

**San Bernardino City Unified School District**

Minutes of a Regular Meeting of the Board of Education

**MINUTES  
ADOPTED  
12/21/10**

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

November 16, 2010

5:30 p.m.

Present: President Danny Tillman; Vice President Barbara Flores; Board Members Louise Ayala, 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, Yolanda Ortega, John Peukert, and Harold Vollkommer; and Superintendent's Assistant Phyllis Gronek. Minutes recorded by Administrative Assistant Jennifer Owens.

Absent: Board Members Teresa Parra Craig and Judi Penman

**SESSION ONE - Opening**

**1.0 - Opening**

**1.1 - Call to Order**

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

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

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

**SESSION TWO - Special Presentations**

**2.0 - Special Presentations**

**2.1 - Outstanding Student Awards**

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

***Ramona-Alessandro Elementary School***

Veronica Asuelime, Lizbeth Garcia, and Michael Parson

***Vermont Elementary School***

Sarahlynn Adkins, Alondra Chavez, and Eduardo Mondragon

***Wilson Elementary School***

Hilda Estrada-Vargas, Michael Pierce, Jr., and Iveth Salgado

2.2 - In Recognition of Substitute Educators Day

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

**WHEREAS** substitute educators, who work in a variety of roles from clerical to instructional, are a vital part of the education profession, providing a balanced education for all students; and

**WHEREAS** the Board of Education of the San Bernardino City Unified School District joins others around the nation in recognizing Friday, November 19, 2010, as Substitute Educators Day; and

**WHEREAS** substitute educators provide a critical link in the education of public school children by serving as a bridge to provide continued quality education to students in the temporary absence of regular classroom educators; and

**WHEREAS** every year, the San Bernardino City Unified School District employs hundreds of substitute employees whose assignments can range from brief to long term, but who nonetheless are essential partners in the education process;

**THEREFORE, BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District encourages all schools in the District to set aside Friday, November 19, 2010, to acknowledge the great contributions substitute employees make to our students and our schools each day.

**SESSION THREE – School Showcase**

**3.0 - School Showcase**

3.1 - Curtis Middle School

Under the direction of dance teacher Bobby Holley, Curtis Middle School students performed six dances.

Board Member Louise Ayala left the meeting at 5:50 p.m.

**SESSION FOUR – Schools Financing Corporation**

**4.0 - Schools Financing Corporation**

**4.1 - Resolution of Intent by the San Bernardino Schools Financing Corporation to Grant Southern California Edison a Non-Exclusive Easement for the Transmission of Underground Electrical Supply and Communication Systems Located at Indian Springs High School**

As the owner of parcels of land located on the site of the Indian Springs High School, specifically Parcel Number 0278-201-33, it is necessary for the San Bernardino Schools Financing Corporation to grant Southern California Edison’s request for a non-exclusive easement and right-of-way for the purposes of constructing, using, maintaining, operating, altering, adding to, repairing, replacing, reconstructing, inspecting and/or removing at any time underground electrical supply systems and communication systems, consisting of wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers, and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across, and along that certain real property in the County of San Bernardino, State of California, described in the attached ‘Exhibit A’ and shown in the attached ‘Exhibit B.’

**RECESS**

President Tillman recessed the meeting of the Board of Education of the San Bernardino City Unified School District and convened a meeting of the Board of Directors of the San Bernardino Schools Financing Corporation.

**Minutes of a San Bernardino Schools Financing Corporation Meeting**

November 16, 2010

Community Room, Board of Education Building  
San Bernardino City Unified School District  
777 North F Street, San Bernardino, CA

**1. - Call to Order**

The meeting was called to order at 6:00 p.m.

**2. - Directors Present**

Directors Flores, Savage, Tillman, and Valdez were present.

**3. - Adoption of Resolution**

Upon motion by Director Savage, seconded by Director Flores, and approved by the affirmative vote of Directors Flores, Savage, Tillman, and Valdez (Noes: None), the following was adopted:

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BE IT RESOLVED that it is the judgment of the Board of Directors that it is necessary and proper that the San Bernardino Schools Financing Corporation grant easement in accordance with 'Exhibits A and B,' to Southern California Edison Company.

BE IT FURTHER RESOLVED that the Board of Directors authorizes Arturo Delgado to execute all documents and to incur reasonable and necessary costs to facilitate the transaction described herein.

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**EXHIBIT "A"**

VARIOUS STRIPS OF LAND LYING WITHIN THAT PORTION OF LOTS 4 AND 5 IN BLOCK 51 OF THE RANCHO SAN BERNARDINO, AS PER MAP FILED IN BOOK 7, PAGE 2 OF MAPS, MORE PARTICULARLY DESCRIBED AS PARCEL A IN THE DEED TO THE GRANTOR HEREIN, RECORDED ON MAY 25, 2004 AS DOCUMENT NO. 2004-0367313, OF OFFICIAL RECORDS, BOTH IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

STRIP #1 (9.00 FEET WIDE)

THE SOUTHERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SAID PARCEL A, SAID CORNER BEING IN THE NORTHERLY LINE OF SIXTH STREET, 41.25 FOOT HALF-WIDTH, AS IT NOW EXISTS; THENCE ALONG SAID NORTHERLY LINE OF SIXTH STREET, NORTH 89°59'57" EAST 162.15 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUING ALONG SAID NORTHERLY LINE OF SIXTH STREET, NORTH 89°59'57" EAST 125.64 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID NORTHERLY LINE OF SIXTH STREET, NORTH 89°59'57" EAST 24.00 FEET TO A POINT OF ENDING.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN PUBLIC STREET.

STRIP #2 (6.00 FEET WIDE)

THE CENTERLINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

**BEGINNING** AT SAID POINT "A"; THENCE LEAVING THE NORTHERLY LINE OF SAID SIXTH STREET, NORTH 37°17'59" WEST 5.16 FEET; THENCE NORTH 13°30'06" WEST 5.17 FEET; THENCE NORTH 00°02'54" WEST 612.03 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 12.50 FEET; THENCE NORTHERLY, NORTHWESTERLY, AND WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" AN ARC DISTANCE OF 19.63 FEET; THENCE SOUTH 89°57'06" WEST 0.96 FEET TO A POINT OF ENDING, SAID POINT HEREINAFTER REFERRED TO AS POINT "B".

THE SIDELINES OF SAID STRIP ARE TO BE PROLONGED OR SHORTENED TO TERMINATE SOUTHEASTERLY IN THE NORTHERLY LINE OF SAID SIXTH STREET AND TO JOIN AT THE ANGLE POINTS.

STRIP #3 (21.00 FEET WIDE)

THE CENTERLINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

**COMMENCING** AT SAID POINT "B"; THENCE NORTH 00°02'54" WEST 2.62 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 89°57'06" WEST 16.50 FEET TO A POINT OF ENDING.

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FOR SKETCH TO ACCOMPANY LEGAL DESCRIPTION SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

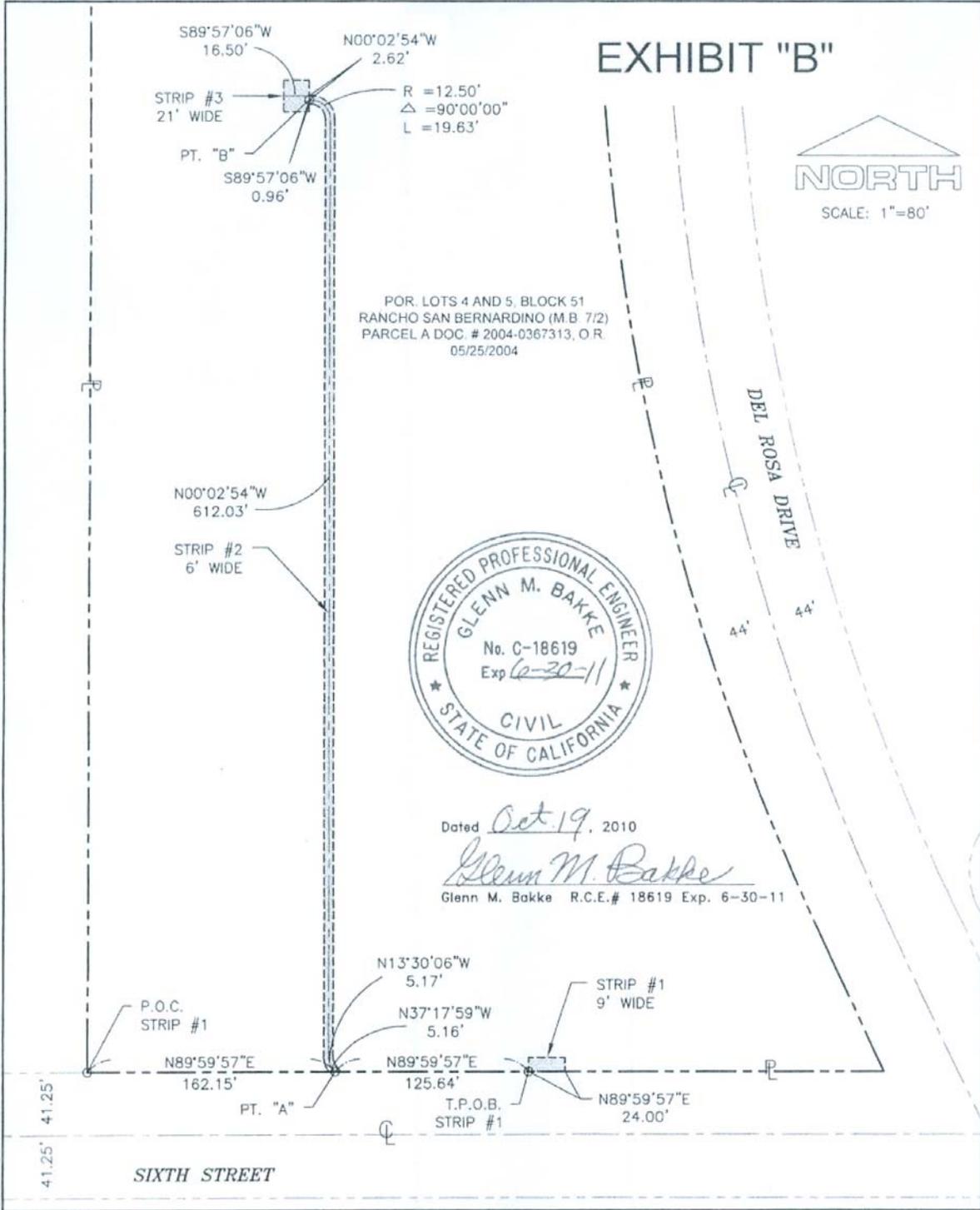
This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

Prepared by me or under my direction

Dated: Oct. 19, 2010

Glenn M. Bakke  
Glenn M. Bakke R.C.E. #18619 Exp. 6-30-2011





**4. - Comments from the Public**

None.

**5. - Adjournment**

By the affirmative vote of the Directors, the meeting was adjourned at 6:05 p.m.

At the conclusion of the meeting of the Board of Directors of the San Bernardino Schools Financing Corporation, the Board of Education reconvened its regular meeting.

**RECONVENE**

**SESSION FIVE - Administrative Presentation**

**5.0 - Administrative Presentation**

**5.1 - Charter School Updates**

Mohammad Z. Islam provided an overview of the Public Safety Academy (PSA) charter school financial review which was conducted by Vavrinek, Trine, Day & Company (VTD), Certified Public Accountants (see page \_\_\_\_).

Barbara Flores asked if the District has a responsibility for PSA's debts. Sukhi Sandhu, legal counsel from Atkinson, Andelson, Loya, Ruud, and Romo, recommended that Staff get in contact with PSA to cure and correct this. The District isn't responsible if we exercise our oversight responsibility.

Elsa Valdez stated that the District needs to do more oversight on all charters. Ms. Sandhu recommended that the District allow PSA to bring the loan current by a specific date, and if not, revoke the charter.

Lynda Savage stated that they have heard concerns about PSA before. The District can't underwrite charter schools. Mrs. Savage said to give PSA a short time period to rectify this.

Danny Tillman stated that PSA isn't required to hire a financial expert, so they haven't broken any rules. Mr. Tillman asked if the District can require PSA to have a minimum reserve. Ms. Sandhu replied yes and reported that auditors recommend having a three to five percent reserve and timely financial reports.

Dr. Delgado reminded Board members that this is just a report of findings tonight. They can not take action tonight, but he will bring this back for appropriate action. Ms. Sandhu stated that the Board could give the Superintendent direction to direct Staff to prepare a notice to cure and

correct. Barbara Flores, Lynda Savage, and Danny Tillman supported Ms. Sandhu's recommendation. Dr. Valdez stated that she doesn't support it.

Danny Tillman asked the Superintendent to move forward with the notice to cure and correct. Ms. Sandhu stated that if we don't follow the proper procedures, County Schools will overturn it, and the State will not overlook us not following procedures. Ms. Sandhu recommended giving Staff an opportunity to look into other issues and incorporate all into one document.

Danny Tillman recommended having the same analysis done for all District charters. Dr. Delgado stated that we have a process for examining charters. Mr. Tillman asked for an update at the December 7 Board meeting. Dr. Delgado stated that we will take action immediately to conduct inspections.

President Tillman announced a break in the presentation and moved Session Seven forward on the agenda.

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

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

Sharon Thurman, CSEA member, spoke in opposition of the Board's support of Jess Vizcaino as the neutral third party appointee of the Personnel Commission Board. Mr. Vizcaino has never attended a Personnel Commission meeting and they don't know if he is an adherent to Personnel Commission rules. CSEA supports Rhonda Early. Ms. Thurman asked the Board to not send a letter supporting Jess Vizcaino to State Superintendent of Public Instruction Jack O'Connell.

Gil Navarro, education advocate, reported the San Andreas High School student he is representing was up for expulsion, but it was overturned because his special education services were out of line. Mr. Navarro recommended having an LAT for every English learner student. The San Andreas High School principal told him that an LAT will be in place for each English student that isn't proficient by the end of the year.

President Tillman announced that the administrative presentation would resume.

### **SESSION FIVE – Administrative Presentation (Continued)**

Dr. Harold Vollkommer, Assistant Superintendent, Certificated Human Resources/ Student Services, provided an update related to the Casa Ramona Academy for Technology, Communication, and Education (see page \_\_\_\_).

Danny Tillman asked if the City has a process to require Casa Ramona to do a correction for their facilities. Sukhi Sandhu stated that the City requires code compliance. The District can ask Casa Ramona to cure and correct and then the District can notify the City to require Casa

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Ramona to make a correction. Barbara Flores and Elsa Valdez asked Staff to do a financial analysis of Casa Ramona. Barbara Flores stated that students' transcripts reflect college prep courses, but only one course is college prep. Ms. Sandhu stated that this would be a violation of the charter. Elsa Valdez asked if the District could ask Casa Ramona for an English learners MOU. Ms. Sandhu stated that the lack of English learner services is a violation of the charter.

Dr. Valdez recommended the Board consider the amount of resources being taken away from the District before approving any new charters. Harold Vollkommer stated that it will take a couple of months to have the College Board approve the courses. Dr. Valdez stated that there is no excuse for what they have done to the students. It is a violation of their civil rights. Dr. Flores stated that there are items that can't be cured and corrected. The API score forfeiture isn't correctable.

Danny Tillman stated that this is a nightmare. The Board gives a level of credibility because they approved their charter. Ms. Sandhu stated that if steps aren't followed, and the revocation is overturned, the District will remain the oversight agency. There are other options to consider such as informing the parents, preventing high school classes, allowing parents to withdraw their students, or putting grade 9-12 classes on hold.

Joe Olague, President of Lulac, stated that he is appalled by the findings. It is most detrimental to the students' education.

Gil Navarro commended the Board for their actions. English learner students are out of compliance; 60-80 percent aren't proficient. It has to be corrected retroactively.

Steve Figueroa, education advocate, told the Board to get rid of their attorney and turn it over to the state controller's office. He is going to turn this over to Mike Ramos or the Attorney General's office. Tracking is illegal. Board members should revoke the charter or resign. Mr. Figueroa told the Board to have a meeting with the students to tell them the Board failed them.

Elsa Valdez asked what their options and legal responsibilities are. Barbara Flores stated the District should turn this over to the Attorney General and State Comptroller.

Danny Tillman stated that his primary concern is the students. They need to ensure that the parents and students are notified. If the students return to the District, we need to help them. Mr. Tillman stated that he is okay with getting a second legal opinion. Dr. Delgado stated we will begin the process immediately. Mr. Tillman stated that we need to make sure other charters aren't in the same condition.

Dr. Valdez asked the Superintendent to call the State Superintendent's office to request an exception. The students shouldn't be punished.

Sukhi Sandu stated that there is a severe and imminent threat to the health and safety of the students. Ms. Sandhu recommended agenzizing issuing a notice of revocation for the December 7 Board meeting. This may be a test case.

Danny Tillman stated that the Board will hold a special Board meeting on November 23. The Superintendent and Staff will come back with a recommendation for next steps. Mr. Tillman asked the Superintendent to hold a meeting with the parents to give them their options. Dr. Delgado reported that action will take place tomorrow to notify parents.

## **SESSION SIX - Administrative Reports**

### **6.0 - Administrative Reports**

#### **6.1 - Total School Solutions 2009-2010 End-of-Year District Assistance Intervention Team (DAIT) Report**

Dr. Gloria Johnston of Total School Solutions was in attendance to respond to questions regarding the 2009-2010 End-of-Year DAIT Report which was received by the Board under separate cover (see page \_\_\_\_).

#### **6.2 - Budget Update**

Mohammad Z. Islam, Chief Business and Financial Officer, stated that no new information is available related to the Fiscal Year 2010-11 budget.

#### **6.3 - School Improvement Grant Update**

Mohammad Islam reported that we have received confirmation that one third of the funding, approximately \$20 million, will arrive around December 11.

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

### **8.0 - 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.

Danny Tillman requested that Staff seek a legal opinion about texting during Board meetings.

#### **8.1 - Legislative Update**

None.

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

None.

**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. 15, 10.21, and 10.38 were pulled from the agenda.

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

**10.1 - Approval of Minutes**

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on October 19, and October 26, 2010, be approved as presented.

**10.2 - Approval of Date for the Annual Organizational Meeting of the Board of Education**

BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District establishes December 7, 2010, as the date of the official Annual Organizational Meeting.

**10.3 - Payment of Master Teachers – California Baptist University**

BE IT RESOLVED that the Board of Education approves payment for services as master teachers during fall 2010, as provided for in the Agreement with California Baptist University, as follows:

Haninger, Christine	\$37.50	Lossner, Laurie	\$75.00
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**10.4 - Payment of Master Teacher – National University, Spring 2010**

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during Spring 2010, as provided for in the Agreement with National University, as follows:

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Mierzwik, William \$150.00

10.5 - Payment of Master Teacher – National University, Summer 2010

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during Summer 2010, as provided for in the Agreement with National University, as follows:

Russell, Gail \$150.00

10.6 - Payment of Master Teacher - University of La Verne

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during the Spring Semester 2010, as provided for in the Agreement with University of La Verne, as follows:

Calm, Annamaria \$100.00

10.7 - Payment of Master Teachers – University of Redlands

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

Ellis, Tony \$100.00

10.8 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$100.00, St. Bernadine Medical Center; \$250.00, Dr. and Mrs. Michael Maskin; and \$24,000.00, Alaina Mathews.

10.9 - 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:

Teashia Lopez (Board Representative, St. Anthony School)	To attend The Southern California Kindergarten Conference, in Buena Park, CA, December 1-2, 2010. Total cost, including meals and mileage per District guidelines, not to exceed \$700.00, will be paid from Accountability Department Account No. 536.
Elizabeth A. Lemus Norma M. Roberts (Board Representatives,	To attend The Southern California First and Second Grade Conference, in Buena Park, CA, December 8-9, 2010. Total cost, including meals and mileage per District guidelines, not to

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St. Anthony School) exceed \$1,200.00, will be paid from Accountability Department Account No. 536.

10.10 - Cafeteria Warrant Register, Ending October 31, 2010

BE IT RESOLVED that the Cafeteria Warrant Register, ending October 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.

10.11 - Commercial Warrant Registers for Period from October 1, through October 31, 2010

BE IT RESOLVED that the Commercial Warrant Register for period from October 1, through October 31, 2010, be approved.

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.

10.12 - 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:

CSUSB Theatre Touring Productions for two presentations entitled "Alice in Wonderland," on November 18, and December 2, 2010. The cost, not to exceed \$200.00, will be paid from Palm Elementary School ASB funds.

Fermin Ramirez from Crafton Hills College for various presentations throughout the remainder of the 2010-11 school year, beginning January 17, 2011. The presentations will be made at no cost to the District.

Maria Carmen Rodriguez from San Bernardino Valley College for various presentations throughout the remainder of the 2010-11 school year, beginning November 17, 2010. The presentations will be made at no cost to the District.

Debbie Price from Platt College for various presentations throughout the remainder of the 2010-11 school year, beginning November 17, 2010. The presentations will be made at no cost to the District.

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Patricia Berry and Samuel Trejo from San Bernardino Valley College for various presentations throughout the remainder of the 2010-11 school year, beginning January 12, 2011. The presentations will be made at no cost to the District.

10.13 - 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.

Total School Solutions to present three three-day professional development workshops, “English Language Learners Math Professional Development Training” to District teachers and staff, effective November 17, 2010, through June 30, 2011. The fee, not to exceed \$15,500.00, will be paid from the Restricted General Fund—School Improvement Grant-New SIG, Account No. 507.

Laurie Olsen, Berkeley, CA, to present a one-day workshop, “Long Term English Learners: Directions for Policy, Program and Practice,” December 17, 2010. The fee, not to exceed \$3,000.00, will be paid from the Restricted General Fund—English Learners and Support, Account No. 261.

Digital Edge Learning for five days of teacher professional development, Full Digital Delivery Experience, November 17, 2010, through June 30, 2011. The fee, not to exceed \$44,730.00, will be paid from the Restricted General Fund—School Improvement Grant-New SIG, Account No. 507.

10.14 - Extended Field Trip, Barton Elementary School, Outdoor Science Camp, Forest Falls, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 70 Barton Elementary School students, 4 Outdoor Science Camp staff members, and 3 District employees, to attend the Outdoor Science Camp, in Forest Falls, California, November 30, through December 3, 2010. The cost of the trip, not to exceed \$21,350.00, including meals and lodging for 70 Barton Elementary School students, 4 Outdoor Science Camp staff members, and 3 District employees, will be paid from sponsorship by the Orange County Department of Education. Transportation provided by Durham School Services, not to exceed \$630.00, will be paid from sponsorship by the Outdoor Science School. Names of the students are on file in the Business Services office.

10.15 - Extended Field Trip, Middle College High School, UCR Host Program, Riverside, California

This item was deleted.

10.16 - Extended Field Trip, California Cadet Corps, Brigade Intermediate/Advanced Leadership School and Officer Candidate School, San Bernardino, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 120 California Cadet Corps students, 3 adult chaperones, and 9 District employees to attend Brigade Intermediate/Advanced Leadership School and Officer Candidate School, in San Bernardino, California, December 3, through December 5, 2010. The cost of the trip, not to exceed \$4,930.00, including meals and lodging for 120 California Cadet Corps students, 3 adult chaperones, and 9 District employees, will be paid from California Cadet Corps Account No. 030 and sponsorship from various sponsors. Transportation will be provided by students' parents and guardians at no cost. Names of the students are on file in the Business Services office.

10.17 - Approval of Disputed Claim – San Bernardino High School

BE IT RESOLVED that the Board of Education approves authorizing payment of the disputed claim, in an amount not to exceed \$13,359.38, to NEVCO Scoreboard Company, for replacement of a scoreboard at San Bernardino High School.

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

10.18 - Notification of Interim Mediated Settlement Agreement OAH Case No: 2010050221

BE IT RESOLVED that the Board of Education approves, upon District's receipt of proof of payments, to reimburse parents for Occupational Therapy and Speech and Language independent assessments conducted by Casa Colina clinic in Pomona, CA, not to exceed \$2,000.00 each assessment, with total aggregate not to exceed \$4,000.00, as noted in the Interim Mediated Settlement Agreement OAH Case No.: 2010050221. Payments are to be paid from the Restricted General Fund—Special Education, Account No. 827.

10.19 - Agreement with Honeywell Building Solutions to Maintain Building Automation System Hardware and Software at Various District Sites

BE IT RESOLVED that the Board of Education approves entering into an agreement with Honeywell Building Solutions to maintain building automation system hardware and software and support for the District's Enterprise Building Integrator (EBI) systems located at various District sites, effective December 1, 2010, through November 30, 2013. This agreement may be extended by mutual written consent one year at a time up to a total of two years, subject to the terms and conditions agreed upon by both parties. EBI is a proprietary system owned and administered solely by Honeywell. Honeywell will provide extended warranties to the District for the hardware, including but not limited to, repairs and replacement of serviceable components and parts which are on the list of covered equipment and software, which have been found to be defective or have failed. The annual not-to-exceed cost of \$98,560.04 will be paid from

Maintenance & Operations' Account No. 160. The cost is to remain firm throughout the term of the contract, except for inflationary adjustments, as approved by the District at its sole discretion annually. In the event of the addition or elimination of sites requiring service, costs will be adjusted to reflect the number of District sites to be included under this agreement.

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

10.20 - Agreement with School Services of California, Incorporated for Review of Business Operations Processes

BE IT RESOLVED that the Board of Education approves entering into an agreement with School Services of California, Inc., Sacramento, CA to review the Nutrition Services' and Business Services' Operational Processes in the areas of Fiscal, Purchasing, Accounts Payable, Payroll, and Accounting Services, for the purposes of identifying and eliminating overlaps and duplications of business processes, improving business operations efficiency while reducing costs, adhering to best business practices, and making recommendations for achieving maximum business operations efficiency while reducing costs, effective November 17, 2010, through June 30, 2011. The cost, not to exceed \$26,400.00, plus expenses, will be paid from Unrestricted General Fund, Account No. 068.

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 the University of California, Riverside (UCR) for Senior Students at Middle College High School to Participate in the Host Program

This item was deleted.

10.22 - Facility Use Agreement with Western Region Little League Headquarters

BE IT RESOLVED that the Board of Education approves entering into a facility use agreement with Western Regional Little League Headquarters, San Bernardino, CA, effective December 3-5, 2010. The facility will be used for an Intermediate and Advanced Leadership School and Officer Candidate School. The fee, not to exceed \$1,200.00, will be paid from the Restricted General Fund—Leadership Skills Academy, Account No. 030.

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

10.23 - License Agreement with the Redevelopment Agency of the City of San Bernardino for Use of the California Theatre for the Adult School Graduation

BE IT RESOLVED that the Board of Education approves entering into a license agreement with the Redevelopment Agency of the City of San Bernardino, CA, for the use of the California Theatre on June 1, 2011. The fee, not to exceed \$2,100.00, will be paid from Adult Education, Fund 01, Account No. 130.

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

10.24 - Amendment of the Agreement with Frances Armenta to Administer the General Education Development (GED) Test at the Adult School

BE IT RESOLVED that the Board of Education approves amending the agreement with Frances Armenta, Grand Terrace, CA, approved by the Board on June 15, 2010, Agenda Item 10.36. The amendment is necessary to add \$5,200.00 to the original fee of \$5,200.00 for an aggregate total not to exceed \$10,400.00 due to the increased number of GED tests administered. The cost will be paid from Adult Education, Fund 01, Account No. 130. 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 all related documents.

10.25 - Amendment of the Agreement with Annette Beck to Administer the General Education Development (GED) Test at the Adult School

BE IT RESOLVED that the Board of Education approves amending the agreement with Annette Beck, Highland, CA, approved by the Board on June 15, 2010, Agenda Item 10.18. The amendment is necessary to add \$2,500.00 to the original fee of \$2,500.00 for an aggregate total not to exceed \$5,000.00 due to the increased number of GED tests administered. The cost will be paid from Adult Education, Fund 01, Account No. 130. 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 all related documents.

10.26 - Amendment of the Agreement with Behavioral and Educational Support Team Services, Inc. (B.E.S.T.) to Provide Applied Behavior Analysis (ABA) Services to District Special Education Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Behavioral and Educational Support Team Services, Inc., (B.E.S.T.), El Cajon, CA, approved by

the Board on June 15, 2010, Agenda Item 10.53. The amendment is necessary due to an increase in ABA services required for special education students. The additional cost of \$23,000.00, added to the original cost of \$21,000.00 for an aggregate total not to exceed \$44,000.00, 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.

10.27 - Amendment of the Agreement with the Parent Academy for our Children's Success (PACS) to Provide Training for Parents of District Students Enrolled at San Bernardino High School

BE IT RESOLVED that the Board of Education approves amending the agreement with the Parent Academy for our Children's Success (PACS), Fontana, CA, approved by the Board on June 15, 2010, Agenda Item 10.23. The amendment is necessary to add an additional parent class and to increase the fee by \$5,000.00 from \$15,000.00 to an aggregate total not to exceed \$20,000.00. The additional cost will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 501. 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 all related documents.

10.28 - Amendment No. 1 to the Agreement with Mike Cox Electric, Inc., Bid No. F07-03, Category 8 - Electrical, for the San Gorgonio High School Modernization Project

BE IT RESOLVED that the Board of Education approves amending the agreement with Mike Cox Electric, Inc., San Bernardino, CA, Bid No. F07-03, Category 8 – Electrical, for the San Gorgonio HS Modernization Project. This amendment is for an additional \$116,234.97 due to unforeseen conditions arising from existing beam pockets that were exposed upon completion of the abatement and demolition of the existing ceilings, for a not-to-exceed total cost of \$1,858,834.97, and will be paid from Funds 21, 35, and 40. All other terms and conditions will remain the same. County Counsel has reviewed and approved the amendment which includes proposed change orders. The District will seek partial reimbursement from the architect for the design errors and omissions.

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 - Amendment No. 1 to the Agreement with PSWC Group Architects for Architectural and Engineering Services for the Proposed Graciano Gomez Elementary School (Alessandro II) – Savings By Design Program

BE IT RESOLVED that the Board of Education approves amending the agreement with PSWC Group Architects, San Bernardino, CA, for architectural and engineering services at the proposed Graciano Gomez Elementary School (Alessandro II). This amendment is for additional architectural and engineering services for preparation of construction documents and DSA submittal for participation in Southern California Edison's Savings by Design Program at the school site. The cost for the additional services, \$7,500.00, plus approved reimbursable expenses, will be paid from Funds 21, 25, 35, and 40. 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.

10.30 - Amendment No. 1 to the Agreement with PSWC Group Architects for Architectural and Engineering Services for the Proposed Dr. Mildred Dalton Henry Elementary School (Roosevelt II)–Savings By Design Program

BE IT RESOLVED that the Board of Education approves amending the agreement with PSWC Group Architects, San Bernardino, CA, for architectural and engineering services at the proposed Dr. Mildred Dalton Henry Elementary School (Alessandro II). This amendment is for additional architectural and engineering services for preparation of construction documents and DSA submittal for participation in Southern California Edison's Savings by Design Program at the school site. The cost for the additional services, \$7,500.00, plus approved reimbursable expenses, will be paid from Funds 21, 25, 35, and 40. 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.

10.31 - Amendment No. 1 to the Professional Services Agreements with PSWC Group Architects for Architectural and Engineering Services for Additional DSA Pre-Checked Two-Story Classroom Buildings – Savings By Design Program

BE IT RESOLVED that the Board of Education approves amending the agreement with PSWC Group Architects, San Bernardino, CA, for architectural and engineering services as part of the DSA ORG pre-checked, two-story classroom buildings project. This amendment is for additional architectural and engineering services for preparation of construction documents and DSA submittal for participation in Southern California Edison's Savings by Design Program at Lankershim Elementary School. The cost for the additional services, not to exceed \$7,500.00, plus approved reimbursable expenses, will be paid from Funds 21, 25, 35, and 40. All other terms and conditions remain the same.

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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 Amendment No. 1.

10.32 - Amendment No. 1 to the Agreement with Vanir Construction Management, Inc. to Provide Construction Management Services for the Proposed Graciano Gomez (Alessandro II) and the Proposed Dr. Mildred Dalton Henry (Roosevelt II) Elementary Schools New Construction Project

BE IT RESOLVED that the Board of Education approves amending the agreement with Vanir Construction Management Inc., San Bernardino, CA, for construction management services at the proposed Graciano Gomez (Alessandro II) and the proposed Dr. Mildred Dalton Henry (Roosevelt II) Elementary Schools New Construction 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.

10.33 - Amendment No. 1 to the Agreement with Ledesma and Meyer Construction Co. Inc. to Provide Construction Management Services for the Proposed Captain Leland Norton (Lincoln II South) and the Proposed George Brown Jr. (Wilson II) Elementary Schools New Construction Project

BE IT RESOLVED that the Board of Education approves amending the agreement with Ledesma and Meyer Construction Co. Incorporated, Rancho Cucamonga, CA, for construction management services at the proposed Captain Leland Norton (Lincoln II South) and the proposed George Brown Jr. (Wilson II) Elementary Schools New Construction 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.

10.34 - Amendment No. 1 to the Professional Services Agreement with ATI Architects for Architectural and Engineering Services for "21st Century" Classroom Improvement Projects at Arrowview Middle School and Pacific and San Bernardino High Schools

BE IT RESOLVED that the Board of Education approves amending the professional services agreement with ATI Architects, Redlands, CA, for architectural and engineering services for "21st Century" classroom improvement projects at Arrowview Middle School and Pacific and San Bernardino High Schools. This amendment is for additional services needed to ensure the District's compliance with DSA requirements due to unforeseen site conditions, including additional ADA upgrades, such as additional path of travel, nearby restrooms, and design revisions for removal of existing walls not part of the original scope of work. The cost for the

additional services are \$4,860.00 for Arrowview Middle School; \$2,700.00 for Pacific High School; and \$8,100.00 for San Bernardino High School, for a combined, not-to-exceed total of \$15,660.00 and will be paid from Funds 01- 436 (QEIA) and 21, 35, and 40. 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.

10.35 - Amendment No. 2 to the Agreement with WLC Architects for Architectural and Engineering Services for the Proposed George Brown Jr. Elementary School (Wilson II)

BE IT RESOLVED that the Board of Education approves amending the agreement with WLC Architects, Rancho Cucamonga, CA for architectural and engineering services at George Brown Jr. Elementary School (Wilson II). This amendment is for additional services required for approval by the City of San Bernardino of off-site improvements including civil engineering, landscape and plumbing designs. Other additional services include the preparation of construction documents, DSA submittal for participation in Southern California Edison's Savings by Design Program and bid package of hazardous materials abatement and demolition for the new construction project. The costs for the additional services are \$55,455.00 for off-site improvements; \$9,000.00 for the Savings by Design Program; and \$19,400.00 for the hazardous materials bid package. The total cost, not to exceed \$83,855.00, will be paid from Funds 21, 25, 35, and 40. All other terms and conditions remain the same.

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

10.36 - Renewal of the Agreement with AAA Academics to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves renewing the agreement with AAA Academics, Los Angeles, CA to provide supplementary educational services to District students, effective November 17, 2010, through June 30, 2011. The fee, not to exceed \$1,436.64 at the rate of \$1,436.64 per student, will be paid from the Restricted General Fund, No Child Left Behind (NCLB), Title I Program Improvement School Support, Account No. 524.

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 - Resolution of Intent by the District to Grant Southern California Edison a Non-Exclusive Easement for the Transmission of Underground Electrical Supply and Communication Systems Located on the Site of the Former Curtis Middle School (Now Indian Springs High School)

BE IT RESOLVED that it is the judgment of the Board of Education, and in the best interests of the District, that a non-exclusive easement be granted to Southern California Edison for the

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transmission of underground electrical supply systems and communication systems at the site of the former Curtis Middle School (now Indian Springs High School). San Bernardino City Unified School District of San Bernardino County is the owner of a portion of a real property located at 1472 East 6<sup>th</sup> Street, San Bernardino, CA as described and depicted in the attached 'Exhibits A & B.'

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to execute all related documents, and to incur reasonable costs as necessary, to grant the above referenced easement.

**EXHIBIT "A"**

THE SOUTHERLY 9.00 FEET OF THE EASTERLY 24.00 FEET OF THE WESTERLY 193.16 FEET OF THAT PORTION OF LOTS 4 AND 5 IN BLOCK 51 OF THE RANCHO SAN BERNARDINO, AS PER MAP FILED IN BOOK 7, PAGE 2 OF MAPS, MORE PARTICULARLY DESCRIBED IN THE DEED TO THE GRANTOR HEREIN, RECORDED ON MAY 12, 1965 IN BOOK 6389, PAGE 24 OF OFFICIAL RECORDS, BOTH IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN PUBLIC STREET.

FOR SKETCH TO ACCOMPANY LEGAL DESCRIPTION SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

Prepared by me or under my direction

Dated: Oct. 19, 2010

Glenn M. Bakke

Glenn M. Bakke R.C.E. #18619 Exp. 6-30-2011



# EXHIBIT "B"



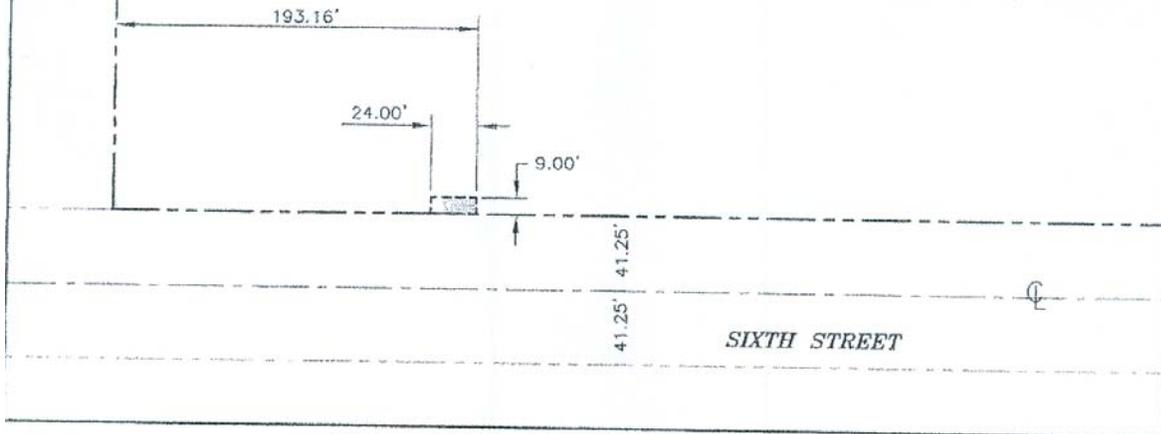
POR. LOTS 4 AND 5, BLOCK 51  
RANCHO SAN BERNARDINO (M.B. 7/2)  
BOOK 6389 / PAGE 24, O.R.  
05/12/1965

WEST LINE BK 6389 / PG 24 O.R.



Dated *Oct. 19*, 2010

*Glenn M. Bakke*  
Glenn M. Bakke R.C.E.# 18619 Exp. 6-30-11



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10.38 - Approval of Pre-Approved Firms for the Lease/Lease-Back Delivery Method for Master Agreements for Various Facilities Construction Projects

This item was deleted.

10.39 - Bid No. F10-03, Site Clearing and Soil Remediation Workplan Implementation at the Proposed Middle College High School

BE IT RESOLVED that Bid No. F10-03, Site Clearing and Soil Remediation Workplan Implementation at the proposed Middle College High School, be awarded to the lowest responsible bidder meeting the specifications for the Base Bid. The cost will be paid from Funds 21, 25, 35, and 40.

Innovative Construction Solutions  
4011 W. Chandler Avenue  
Santa Ana, CA 92704

\$818,300.00

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.

10.40 - Bid No. 13-10, Paper -Warehouse Stock

BE IT RESOLVED that the bid received from Midtown Stationers be rejected in its entirety. The bidder qualified its bid.

BE IT ALSO RESOLVED that the bid received from RIS Paper, Line 002, be rejected for failure of the vendor to submit product sample per bid requirements.

BE IT ALSO RESOLVED that Bid No. 13-10, Paper -Warehouse Stock, Line Item 003 be rejected in its entirety. The District will rebid this line item.

BE IT ALSO RESOLVED that Bid No. 13-10, Paper -Warehouse Stock, Line Items 001 and 002 be awarded to the lowest responsive and responsible bidder(s) meeting District specifications, based on lowest unit prices as follows:

<u>BIDDER</u>	<u>UNIT PRICE (Per Case)</u>	<u>LINES AWARDED</u>
Costco Warehouse San Diego, CA	\$ 25.35	001
Xpedex Downey, CA	\$ 37.70	002

BE IT FURTHER RESOLVED that the District reserves the right to purchase more than or less than the quantity indicated, exercising unit price escalation in accordance with the bid specifications, at the sole discretion of the District, throughout the initial six-month term of the bid, and all extensions, not to exceed three years total.

10.41 - Approval to Replace General Contractor on Bid No. F09-12, Hunt Elementary School Phase II Project

BE IT RESOLVED that the Board of Education approves the withdrawal request submitted by Fischer, Inc., citing erroneous computations and failure of subcontractors to honor their prices, and that the Board approves Fata Construction & Development, Riverside, CA, as the next lowest, responsible bid received for Bid No. F09-12, Hunt Elementary School Phase II Project. All other terms and conditions will remain the same.

**General Contractor**

**Base Bid including Allowances**

Fata Construction & Development  
19135 Vintage Woods Drive  
Riverside, CA 92508

\$ 1,978,000.00

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.

10.42 - Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107 - Low Voltage

BE IT RESOLVED that the Board of Education approves the request by the general contractor, Great West Contractors, Inc., Bid F08-06, for Mt. Vernon, Rio Vista, and Roosevelt Elementary Schools (Group 2) Modernization Projects, to release ICS Service Co., the low voltage subcontractor, from their obligation on the projects, and to substitute Thompson Engineering, Riverside, CA, as the low voltage subcontractor, pursuant to Public Contract Code Section 4107. There is no additional cost. 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 any required documents to effect said substitution.

10.43 - Request to Substitute Subcontractors Pursuant to Public Contract Code Section 4107 - Plumbing

BE IT RESOLVED that the Board of Education approves the request by the general contractor, Great West Contractors, Inc., Bid F08-06, for Mt. Vernon, Rio Vista, and Roosevelt Elementary Schools (Group 2) Modernization Projects, to release Alvarez Engineering, Inc., the plumbing subcontractor, from their obligation on the projects, and, to substitute Aldan, Inc., Anaheim, CA,

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as the plumbing subcontractor, pursuant to Public Contract Code Section 4107. There is no additional cost. 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 any required documents to effect said substitution.

10.44 - 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:

12/8/1992	**4/20/1994	*(S)11/4/1994	*(S)7/13/1993	2/8/1994	7/19/1995
*(S)2/3/1998	11/22/1992	*(S)5/23/1999	9/7/1993	2/10/1996	*(S)12/30/1995
1/22/1995	*(S)8/3/1997				

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

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

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

10.45 - 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.

2/14/1994      6/17/1993      10/27/1997

10.46 - 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:

2/19/1993      8/30/1995      2/15/1996      11/2/1997      1/21/1998      3/30/1998

10.47 - 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:

10.48 - Revocation of Suspension of Expulsion

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

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

10.49 - 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:

10.50 - 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:

11/2/1997

10.51 - 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.

10.52 - 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.

10.53 - Rescind Letter from Board of Education to Jack O'Connell, State Superintendent

BE IT RESOLVED that the Board of Education rescinds the letter from the Board of Education to Jack O'Connell, State Superintendent, dated October 6, 2010, regarding San Bernardino City Unified School District nomination of neutral Personnel Commission member.

10.54 - Approval of Letter from Board of Education to Jack O'Connell, State Superintendent

BE IT RESOLVED that the Board of Education approves the letter from the Board of Education to Jack O'Connell, State Superintendent, dated November 17, 2010, supporting nomination of Jess Vizcaino as neutral third party appointee of Personnel Commission Board.

**11.0 - Action Items**

11.1 - Resolution Expressing Intention To Issue General Obligation Bonds And Qualified School Construction Bonds (QSCB) Obligations And Directing Certain Related Actions

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

WHEREAS, the Board of Education (the "Board") of the San Bernardino City Unified School District (San Bernardino County, California) (the "District") has heretofore obtained approval by the voters of the District at an election conducted on March 2, 2004 (the "Election")

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for the issuance of not to exceed \$140,000,000 in general obligation bonds of the District (the “2004 Authorization”); and

WHEREAS, there remain authorized but unissued \$17,003,318.20 aggregate principal amount of such bonds; and

WHEREAS, the United States Department of the Treasury (the “Treasury”) has awarded the District \$27,790,000 in calendar year 2009 and \$25,294,000 in calendar year 2010 of Qualified School Construction Bond allocations, under and pursuant to the terms of the American Recovery and Reinvestment Tax Act of 2009, as amended by the Hiring Incentives to Restore Employment Act of 2010 (the “QSCB Allocations”); and

WHEREAS, the District is authorized pursuant to the Education Code of the State of California to provide for the execution and delivery of certificates of participation, each of which will evidence proportionate interests of the owners thereof in certain lease payments to be made by the Board; and

WHEREAS, the immediate capital needs of the District require that the District authorize the issuance of the remainder of the 2004 Authorization in the form of general obligation bonds (the “Series D General Obligation Bonds”) and the combined 2009 and 2010 QSCB Allocations in the form of certificates of participation (the “2011 Certificates”); and

WHEREAS, the District requires the assistance of certain specialized services in connection with the issuance of the Series D General Obligation Bonds and the 2011 Certificates; and

WHEREAS, the District has complied with the provisions of the Education Code with respect to the 2011 Certificates as non voter-approved debt, prior to this meeting of the Board; and

WHEREAS, the Board now desires to direct staff to proceed with the foregoing financings on certain terms;

NOW, THEREFORE, the Board of Education of the San Bernardino City Unified School District, San Bernardino County, California, resolves as follows:

Section 1. The Board hereby expresses its intention to issue not to exceed \$17,003,318.20 in aggregate principal or issue amount of Series D General Obligation Bonds as provided in the 2004 Authorization and for certain projects authorized by the voters at the Election, in the form of current interest bonds, capital appreciation bonds or convertible capital appreciation bonds, as market conditions may dictate. The Board further expresses its intention to provide for the execution and delivery of not to exceed \$53,084,000 aggregate principal or issue amount of 2011 Certificates, in federally taxable form, evidencing proportionate interests of the owners thereof in lease payments to be paid by the District, as Qualified School

Construction Bonds for which the District shall elect to receive a direct subsidy (the “Direct Subsidy”) from the Federal government for its semiannual interest payments.

Inasmuch as the 2011 Certificates will be issued as taxable certificates of participation, they are to be sold in a different market from the District’s previous tax-exempt obligations. The District recognizes that the requirements of certain potential purchasers of the Certificates for additional yield on the Certificates may make it necessary for the District to pay an interest component with respect to the 2011 Certificates in excess of the amount of Direct Subsidy for which the District is qualified. In that event, the Superintendent and the Chief Business and Financial Officer of the District may, prior to pricing the 2011 Certificates, establish a lower aggregate principal amount of the 2011 Certificates which will reduce Lease Payments to an acceptable level for the District.

Section 2. The Superintendent or the Chief Business and Financial Officer is hereby authorized and directed to pursue all further actions, coordinate the preparation of all filings and legal documents as may be deemed necessary or advisable in order to accomplish the purposes of this Resolution, with the goal of delivering the Series D General Obligation Bonds at the earliest possible date and the 2011 Certificates with all due speed thereafter, consistent with good practice and the best interests of the District and the taxpayers.

Section 3. The Board hereby confirms the designation of: Cabrera Capital Markets, LLC, Los Angeles, as Managing Underwriter and Siebert Brandford Shank & Co., L.L.C., as Co-Manager (collectively, the “Underwriters”); the law firm of Fulbright & Jaworski L.L.P., Los Angeles, California as Bond Counsel, Special Counsel and Disclosure Counsel; and Fieldman Rolapp & Associates, Irvine, California, as Financial Advisor, each in accordance with separate proposals to and contracts with the District, in connection with the execution and delivery of the Series D General Obligation Bonds and the 2011 Certificates.

Section 4. The Board presently intends and reasonably expects to have the above-described Series D General Obligation Bonds and the 2011 Certificates (collectively, the “Obligations”) issued within 18 months of the date of the expenditure of moneys on certain projects approved by the voters at the Election (as to the Series D General Obligation Bonds) and otherwise required for the public education operations of the District (as to the 2011 Certificates), in compliance with the applicable provisions of the Internal Revenue Code of 1984, as amended (the “Code”) and the applicable regulations of Treasury (the “Regulations”), or by the date upon which a project is placed in service or abandoned, whichever is later (but in no event more than three years after the date the original expenditure of such moneys is made), and to allocate an amount not to exceed 10% of the proceeds of the Obligations to the reimbursable expenditures in connection with said projects, as may be qualified under Section 1.150-2 of the Regulations (the “Reimbursable Expenditures”). All of the Reimbursable Expenditures covered by this Resolution were paid not earlier than 60 days prior to the date of adoption hereof. The Board intends to allocate within thirty days after the date of issue of the Obligations the proceeds therefrom to reimburse the District for the Reimbursable Expenditures. With respect to the proceeds of the Obligations allocated to reimburse the District for prior expenditures, the Board

hereby covenants not to employ an abusive device under Regulation Section 1.148-10, including using within one year of the reimbursement allocation the funds corresponding to the proceeds of the Obligations in a manner that results in the creation of replacement proceeds, as defined in Regulation Section 1.147-1, of the Obligations or another issue of tax-exempt obligations.

The above provision is made solely for the purpose of establishing compliance with the requirements of said Section 1.150-2 of the Regulations. This provision does not bind the District or the Board to make any expenditure, incur any indebtedness, or proceed with the financing, acquisition or construction of any of the projects.

Section 5. District staff is directed to bring documentation respecting the issuance of the Series D General Obligation Bonds and the 2011 Certificates back to the Board once completed and to work with the Underwriters, the Financial Advisor and Bond Counsel to structure the above-described financings in the most efficient and cost-effective way possible.

Section 6. In compliance with California Education Code Section 17150 and the requirements of the San Bernardino County Office of Education, the Superintendent has notified the San Bernardino County Office of Education and this Board has received authorization to proceed with the execution and delivery of the 2011 Certificates in the form of Qualified School Construction Bonds.

Section 7. This Resolution shall take effect immediately upon its adoption.

#### 11.2 - Personnel Report #10, Dated November 16, 2010

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

BE IT RESOLVED that the Personnel Report #10, dated November 16, 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 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

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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**

**Public Employee Appointment**

Title: High School Vice Principal  
Elementary Principal  
Coordinator, Alternative Programs

**SESSION ELEVEN – Open Session**

**13.0 - Action Reported from Closed Session**

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

BE IT RESOLVED that the Board of Education approves the appointment of the following employees:

HENDRA, BRIAN: High School Vice Principal, effective date, work year and salary, to be determined. Budget: 035

RAINBOLT, RYAN: Elementary School Principal, effective date, work year and salary, to be determined. Budget: 035

WILLIAMS, COLLEEN: Coordinator, Alternative Programs, effective date, work year and salary, to be determined. Budget: 035

**SESSION TWELVE - Closing**

**14.0 - Adjournment**

By the affirmative vote of the members, the meeting was adjourned at 9:30 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, December 7, 2010, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.