves amending the agreement with California School Management Group, Rancho Cucamonga, CA, approved by the Board on June 16, 2009, Agenda Item 9.91. The amendment is necessary to add \$8,000.00 to the cost for services due to required compliance for a supplemental audit to the E-Rate program. The

additional cost for services of \$8,000.00, added to the initial cost of services of \$48,000.00 results in an aggregate total not to exceed \$56,000.00, and will be paid from the Unrestricted General Fund—E-Rate/Phone/Tech, Account No. 172.

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

9.26 - Amendment No. 1 to the Agreement with Applied Behavior Consultants, Inc., to Provide Functional Behavior Assessment, Independent Education Evaluation to a District Student

BE IT RESOLVED that the Board of Education approves amending the agreement with Applied Behavior Consultants, Inc., Sacramento, CA, approved by the Board on March 2, 2010, Agenda Item 7.19. The amendment is necessary to ratify the change in start date to February 25, 2010. All other terms and conditions shall remain the same.

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

9.28 - Bid No. F08-06, Mt. Vernon, Rio Vista, and Roosevelt Elementary Schools Modernization Projects

BE IT RESOLVED that the contracts for Bid No. F08-06, Mt. Vernon, Rio Vista, and Roosevelt Elementary Schools Modernization Projects, be awarded to the lowest responsible bidder meeting the specifications, based on the combined Base Bid for all three sites. The cost will be paid from Funds 01 – 707, 21, 35, and 40.

<u>Contractor</u>	<u>Total Base Bid Including Allowance</u>
Great West Contractors, Inc. 4562 E. Eisenhower Circle Anaheim, CA 92807	\$4,895,000.00
Award Total:	\$4,895,000.00

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

9.30 - ReBid No. M09-01, Requirements Contract for Slurry Seal-Coating - Districtwide

BE IT RESOLVED that ReBid No. M09-01, Requirements Contract for Slurry Seal Coating – Districtwide, be awarded to the lowest responsible bidder meeting the specifications, based on the combined composite total of the bid. The term of the bid award is for a total of five years,

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effective April 1, 2010 through June 30, 2015. The total cost, not to exceed \$1,000,000.00, including all annual extensions, will be paid from Funds 01 – 707, 14, 21, 25, 35, and 40.

<u>Contractor</u>	<u>Composite Total</u>
NPG Inc. aka Nelson Paving and Sealing 1354 Jet Way Perris, CA 92571	\$0.203

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

9.31 - Notice of Completion, Bid No. F05-04, Category No. 9, Cajon High School Modernization

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F05-04, Cajon High School Modernization, for the work awarded to the Prime Contractor listed below:

Category No. 9 – HVAC
West-Tech Mechanical, Inc.
Montclair, CA

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

9.32 - Notices of Completion, Bid No. F07-18, Categories 8, 9 10, 14, & 17 - Severe Special Day Class Buildings at Eight Elementary School Sites

BE IT RESOLVED that the Board of Education authorizes filing Notices of Completion for Bid No. F07-18, Severe Special Day Class Buildings at eight elementary school sites: Bradley, Cypress, Highland-Pacific, Hillside, Hunt, North Verdemon, Rio Vista, and Roosevelt Elementary Schools, for the work awarded to the Prime Contractors listed below:

Category No. 8 - Casework
~~Lozano Caseworks, Inc.~~
~~Rancho Cucamonga, CA~~
K&Z Cabinet Co., Inc.
Ontario, CA

Category No. 9 - Roofing
Roy O. Huffman Roof Company
Riverside, CA

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Category No. 10 - Sheet Metal
Rischer Sutherland, Inc. dba United Contractors
San Bernardino, CA

Category No. 14 - Flooring
Mike's Custom Flooring
San Bernardino, CA

Category No. 17 - HVAC
Cool Air Supply, Inc.
Glendale, CA

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

9.33 - Notice of Completion, Bid No. F08-30, Building Work, Parking Lot, and Shade Structure Project at Bonnie Oehl Elementary School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F08-30, Building Work, Parking Lot, and Shade Structure Project at Bonnie Oehl Elementary School, for the work awarded to the General Contractor listed below:

General Contractor
Hamel Contracting, Inc.
Murrieta, CA

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

9.34 - 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)7/20/1996	*(S)6/15/1996	*(S)6/25/1994	*(S)1/12/1995	*(S)5/15/1992	*(S)12/23/1993
***(S)4/30/1995	*(S)3/3/1993	**10/11/1995	*(S)10/22/1991	*(S)2/6/2000	*(S)9/30/1996
*(S)11/15/1998	*(S)11/27/1993	*(S)11/7/1992	*(S)10/4/1994	*(S)4/24/1992	*(S)1/14/1997
*(S)12/19/1990	*(S)11/14/1996	***(S)8/24/1995	*(S)2/25/1994	*(S)6/1/1992	5/3/1992
*(S)12/12/1995	*(S)10/14/1993				

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

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

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

9.35 - 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.

2/7/1995

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

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

11/4/1996 10/30/1995

9.37 - 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:

6/19/2001

9.38 - Revocation of Suspension of Expulsion

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

4/5/1993

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

9.39 - Lift of Expulsion of Student(s)

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

9.40 - Failure to Recommend Mandatory Expulsion 48915

BE IT RESOLVED that the following school(s) have failed to adhere to Education Code Section 48915. Principals are required by Education Code to report guns, brandishing a knife, sexual assault, possession of an explosive device, and/or the sale of an illegal substance. The following school(s) have not followed this Education Code requirement:

9.41 - Petition to Expunge, Rescind, or Modify Expulsion

Education Code 48917, Section (e) states: upon satisfactory completion of the rehabilitation assignment of a pupil, the governing board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.

9.42 - Education Code 48213

Education Code 48213 states: that a student can be excluded from attendance pursuant to Section 120230 of the Health and Safety Code or Section 49451 of this code if a principal or his designee determines that the continued presence of the child would constitute a clear and present danger to

the life, safety, and health of a pupil or school personnel. The governing board is not required to send prior notice of the exclusion to the parent or guardian of the pupil. The governing board shall send a notice of the exclusion as soon as is reasonably possible after the exclusion.

9.27 - Bid No. 03-10, Student Transportation Services

Upon motion by Member Penman, seconded by Member Flores, and approved by the affirmative vote of Members Ayala, Flores, Penman, Savage, Tillman, and Valdez (Noes: None), this item was tabled.

After some discussion, it was the consensus of the Board to schedule a special Board meeting on April 13, 2010, to discuss the SIG schools and bring back Bid No. 03-10, Student Transportation Services.

9.29 - Reject RFP No. 04-10, Refuse & Waste Hauling and Recycling Services

Mohammad Islam reported that five vendors submitted bids and each missed some items in their response. This will be rebid.

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

BE IT RESOLVED that all proposals for RFP No. 04-10, Refuse & Waste Hauling and Recycling Services, be rejected in their entirety.

BE IT FURTHER RESOLVED the District will re-bid this service requirement.

10.0 - Action Items

10.2 - Personnel Report #19, Dated April 6, 2010

Judi Penman requested information on how much money the District will save from the SERP, who will be replaced, and how many teachers retired. Dr. Delgado stated that we expect the SERP will be cost neutral.

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

BE IT RESOLVED that the Personnel Report #19, dated April 6, 2010, 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 NINE - Closed Session

11.0 - Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

District Negotiator: Yolanda Ortega
Employee Organization: California School Employees Association
San Bernardino School Police Officers Association

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

Public Employee Discipline/Dismissal/Release

Conference with Legal Counsel-Anticipated Litigation

(Government Code Section 54956.9(c))

Initiation of Litigation: One Case

SESSION TEN – Open Session

12.0 - Action Reported from Closed Session

None.

SESSION ELEVEN - Closing

13.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 10:15 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, April 20, 2010, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.