

**San Bernardino City Unified School District**

Minutes of a Regular Meeting of the Board of Education

**MINUTES  
ADOPTED  
10/5/10**

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

September 21, 2010

5:30 p.m.

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

Absent: Board Member Lynda Savage

Board Member Tillman arrived at 5:40 p.m.; Board Member Valdez arrived at 5:45 p.m.; Board Member Penman arrived at 6:10 p.m.

**SESSION ONE - Opening**

**1.0 - Opening**

**1.1 - Call to Order**

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

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

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

**SESSION TWO - Special Presentations**

**2.0 - Special Presentations**

**2.1 - Outstanding Student Awards**

Board of Education Outstanding Student Awards were presented to the following students:

***Rio Vista Elementary School***  
Xitlali Cisneros, Charles McGee, and Jordan Vin

***E. Neal Roberts Elementary School***  
Ubaldo Gonzalez, Itxelt Reynolds, and Megin Richardson

***Roosevelt Elementary School***

Chloe Dang, Ariana Felix Del Villar, and Gary Veloz,

2.2 - In Recognition of Native American Day

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

WHEREAS the Southern California region was home to many generations of native peoples long before the arrival of the European explorers; and

WHEREAS the native peoples of the region each held distinct cultures and traditions that bound them to the Earth and all its inhabitants; and

WHEREAS September 24, 2010, is Native American Day, which has been celebrated in California for many years by its 107 federally recognized Indian tribes; and

WHEREAS the Multicultural Education Policy of the California State Board of Education recognizes that each student deserves the opportunity to understand the common humanity fundamental to all people; and

WHEREAS the history-social framework for California public schools, kindergarten through Grade 12, states that the history curriculum of community, state, region, nation, and world must reflect the experiences of men and women of different racial, religious, and ethnic backgrounds; and

WHEREAS educational leaders throughout the San Bernardino region are encouraged to involve themselves and their schools in a statewide focus on improving the education provided to our children about the local indigenous tribes of Southern California;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District duly notes the celebration of Native American Day and encourages all educators to commemorate this occasion with appropriate instructional activities.

2.3 - Recognition of National Custodial Employees Day (October 2, 2010)

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

WHEREAS in order for the San Bernardino City Unified School District to run efficiently and effectively, it must depend daily on the dedication of custodial employees in the Classified Service; and

WHEREAS 242 custodial employees perform their duties with great pride and skill; and

WHEREAS custodial employees work with commitment in forwarding the mission of the San Bernardino City Unified School District and thereby provide many benefits to this community, its schools, and the state of California; and

WHEREAS our School District joins the state of California in setting aside October 2, 2010, as a fitting time to honor custodial employees and recognize their long and excellent service record;

THEREFORE, BE IT RESOLVED that the members of the Board of Education of the San Bernardino City Unified School District acknowledge the contributions of the District's custodial employees and express the appreciation of the School District and the community for these important services; and

BE IT FURTHER RESOLVED that the Board of Education designates October 2, 2010, as a day to recognize the accomplishments and dedication of our custodial employees.

### **SESSION THREE – School Showcase**

#### **3.0 - School Showcase**

##### **3.1 - Rodriguez PREP Academy**

Principal Perry Wiseman discussed the M.E.R.I.T. system. Students, parents, and teachers described how the program is beneficial to them. Under the direction of Music Director Darren Haynes, the Symphonic Band performed one musical selection.

President Tillman moved Session Seven – Other Matters Brought By Citizens forward on the agenda.

### **SESSION SEVEN – Other Matters Brought By Citizens**

#### **7.0 - Other Matters Brought by Citizens**

Gil Navarro, County School Board Member, stated that he is advocating for Casa Ramona parents. Mr. Navarro stated that their test scores are down and there are compliance issues. Mr. Navarro asked the Board to audit the school for compliance.

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President Tillman stated that the Board will not be able to go into depth on this subject because it is not agendized. Mr. Tillman stated that the state established the ability to create charter schools to allow parents additional options. Charter schools create their own boards who oversee the charters. This Board approves and revokes charters. The District does not conduct audits. We ensure the money is being spent appropriately, and if not, the Board would revoke the charter. Mr. Tillman stated that we will agendize this in the future.

Judi Penman stated that we shouldn't agendize it. It is the Casa Ramona board's decision, not ours. The parents should go to their board. It is not up to us to get involved. The parents made their choice and we will welcome the students back.

Michael Ponce, Casa Ramona board member, read a statement on behalf of their board in support of the school. An audit is done yearly and the financial reports are available every month. Parents were given the report. Mr. Ponce stated that he refuses to be used as a political pawn. Six of seven issues have been resolved.

Parents Lorena Medrano, Maria Naranjo, Rosaelia Morales, Silvestre Medina, Maria Salazar, and Carmon Mena, and students Claudia Sanchez, Bertha Valerio, Tanya Mena, Suleima Lopez, and Valerie Naranjo expressed their concerns about Casa Ramona. Their concerns included health hazards, unclean classrooms and playground, no internet service, lack of textbooks, no cafeteria, library, or teacher's lounge, the loss of Mr. Luna as secondary principal, the lack of funds, and lack of confidence in Esther Estrada.

Elsa Valdez asked for an audit. The District is responsible to ensure that financial and instructional practices are in place.

Teresa Parra Craig stated that the parents chose to send their children to a charter school. The Board doesn't have authority other than the 15 elements included in the application. If there are problems at Casa Ramona, the Board will shut it down. Mrs. Parra Craig told the parents to bring their children back to the District and let Casa Ramona go bankrupt. Mr. Luna should be in public education. Mrs. Estrada can not be a paid employee and serve on the board. The parents need to tell their board to fire Mrs. Estrada. Mrs. Parra Craig stated that she supports an audit, but also supports revoking the charter.

Barbara Flores stated that she supports the students for standing up for their rights. Dr. Flores stated that she supports an audit and will vote to revoke the charter if they aren't in compliance. Dr. Flores asked if the District can investigate the safety and health issues.

Judi Penman stated that she is proud of the students for having an opinion. Mrs. Penman stated that our district doesn't have enough money to do all that we would like to either. The change in principal was made by the Casa Ramona board and decisions were made with the best interest of the students in mind. Mrs. Estrada works hard to find money and Casa Ramona wouldn't be in existence if it wasn't for her.

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Dr. Delgado stated that they will look at the 15 elements to make sure the school is living up to its contract. If there has been a material change, the Board can decide if they want to pull the charter.

Danny Tillman stated that he agrees with the Board members' comments. There is no perfect school. The Williams Act does not apply to charters. Charters don't have to have unions or follow the same rules as public schools. We need to review their audit, and then make a decision after we have looked at the information. Mr. Tillman stated that we should agendize what flexibility we have on how they spend their money. If there is stealing or fraud, we should be involved. Elsa Valdez stated that we need to bring in a charter school expert. Mr. Tillman stated that they will agendize it for additional discussion and decide if the Board wants an audit. Based on what they have heard tonight, he doesn't want to give the impression that something is wrong.

Dr. Delgado stated that he will call a charter school expert tomorrow and get a legal opinion on an audit.

Mrs. Penman stated that this is a political witch-hunt. Many students and parents are happy with the school. They are only hearing from a number of students. Mr. Navarro can get things stirred up. If something needs to be done, she doesn't want to spend the District's money. It should be handled by their board.

Mr. Tillman stated that he doesn't want to give the wrong impression. All of these problems should be resolved by their board. He doesn't hear that the parents want to shut down the school. We can't mandate changes in personnel. The parents chose that school as an option. Mr. Tillman stated that he doesn't support an audit.

Dr. Delgado stated that as superintendent, the responsible thing to do is to find out what they can do legally. Harold Vollkommer stated that we have to look at the petition to see if they are in violation of their petition. They don't have to have books.

Danny Tillman stated that this will be agendized with a charter school expert available.

Ron Fletcher asked why the District doesn't interview substitute teachers for jobs. Mr. Fletcher asked staff to respect them. Mr. Fletcher stated that with \$235 million for facilities, the District should be able to afford air conditioning.

## **SESSION FOUR - Public Hearing**

### **4.0 - Public Hearing**

#### **4.1 - K-12 Textbook and Instructional Materials Incentive Program, Track D and Modified Traditional 2010-2011**

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

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

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

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

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

WHEREAS, the governing board of the San Bernardino City Unified School District, in order to comply with the requirements of Education Code Section 60119 held a public hearing on September 21, 2010, at 5:30 o'clock, which is on or before the eighth week of school and which did not take place during or immediately following school hours; and

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

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

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that for the 2010-2011 school year, the San Bernardino City Unified School District has provided each pupil in Track D and Modified Traditional with sufficient textbooks and instructional materials aligned to the academic content standards and consistent with the cycles and content of the curriculum frameworks.

4.2 - Public Disclosure of Memorandum of Understanding (SIG - Compensation) Between the San Bernardino City Unified School District and the San Bernardino Teachers Association (SBTA)

On August 11, 2010, the San Bernardino Teachers Association (SBTA) ratified the following Memorandum of Understanding that clarifies compensation related to the School Improvement Grant (SIG) plans adopted by the eleven (11) persistently low achieving schools.

**SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT  
AND SAN BERNARDINO TEACHERS ASSOCIATION**

**June 18, 2010**

This Memorandum of Understanding is made and entered into this 18<sup>th</sup> day of June 2010 between the SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT (hereinafter the District) and the SAN BERNARDINO TEACHERS ASSOCIATION, CTA/NEA (hereinafter the Association).

WHEREAS, eleven (11) of the District's schools were identified on the California Department of Education's list of Persistently Low Achieving Schools (PLAS), and

WHEREAS, the School Improvement Grant (SIG) plan developed by each school contains unique characteristics that are subject to collective bargaining as compensation issues, and

WHEREAS, the parties have met to negotiate the effects of these unique characteristics;

THEREFORE it is agreed:

1. Additional duties (mandatory inservice, tutoring, intensive instruction, additional meetings, home visits, curriculum review, etc.) will be paid at the designated rate of pay per the collective bargaining agreement.
2. In addition to the approved extra duty rate of pay, certificated employees who conduct school-sanctioned home visits shall receive mileage reimbursement at the federally approved IRS rate and will be covered under Article XXI of the Collective Bargaining Agreement while engaged in district work of this kind. In addition, should a school district police officer not be available, a report to school police dispatch will suffice as having met the requirement of reporting the incident to school police within 24 hours as long as this time requirement is met. All other reporting requirements will apply.
3. Certificated employees (as indicated in the individual site plans) working in any one of the extended work year program options (longer day, additional days and/or extra periods) shall be paid a commensurate percentage (see Addendum) of their per diem rate of pay as determined by their placement on Appendix A of the Certificated Collective Bargaining Agreement. All applicable statutory benefits (STRS, Medicare, Workers Compensation, etc.) will apply.
4. Certificated employees working in an extended work year option must remain in that option for the entire school year unless the unit member transfers per the Collective Bargaining Agreement.

This Memorandum of Understanding shall be effective upon implementation of the related elements of the School Improvement Grant by individual schools and will only be applicable as funding is available.

**MOU – PLAS Compensation Examples\***  
**Addendum**

<u>Extended Work Year Option</u>	<u>Commensurate Percentage</u>
Longer Year (10 extra days)	5.4%
Longer Day – Elementary (e.g. 30 minutes longer)	7.9%

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Extra Period(s): \*\*

6 Period Day – High School	16.3%
7 Period Day – Middle School	13.7%

\*Subject to modification based on individual school plans.

\*\*This does not include teachers who are asked to teach during their conference period. In this case, the contractual rate of pay will apply.

President Tillman opened the Public Hearing and asked if anyone wished to comment. Rebecca Harper asked the Board to adopt the MOU. Ron Fletcher stated that no one talked to the substitute teachers about the impact this will have on their hours. Teresa Parra Craig requested a report on this. Hearing no further response, Mr. Tillman closed the Public Hearing.

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

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

**SESSION FIVE - Administrative Presentation**

**5.0 - Administrative Presentation**

**5.1 - District Test Scores**

Dr. Judy White, Deputy Superintendent; Barbara Richardson, Director of Professional Development; and Daniel Arellano, Director of English Language Programs, presented the 2009-2010 District test scores (see page \_\_\_\_).

Danny Tillman stated that the AYP targets are not realistic, but they are the law. Mr. Tillman suggested establishing our own internal goals. Barbara Flores stated that the targets are statistically impossible. Dr. Flores recommended the Board support SB 930 which will require any primary language assessment to be included in the state's assessment system.

## **SESSION SIX - Administrative Reports**

### **6.0 - Administrative Reports**

#### **6.1 - Budget Update**

Mohammad Z. Islam, Chief Business and Financial Officer, stated that the District has not received any stimulus money.

#### **6.2 - School Improvement Grant Update**

There was no new information to report.

#### **6.3 - SBCSS Williams Case Teacher Assignment Monitoring Review**

Pursuant to legislation passed as a result of the Williams Case Settlement Agreement, districts must report summarized data on Teacher Assignment Monitoring. The SBCSS Williams Case Teacher Assignment Monitoring Review results for 2009-2010 are submitted to the Board by Harold J. Vollkommer, Assistant Superintendent, Certificated Human Resources.

Elsa Valdez asked for clarification. Harold Vollkommer reported that the District is working on this every day. Each teacher's class is counted as a mis-assignment, so the actual number is closer to 10 to 12 teachers.

San Bernardino City Unified School District  
Williams Teacher Assignment Monitoring Data  
2009-10

2006 API Cohort District	School Name	Enrollment	EL Enrollment	Decile	(A) Number of classes with 20% or more English Learners	(B) Number of teachers with appropriate English Learner Authorization	(C) Number of teachers not holding appropriate English Learner Authorization
San Bernardino	Anton (Roger) Elementary	591	282	1	30	30	0
San Bernardino	Arrowhead Elementary	359	117	1	18	18	0
San Bernardino	Arrowview Middle	1274	456	1	303	243	60
San Bernardino	Arroyo Valley High	3043	860	1	643	583	60
San Bernardino	Barton Elementary	524	158	1	28	27	1
San Bernardino	Bradley Elementary	765	346	1	39	39	0
San Bernardino	Burbank Elementary	386	169	1	23	23	0
San Bernardino	Chavez (Cesar E.) Middle	1095	243	2	147	144	3
San Bernardino	Cole Elementary	429	140	3	20	20	0
San Bernardino	Curtis Middle	1113	382	2	274	274	0
San Bernardino	Cypress Elementary	554	246	1	34	34	0
San Bernardino	Davidson Elementary	522	175	1	26	26	0
San Bernardino	Del Vallejo Middle	1134	291	1	163	156	7
San Bernardino	Emmerton Elementary	520	239	1	28	28	0
San Bernardino	Fairfax Elementary	377	136	1	17	17	0
San Bernardino	Golden Valley Middle	1206	242	2	105	101	4
San Bernardino	Highland Pacific Elementary	344	104	3	18	17	1
San Bernardino	Hunt Elementary	745	282	1	40	40	0
San Bernardino	Inghram Elementary	465	213	1	23	23	0
San Bernardino	Kendall Elementary	463	110	2	24	23	1
San Bernardino	King (Dr. Martin Luther Jr.) Middle	1021	289	1	224	218	6
San Bernardino	Lankershim Elementary	800	357	2	40	40	0
San Bernardino	Lincoln Elementary	944	476	1	52	51	1
San Bernardino	Lyle Creek Elementary	773	470	1	42	42	0
San Bernardino	Marshall Elementary	600	233	1	30	29	1
San Bernardino	Monterey Elementary	718	405	1	39	39	0
San Bernardino	Mt. Vernon Elementary	676	379	1	36	36	0
San Bernardino	Muscoy Elementary	768	454	1	36	36	0

San Bernardino City Unified School District  
Williams Teacher Assignment Monitoring Data  
2009-10

2006 API Cohort District	School Name	Enrollment	EL Enrollment	Decile	(A) Number of classes with 20% or more English Learners	(B) Number of (A) holding appropriate English Learner Authorization	(C) Number of (A) not holding appropriate English Learner Authorization
San Bernardino	Newmark Elementary	591	173	2	26	25	1
San Bernardino	Oehl (Bonnie) Elementary	539	138	2	31	22	9
San Bernardino	Pacific High	2261	549	1	449	414	35
San Bernardino	Ramona-Alessandro Elementary	640	322	1	24	24	0
San Bernardino	Riley Elementary	756	445	1	41	41	0
San Bernardino	Rio Vista Elementary	577	247	2	32	29	3
San Bernardino	Roberts (E. Neal) Elementary	731	368	1	38	38	0
San Bernardino	Roosevelt Elementary	728	426	2	35	35	0
San Bernardino	Salinas (Manuel A.) Elementary	566	285	2	27	26	1
San Bernardino	San Bernardino High	2457	621	1	420	396	24
San Bernardino	San Geronimo High	3184	701	2	386	347	39
San Bernardino	Serrano Middle	959	202	3	123	114	9
San Bernardino	Shandin Hills Middle	1202	282	1	204	198	6
San Bernardino	Urbita Elementary	412	232	3	21	17	4
San Bernardino	Vermont Elementary	759	504	1	42	42	0
San Bernardino	Warm Springs Elementary	647	385	1	38	38	0
San Bernardino	Wilson Elementary	694	307	1	37	37	0
		39,912	14,441		4,476	4,200	276

## **SESSION EIGHT - Reports and Comments**

### **8.0 - Report by Board Members**

Teresa Parra Craig asked for a status report on the PAL Center. Harold Vollkommer reported that the Board approved the charter petition renewal with conditions. Some of the conditions have been met, and others are due in October. Staff is reviewing their report to see if the conditions have been met. Mrs. Parra Craig asked if Staff is doing more work on this charter school than others. Mohammad Islam reported that they are, due to the conditions. Mrs. Parra Craig stated that the PAL Center is taking resources from public schools. The Board needs to start saying we aren't going to do this. The PAL Center has to show they are fiscally sound.

Barbara Flores reported that she attended a public policy forum in Washington, D.C. The Department of Labor has funding for trade and green academies. President and Michelle Obama were speakers at the conference.

Judi Penman stated that PAL Center has had good results with their Upward Bound students. We have to provide a variety of options for students.

Elsa Valdez stated that the students at Casa Ramona organized the walkout today. They asked Gil Navarro for advice, but he had nothing to do with the walkout.

Danny Tillman expressed his support of the PAL Center. It offers students a fifth option to students. Mr. Tillman stated that he will tell Dr. Henry she needs to take care of things.

Mrs. Penman stated that the Board has made personnel changes and been criticized for them. We can't jump to conclusions without hearing both sides. Casa Ramona has to be an independent entity and the PAL Center has to follow the rules.

### **8.1 - Legislative Update**

None.

### **9.0 - Report by Superintendent and Staff Members**

Dr. Delgado announced that Richardson PREP HI was a finalist for a Distinguished School Award from Intel. Danny Tillman stated that 18 schools were selected nationwide, and Richardson was one of two schools selected from California. While attending the ceremony in Washington, D.C., Mr. Tillman met with Senators Boxer and Feinstein and Congressman Baca. Dr. Delgado stated that Middle College High School could be a winner next year.

Dr. Delgado reported that he met with members of the U.S. Department of the Interior to discuss career recruitment efforts for urban students.

**SESSION NINE - Legislation and Action**

**10.0 - 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 10.8 and 10.37 were held for later consideration.

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

**10.1 - Approval of Minutes**

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on August 17, and September 7, 2010, be approved as presented.

**10.2 - Acceptance of Gifts and Donations to the District**

BE IT RESOLVED that the Board of Education acknowledges receipt of \$225.00, Edison International; \$5,000.00, San Manuel Band of Mission Indians; \$200.00, Marion Black Jr.; \$142.50, Vernon Dental; \$225.00, Nancy Jackson; \$283.00, Elizabeth Cochrane-Benoit; \$150.00, Lifetouch; \$500.00, New Beginning Properties, Inc.; and \$8,000.00, Cargill Incorporated.

**10.3 - Cafeteria Warrant Register, Ending August 31, 2010**

BE IT RESOLVED that the Cafeteria Warrant Register, ending August 31, 2010, be approved.

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

**10.4 - Commercial Warrant Registers for Period from August 16, through August 31, 2010**

BE IT RESOLVED that the Commercial Warrant Register for period from August 16, through August 31, 2010, be approved.

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BE IT FURTHER RESOLVED that the Board of Education authorizes James Cunningham, Interim 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.

10.5 - 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 2010-11 school year and approves payment to the following:

Rachel's Challenge for a presentation entitled "Rachel's Challenge Program," on October 5, 2010. The cost, not to exceed \$3,500.00, will be paid from Golden Valley Middle School Account No. 419.

10.6 - 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:

Sandra L. Simpson, Los Osos, CA, to conduct a series of courses to District GATE staff to provide competencies to differentiate curriculum and instruction for gifted and high ability learners, October 29, 2010, through June 30, 2011. The fee, not to exceed \$18,000.00, will be paid from the Restricted General Fund—Gifted and Talented Education, Account No. 430.

The Greater Los Angeles Agency on Deafness, Inc. (GLAD), to provide nine lessons from its "Be Cool... Sign 'No!'" curriculum and Teen Pregnancy Prevention Program to students in the Communicatively Handicapped classes at San Geronio High School, September 22, 2010, through June 10, 2011. There is no cost to the District.

Emily Rubin, M.S., CCC-SLP, Carmel, CA, to present four days of training on the SCERTS Model to District Speech and Language Pathologists, January 12-14, and April 5, 2011. The fee, not to exceed \$12,000.00, will be paid from the Restricted General Fund—ARRA-IDEA Part B-611, Local Assistance, Account No. 534.

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

Academic Innovations, St. George, UT, to provide a one-day training workshop on Career Choices for District staff, September 8, 2010. The cost, not to exceed \$950.00, will be paid from Restricted General Fund – Workability 1 Program, Account No. 437.

10.7 - Closure of Tax Override Fund (No. 53)

BE IT RESOLVED that the Tax Override Fund (No. 53) be closed to further activity.

BE IT ALSO RESOLVED that the Board of Education approves the closure of the Tax Override Fund (No. 53).

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

10.9 - Sale of Used District Covered Electronic Waste (CEW/Non-CEW)

BE IT RESOLVED that the Board awarded RFP 11-09 for the Sale of CEW/Non-CEW to eWaste Center, Inc., Commerce, CA, on August 4, 2009, to include the purchase of additional CEW/Non-CEW equipment and peripherals for recycling from the District for a one-year term, and all extensions, not to exceed five years. During the awarded term, the District will present new Board-approved computer and peripheral surplus lists to the awarded bidder with option to buy CEW at \$.21 per pound and Non-CEW at \$.03 per pound. Proceeds from the sale shall be deposited into the Warehouse Recycling Fund.

BE IT FURTHER RESOLVED that in accordance with California Education Code Section 17545, the Board of Education declares the following items as surplus to District needs and are unsatisfactory or no longer suitable for school use: List of Salvage Computer Equipment and Peripherals dated August 31, 2010.

10.10 - Extended Field Trip, Cole Elementary School, Outdoor Science School, Green Valley Lake, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 68 Cole Elementary School students, 5 Outdoor Science School staff members, and 2 District employees, to attend the Outdoor Science School, in Green Valley Lake, California, October 18, through October 22, 2010. The cost of the trip, not to exceed \$23,460.00, including meals and lodging for 68 Cole Elementary School students, 5 Outdoor Science School staff members, and 2 District employees, will be paid from sponsorship by Orange County Department of Education. Transportation provided by Durham School Services, not to exceed \$1,200.00, will be paid from Cole Elementary School Account No. 419. Names of the students are on file in the Business Services office.

10.11 - Extended Field Trip, Muscoy Elementary School, Outdoor Science School, Forest Falls, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 102 Muscoy Elementary School students, 8 Outdoor Science School staff members, and 3 District employees,

to attend the Outdoor Science School, in Forest Falls, California, October 4, through October 8, 2010. The cost of the trip, not to exceed \$36,720.00, including meals and lodging for 102 Muscoy Elementary School students, 8 Outdoor Science School staff members, and 3 District employees, will be paid from sponsorship by Orange County Department of Education. Transportation provided by Durham School Services, not to exceed \$590.00, will be paid from Muscoy Elementary School Account No. 419. Names of the students are on file in the Business Services office.

10.12 - Extended Field Trip, Vermont Elementary School, Outdoor Science School, Forest Falls, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 40 Vermont Elementary School students, 2 Outdoor Science School staff members, and 2 District employees, to attend the Outdoor Science School, in Forest Falls, California, October 11, through October 15, 2010. The cost of the trip, not to exceed \$14,400.00, including meals and lodging for 40 Vermont Elementary School students, two Outdoor Science School staff members and two District employees, will be paid from sponsorship by Orange County Department of Education. Transportation provided by Durham School Services, not to exceed \$590.00, will be paid from Vermont Elementary School Account No. 205. Names of the students are on file in the Business Services office.

10.13 - Extended Field Trip, Vermont Elementary School, Outdoor Science School, Green Valley Lake, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 35 Vermont Elementary School students, 2 Outdoor Science School staff members, and 2 District employees, to attend the Outdoor Science School, in Green Valley Lake, California, January 10, through January 14, 2011. The cost of the trip, not to exceed \$12,600.00, including meals and lodging for 35 Vermont Elementary School students, 2 Outdoor Science School staff members, and 2 District employees, will be paid from sponsorship by Orange County Department of Education. Transportation provided by Durham School Services, not to exceed \$590.00, will be paid from Vermont Elementary School Account No. 205. Names of the students are on file in the Business Services office.

10.14 - Agreement for Nonpublic, Nonsectarian School/Agency Services with Olive Crest Academy-TEC Secondary, dba Therapeutic Education Center

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Olive Crest Academy-TEC Secondary, dba Therapeutic Education Center, Santa Ana, CA, to provide services to special education students, effective September 1, 2010, through June 30, 2011. The daily fee and other approved related services at agreed-upon rates will be paid from Restricted General Fund—Special Education-Non-Public, Account No. 824.

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

10.15 - Agreement with Catapult Learning, LLC, to Provide Title I Services to Identified Students Attending a Local Private School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Catapult Learning, LLC, Philadelphia, PA, to provide Title I services to students attending a local private school, Our Lady of the Assumption School, effective October 1, 2010, through March 31, 2011. The fee, not to exceed \$15,450.00, will be paid as follows: \$1,200.00 from the Restricted General Fund, Elementary Secondary Education Act Title I, Account No. 501; and \$14,250.00 from the Restricted General Fund—ARRA, Title I Entitlement, Account No. 531.

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

10.16 - Agreement with Catapult Learning, LLC, to Provide Title I Services to Identified Students Attending a Local Private School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Catapult Learning, LLC, Philadelphia, PA, to provide Title I services to students attending a local private school, St. Adelaide's School, effective October 1, 2010, through February 28, 2011. The fee, not to exceed \$9,903.45, will be paid as follows: \$288.45 from the Restricted General Fund, Elementary Secondary Education Act Title I, Account No. 501; and \$9,615.00 from the Restricted General Fund—ARRA, Title I Entitlement, Account No. 531.

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

10.17 - Agreement with Catapult Learning, LLC, to Provide Title IIA Professional Development Coaching and School-Wide License to a Local Private School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Catapult Learning, LLC, Philadelphia, PA, to provide Title IIA professional development coaching and a school-wide license for PD 360° to a local private school, St. Adelaide's School, effective October 1, 2010, through February 28, 2011. The fee, not to exceed \$5,750.00, will be paid from the Restricted General Fund, Title II Part A (Teacher Quality), Account No. 536.

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

10.18 - Agreement with Catapult Learning, LLC, to Provide Title I Services to Identified Students Attending a Local Private School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Catapult Learning, LLC, Philadelphia, PA, to provide Title I services to students attending a local private school, St. Anthony's School, effective October 1, 2010, through March 31, 2011. The fee, not to exceed \$15,450.00, will be paid as follows: \$10,000.00 from the Restricted General Fund, Elementary Secondary Education Act Title I, Account No. 501; and \$5,450.00 from the Restricted General Fund—ARRA, Title I Entitlement, Account No. 531.

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

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

BE IT RESOLVED that the Board of Education approves entering into an agreement with Children's Resources, Fontana, CA, to provide training in Culturally Relevant Learning Styles to parents of students from Rio Vista Elementary School, effective September 20, through October 18, 2010. The training will be provided to parents in five sessions. The cost for the services, not to exceed \$3,500.00, will be paid from the Restricted General Fund—Quality Education Investment Act, Account No. 436.

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

10.20 - Agreement with Maxim Healthcare Services, Inc., to Provide LVN Services to District Special Education Students

BE IT RESOLVED that the Board of Education approves entering into an agreement with Maxim Healthcare Services, Inc., doing business as Maxim Staffing Solutions, Riverside, CA, to provide LVN services to special education students for up to six hours per school day effective September 22, through December 17, 2010. The cost of services, not to exceed \$14,000.00, 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 all related documents.

10.21 - Agreement with San Bernardino County Superintendent of Schools to Provide State Approved SB 472 Training for Prentice Hall for Language Arts

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with San Bernardino County Superintendent of Schools (SBCSS), San Bernardino, CA, to provide SB 472

state-approved professional development institutes to prepare teachers to successfully implement the District-adopted Prentice Hall language arts instructional program effective July 1, 2009, through June 30, 2010. SBCSS will provide the training locations, all instructor materials, participant binders containing course curriculum, continental breakfast, and lunch. The total cost, not to exceed \$53,250.00, will be paid from the Restricted General Fund—Title II Educational Services, Account No. 538.

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

10.22 - Agreement with the San Bernardino County Superintendent of Schools for the AB 212 Educational Stipend Program

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with the San Bernardino County Superintendent of Schools (SBCSS), for SBCSS to give AB 212 Educational Stipends to qualified District employees, effective July 1, 2010, through June 30, 2011. The AB Educational Stipend Program was designed to encourage qualified employees to obtain the next level of the Preschool Teacher permit. There is no cost to the District.

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

10.23 - School Psychology Practicum and Field Experience Agreement with the University of La Verne

BE IT RESOLVED that the Board of Education approves entering into a school psychology practicum and field experience agreement with the University of La Verne, La Verne, CA, effective September 22, 2010, through June 30, 2015. The District will provide educational field practicum experiences for School Psychology field work students who are working toward completion of an approved program of study for a Pupil Personnel Services Credential with authorization for School Psychology and who have met prescribed training prerequisites for field placement. 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 all related documents.

10.24 - Amendment of the Agreement with Horizon Therapy Services to Provide Early Start/Preschool Occupational Therapy Development and Other Related Services to Special Education Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Horizon Therapy Services, Sun City, CA, approved by the Board on June 15, 2010, Agenda Item 10.58. The amendment is necessary to add \$123,617.00 to the agreement to cover the costs of an

occupational therapist to provide services to the District. Special Education was unable to hire a person to fill the position within the District. The additional fee of \$123,617.00, added to the original fee of \$50,000.00 for an aggregate total not to exceed \$173,617.00, will be paid from Restricted General Fund, Special Education-Central, Account No. 827. All other terms and conditions will remain the same.

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

10.25 - Amendment of the Resolution for the Renewal of the Agreement with the San Bernardino County Superintendent of Schools to Provide Resource Specialist Program Services to District Students

BE IT RESOLVED that the Board of Education approves amending the resolution to renew the agreement with the San Bernardino County Superintendent of Schools (SBCSS) to provide resource specialist program services to District students within the Community Day School Program, effective July 1, 2010, through June 30, 2011, approved by the Board on July 20, 2010, Agenda Item 7.27. The amendment is necessary to add \$5,000.00 to the original amount of \$35,000.00 for an aggregate total not to exceed \$40,000.00 due to increased estimates in the number of District students participating. The increase will be paid from the Restricted General Fund—Special Education, Account No. 824. All other terms and conditions will remain the same.

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

10.26 - Amendment of the Resolution for the Renewal of the Agreement with San Bernardino County Superintendent of Schools for Participation in the Special Day Class Community School

BE IT RESOLVED that the Board of Education approves amending the resolution to renew the agreement with the San Bernardino County Superintendent of Schools (SBCSS) for participation in the Special Day Class Community Day School Program, effective July 1, 2010, through June 30, 2011, approved by the Board on July 20, 2010, Agenda Item 7.26. The amendment is necessary to add \$40,000.00 to the original amount of \$40,000.00 for an aggregate total not to exceed \$80,000.00 due to increased estimates in the number of District students participating. The increase will be paid from the Restricted General Fund—Special Education, Account No. 824. All other terms and conditions will remain the same.

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

10.27 - Amendment No. 1 to the Agreement with OJB Engineering, Inc. to Provide Construction Management Services for the San Bernardino High School Modernization Project

BE IT RESOLVED that the Board of Education approves amending the agreement with OJB Engineering, Inc., San Bernardino, CA, for construction management services for the San Bernardino High School Modernization Project. This amendment will extend the ending date through December 30, 2015, and will be paid from Funds 14, 25, 35, and 40. All other terms and conditions will remain the same.

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

10.28 - Amendment No. 1 to the Use of Facilities Agreement with the City of San Bernardino for 156 Parking Spaces at Speicher Park for the San Gorgonio High School Modernization Project

BE IT RESOLVED that the Board of Education approves amending the use of facilities agreement with the City of San Bernardino for use of 156 parking spaces located at Speicher Park, extending the ending date through June 30, 2011, due to continued placement of interim portables on the existing student parking lot, as part of the San Gorgonio HS Modernization Project. 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. 1.

10.29 - Renewal of the Agreement with Atkinson, Andelson, Loya, Ruud and Romo to Provide Legal Services for District Issues

BE IT RESOLVED that the Board of Education ratifies renewing the agreement with Atkinson, Andelson, Loya, Ruud and Romo, Cerritos, CA, to provide legal services to the District, effective July 1, through June 30, 2011. The fee, not to exceed \$300,000.00, will be paid from the Unrestricted General Fund—Legal Fees, Account No. 077.

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

10.30 - Approval of Eminent Domain Acquisition Settlement with Bestway, Inc. for Property Located at the Proposed Dr. Mildred Dalton Henry Elementary School Site

BE IT RESOLVED that the Board of Education approves the eminent domain property acquisition settlement with Bestway, Inc., the seller of property located at 1557 N. Mt. Vernon Ave., San Bernardino, CA (APN 0144-141-37) for the proposed Dr. Mildred Dalton Henry Elementary School (Roosevelt II), in the amount of \$673,000.00, to be paid from Fund 35.

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

10.31 - Student Teaching Agreement with the University of Southern California

BE IT RESOLVED that the Board of Education approves entering into a student teaching agreement with the University of Southern California, Los Angeles, CA, effective September 22, 2010, through June 30, 2015. The District shall provide teaching experience through student teaching to students enrolled in teacher education curricula of the university. Such practice teaching shall be provided in schools or classes of the District under the supervision and instruction of District personnel with the requisite credentials and experience. There is no cost to the District.

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

10.32 - Notification of Resolution Settlement Agreement OAH Case Number 2010080706

BE IT RESOLVED that the Board of Education approves reimbursement to parent NTE \$7,270.00 for costs incurred for services provided to student by Bright Minds Institute (\$6,880.00) and by Canyon Ranch Physical Therapy (\$390.00); payment to Vivian Billups Client Trust Account NTE \$5,505.00 for attorney's fees incurred and related to Resolution Settlement Agreement OAH Case No. 2010080706. Payments are to be paid from the Restricted General Fund-Special Education, Account No. 827.

10.33 - Agreement with First 5 San Bernardino for Use in Accordance with the Program Requirements for the Safe Child/Car Safety Program

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with First 5 San Bernardino for the purpose of providing funding for car seat safety education and training to families who have 0-5 year olds and are affiliated with the District, effective August 18, 2010, through June 30, 2013. The funding, up to a maximum of \$172,938.00, spread over three years, will be provided to the District through reimbursements, and deposited into the Restricted General Fund—First Five Car Seat Grant, Account No. 112.

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

10.34 - Agreement with the Regents of the University of California, Riverside, to provide Early Academic Outreach Program at Four District High Schools

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Regents of the University of California, Riverside, CA, to provide the Early Academic Outreach

Program for students at Arroyo Valley, Cajon, San Bernardino, and San Geronio High Schools, effective September 22, 2010, through June 30, 2011. The program prepares students for postsecondary educational opportunities, to complete all UC/CSU eligibility requirements, and apply for college and financial aid. There is no cost to the District.

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

10.35 - Renewal of the Agreement with SchoolsFirst Federal Credit Union and National Benefit Services, Inc., to Provide Third Party Administrative Services for the District's Tax Sheltered Annuity Plan

BE IT RESOLVED that the Board of Education ratifies renewing the agreement with SchoolsFirst Federal Credit Union and the National Benefit Services, Inc., to provide administrative services for the District's Tax Sheltered Annuity Plan 403(b), effective July 1, 2010, through June 30, 2011. National Benefit Services will act as the third party administrator of the Tax Sheltered Annuity Plan in accordance with the Internal Revenue Code, Section 403(b). National Benefit Services will create and maintain a non-specific provider Tax Sheltered Annuity Plan that meets operational, compliance and administrative guidelines. SchoolsFirst Federal Credit Union will assist participants regarding their rights, benefits or any elections under the provider's plans. SchoolsFirst Federal Credit Union, among other duties, will facilitate the collection of Provider Agreements and act as the District's liaison to answer questions and inquiries from the providers. 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 related documents.

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

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Musick, Peeler & Garrett, LLP, Los Angeles, CA, to provide legal services regarding defense of Respondents in connection with Case No. CIVDS 916708, San Bernardino City Unified School District; Dr. Arturo Delgado, Superintendent, in his official capacity, Petitioners v. Personnel Commission of the San Bernardino City Unified School District; Michael Salazar, Commissioner, in his official capacity; Rhonda Early, Commissioner, in her official capacity; Gino Barabani, Commissioner, in his official capacity; Jeffrey Josserand, Executive Director of the Personnel Commission, in his official capacity, Respondents, California School Employees Association Chapter 183; San Bernardino School Police Officers Association, Real Parties in interest, only and no other representation under any other legal matter, effective April 7, 2010, through end of case. The fee, not to exceed \$100,000.00, will be paid from the Unrestricted General Fund—Human Resources/Certificated Legal Fees, Account No. 077.

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

10.37 - Facility Use Agreement with Victoria Gardens Cultural Center

This item was pulled from the agenda.

10.38 - 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)12/6/1994	*(S)5/28/1997	*(S)7/4/2000	*(S)3/14/1993	*(S)7/2/1996	*(S)9/12/1994
*(S)5/31/1993	*(S)11/13/1993	*(S)9/3/1996	*(S)6/12/1996	*(S)4/9/1996	*(S)11/24/1992
*(S)12/20/1993	*(S)3/5/1996				

\*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.

10.39 - 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.

7/28/1993      7/22/1995

10.40 - 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:

3/14/1998      6/20/1996      9/18/1997

10.41 - 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:

10.42 - 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:

11/18/1995

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.

10.43 - 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:

8/11/1997      9/22/1994

10.44 - 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:

10.45 - 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.

10.46 - 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.

10.8 - Federal/State/Local District Budgets and Revisions

Judi Penman requested clarification on this item. Mohammad Islam stated that after closing the books, the restricted programs with ending balances have to go back into the current year to spend. Mrs. Penman asked for a summary of the funds.

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

BE IT RESOLVED that the Board of Education approves the addition of \$62,456.55 in the budgeting of expenditures for the restricted program, RDA State College (020).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$2,919.99 in the budgeting of expenditures for the restricted program, RDA Central City North (021).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$701.33 in the budgeting of expenditures for the restricted program, RDA City West (022).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$22,717.52 in the budgeting of expenditures for the restricted program, RDA Southeast Industrial Park (023).

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BE IT ALSO RESOLVED that the Board of Education approves the addition of \$31,693.71 in the budgeting of expenditures for the restricted program, RDA Northwest (024).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$37,932.10 in the budgeting of expenditures for the restricted program, RDA Tri-City (025).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$6,501.09 in the budgeting of expenditures for the restricted program, RDA South Valley (026).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$2,034.61 in the budgeting of expenditures for the restricted program, RDA Uptown (027).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$19,617.44 in the budgeting of expenditures for the restricted program, RDA Mt. Vernon II (028).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$81,458.44 in the budgeting of expenditures for the unrestricted program, ADA Incentive Plan (039).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$8,000.00 in the budgeting of expenditures for the restricted program, Kidz Fuel-Snack Pack (114).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$2,500.00 in the budgeting of expenditures for the restricted program, Project Inspire Grant (116).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$12,310.39 in the budgeting of expenditures for the restricted program, RDA Mt. Vernon (120).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$1,320,141.79 in the budgeting of expenditures for the restricted program, RDA Highland (121).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$5,000.00 in the budgeting of expenditures for the restricted program, Health and Wellness Committee (124).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$1,718.00 in the budgeting of expenditures for the restricted program, Ralph's/Food 4 Less/Foods Co. Foundation (128).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$283.00 in the budgeting of expenditures for the restricted program, Governor's Challenge (148).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$600.00 in the budgeting of expenditures for the restricted program, Emmanuel United Methodist Church (186).

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BE IT ALSO RESOLVED that the Board of Education approves the addition of \$9,600.00 in the budgeting of expenditures for the restricted program, Sanbag (218).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$8,617.00 in the budgeting of expenditures for the restricted program, San Manuel Tribal Administration (219).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$16,792.00 in the budgeting of expenditures for the restricted program, Science, Technology, Engineering & Mathematics (STEM) (221).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$1,000.00 in the budgeting of expenditures for the restricted program, Superintendent's Scholarship Fund (225).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$600.00 in the budgeting of expenditures for the restricted program, Edison International (226).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$607,925.00 in the budgeting of expenditures for the unrestricted program, Williams Case – Instructional Materials (242).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$1,644,139.00 in the budgeting of revenues and expenditures for the restricted program, Microsoft Settlement Voucher Program (287).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$625.00 in the budgeting of expenditures for the restricted program, CASA Grant (293).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$31,918.92 in the budgeting of expenditures for the restricted program, Verizon Foundation (311).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$13,555.64 in the budgeting of expenditures for the restricted program, California School Information Service (313).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$3,335.30 in the budgeting of expenditures for the restricted program, ROP Bakery (338).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$1,248.65 in the budgeting of expenditures for the restricted program, ROP Floral Design and Sales (359).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$38,327.00 in the budgeting of expenditures for the restricted program, ROP Child Care Occupation (380).

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BE IT ALSO RESOLVED that the Board of Education approves the addition of \$12,005.58 in the budgeting of expenditures for the restricted program, ROP Food Service Occupation (381).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$184,617.00 in the budgeting of expenditures for the restricted program, CAHSEE Intensive Instruction and Services (403).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$3,544,325.77 in the budgeting of expenditures for the restricted programs, School Based Coordinated Program (419) and School Improvement Program for K-12 and Economic Improvement Aid Grants (420/423).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$5,792.84 in the budgeting of revenues and expenditures for the restricted program, National Board Certificated Teacher Incentive (426).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$2,632,200.56 in the budgeting of expenditures for the restricted program, Quality Education Investment Act (QEIA) (436).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$50,132.00 in the budgeting of expenditures for the unrestricted program, Cal-Safe Support Services Entitlement (448).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$5,389.97 in the budgeting of revenues and expenditures for the restricted program California Partnership/Public Safety Academy Program (479).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$10,138.62 in the budgeting of revenues and expenditures for the restricted program California Partnership/Public Safety Academy Program (481).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$3,769.53 in the budgeting of revenues and expenditures for the restricted program, California Partnership Academies Mentor Grant (492).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$694,002.92 in the budgeting of expenditures for the restricted program, ELAP Student Assistance Entitlement (496).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$3,070,617.00 in the budgeting of revenues and expenditures for the restricted program, ESEA Title I (501/524).

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BE IT ALSO RESOLVED that the Board of Education approves the addition of \$417,091.07 in the budgeting of revenues and expenditures for the restricted program, School Improvement Grant for Schools Participating in the Quality Education Investment Act (503).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$45,410.00 in the budgeting of revenues and expenditures for the restricted program, SLC-Every Student Connected (511).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$248,468.00 in the budgeting of revenues and expenditures for the restricted program, Title II Part D Technology (516).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$54,581.00 in the budgeting of revenues and expenditures for the restricted program, Operation Close The Achievement Gap (C-TAG) (517).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$17,453.65 in the budgeting of revenues and expenditures for the restricted program, Youth Risk Behavior Survey (520).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$146,726.00 in the budgeting of revenues and expenditures for the restricted program, American Recovery and Reinvestment Act (ARRA) of 2009, Title I Entitlement (531).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$22,420.00 in the budgeting of revenues and expenditures for the restricted program, American Recovery and Reinvestment Act (ARRA) of 2009, IDEA Part B-611 Preschool Local Entitlement (532).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$50,133.00 in the budgeting of revenues and expenditures for the restricted program, American Recovery and Reinvestment Act (ARRA) of 2009, IDEA Part B-619 Preschool Grants (533).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$1,505,872.00 in the budgeting of expenditures for the restricted program, American Recovery and Reinvestment Act (ARRA) of 2009, IDEA Part B-611 Local Assistance (534).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$1,218,331.00 in the budgeting of revenues and expenditures for the restricted program, Title II, Part A, Teacher Quality (536-538, 541-542).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$483,432.00 in the budgeting of revenues and expenditures for the restricted program, Title III LEP Student Subgrant (544).

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BE IT ALSO RESOLVED that the Board of Education approves the addition of \$134,240.00 in the budgeting of revenues and expenditures for the restricted program, Fund for Improvement of Education (547).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$76,633.00 in the budgeting of revenues and expenditures for the restricted program, Administrator Training Program (551).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$297,799.00 in the budgeting of revenues and expenditures for the restricted program, Title IV Drug Free Schools Grant (555).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$5,132.62 in the budgeting of revenues and expenditures for the restricted program, California 21st Century Community Learning Centers Grant – Family Literacy Grant (563).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$200,000.00 in the budgeting of revenues and expenditures for the restricted program, After School Safety and Enrichment for Teens (ASSETS) (566).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$37,424.78 in the budgeting of revenues and expenditures for the restricted program, California 21st Century Community Learning Centers Grant - Core (567).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$8,468.92 in the budgeting of revenues and expenditures for the restricted program, California 21st Century Community Learning Centers Grant – Cohort 05 (574).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$210,505.91 in the budgeting of expenditures for the restricted program, Medical-Cal Billing Option (585).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$10,600.91 in the budgeting of revenues and expenditures for the restricted program, ARRA – Education for Homeless Children and Youth (587).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$37,392.00 in the budgeting of revenues and expenditures for the restricted program, ARRA – Department of Rehabilitation (595).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$141,000.00 in the budgeting of expenditures for the unrestricted program, Targeted Instructional Improvement Block Grant (TIIG) (612).

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BE IT ALSO RESOLVED that the Board of Education approves the addition of \$344,171.63 in the budgeting of expenditures for the restricted program, Special Education-Parent Infant Grant (803).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$142,858.07 in the budgeting of expenditures for the restricted program, Special Education-Mental Health (807).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$2.01 in the budgeting of expenditures for the restricted fund State Lottery Revenue (Fund 11).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$2.00 in the fund balance of the restricted fund Adult Basic Education (Fund 11).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$193,788.73 in the fund balance of the restricted fund Child Development Reserve Account (Fund 12).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$1,859.99 in the fund balance of the restricted fund Special Reserve Fund (Fund 17).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$9,380,714.41 in the budgeting of expenditures for the restricted fund Building Fund (Fund 21).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$2,185,709.52 in the budgeting of expenditures for the restricted fund Capital Facilities Fund (Fund 25).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$60,579,073.29 in the budgeting of expenditures for the restricted fund School Facilities Fund (Fund 35).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$207,638.89 in the budgeting of expenditures for the restricted fund Special Reserve Capital Outlay Fund (Fund 40).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$70,520.05 in the budgeting of expenditures for the restricted fund Bond Interest Fund (Fund 51).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$1,697.84 in the fund balance for the restricted fund Tax Override Fund (Fund 53).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$1,343,991.68 in the budgeting of expenditures for the restricted fund Self Insurance Fund (Fund 67).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$1,491.92 in the budgeting of expenditures for the restricted fund Foundation Trust Fund (Fund 73).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$2,671,004.55 in the budgeting of expenditures for the restricted fund Cafeteria Enterprise Fund (Fund 92).

**11.0 - Action Items**

**11.1 - Personnel Report #6, Dated September 21, 2010**

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

BE IT RESOLVED that the Personnel Report #6, dated September 21, 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.

**11.2 - In Recognition of Deceased Employees**

Members of the audience and Board of Education observed a moment of silence for the following deceased employees:

**SHARON MARIE BROWN**

**WHEREAS** Sharon Brown was a dedicated member of the certificated service for the San Bernardino City Unified School District from 1992, until her retirement in 2007; and

**WHEREAS** throughout her productive career with the District, Sharon Brown taught at King Middle School and Cajon High School, where her passion was working with Special Education students; and

**WHEREAS** Sharon Brown was active in the community as a member of the Socialite for 45 years, Phi Delta Kappa's Delta Rho Chapter, and was an adult advisor for the Beautillion Knights, a community-based scholarship endeavor focusing on college-bound, African-American youth; and

**WHEREAS** on August 26, 2010, Sharon Brown died, bringing deep sorrow to her loving family and friends; and

**WHEREAS** Sharon Brown is survived by three sons, Jason Hunter Brown of Lodi, David S. Brown of Sacramento, and Brady Kisu Harris Brown; two grandchildren, Jasmine and Julian; and a host of other relatives and friends;

**THEREFORE, BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District does take this opportunity to express its gratitude for Sharon Brown's many fine years of service to the District and does extend its deepest sympathy to her family.

**HIRAM DIAZ**

**WHEREAS** Hiram Diaz was a dedicated member of the classified service for the San Bernardino City Unified School District from 1976, until his retirement in 1995; and

**WHEREAS** throughout his productive career with the District, Hiram Diaz worked as a transportation assistant and technician and later worked as a transportation scheduler, ensuring the safe transportation of thousands of students; and

**WHEREAS** Hiram Diaz was a 20-year veteran of the U.S. Marine Corps; and was a member of the Greater Kiwanis Club of San Bernardino; founding member of American G.I. Forum San Bernardino Chapter; and MAGA; and

**WHEREAS** on August 20, 2010, Hiram Diaz died, bringing deep sorrow to his loving family and friends; and

**WHEREAS** Hiram Diaz is survived by his daughter, Roxanne Deen of Redlands; two brothers, John of Ocala, Nevada and Michael of San Bernardino; two sisters, Sarah Chavez of Fontana and Luz Meriscal of Los Angeles; three step-children, Francine Luengas, David Montiel, and James Montiel, all of San Bernardino; an uncle and aunt, Lalo and Angie Mendoza of San Bernardino; 11 grandchildren; 15 great-grandchildren; and a host of nieces, nephews, and cousins;

**THEREFORE, BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District does take this opportunity to express its gratitude for Hiram Diaz's many fine years of service to the District and does extend its deepest sympathy to his family.

**SESSION TEN - Closed Session**

**12.0 - 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

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

**Public Employee Discipline/Dismissal/Release**

**Public Employee Appointment**

Title: Provisional Personnel Commission Director

**SESSION ELEVEN – Open Session**

**13.0 - Action Reported from Closed Session**

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

BE IT RESOLVED that the Board of Education denies the appointment of a Provisional Personnel Commission Director.

**SESSION TWELVE - Closing**

**14.0 - Adjournment**

By the affirmative vote of the members, the meeting was adjourned at 9:45 p.m.

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