

San Bernardino City Unified School District

Minutes of a Regular Meeting of the Board of Education

**MINUTES
ADOPTED
2/1/11**

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

December 21, 2010

5:30 p.m.

Present: President Danny Tillman; Vice President Barbara Flores; Board Members Teresa Parra Craig, Lynda Savage, and Elsa Valdez; Superintendent Arturo Delgado; Deputy Superintendent Judy White; Chief Business and Financial Officer Mohammad Islam, 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 Louise Ayala and Judi Penman; Associate Superintendent Mel Albiso.

SESSION ONE - Opening

1.0 - Opening

1.1 - Call to Order

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

1.2 - Pledge of Allegiance to the Flag

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

SESSION TWO - Special Presentations

2.0 - Special Presentations

2.1 - Outstanding Student Awards

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

Bradley Elementary School

Jasmine Cardenas, Samira De La Rocha, and Alisha Ford

Hunt Elementary School

Johanna Solano and Nadia Valentine

Riley Elementary School

Syrai Carter, Xavier Pulaski, and Valentine Alcaraz

SESSION THREE – Student Showcase

3.0 - Student Showcase

3.1 - San Bernardino City Students

A group of students representing local high schools performed for the Board.

SESSION FOUR - Administrative Presentation

4.0 - Administrative Presentation

4.1 - Bullying

Dr. Harold Vollkommer, Assistant Superintendent of Certificated Human Resources/Student Services; Ray Culberson, Director of Youth Services; Dr. Perry Wiseman, Principal of Rodriguez PREP Academy; and Ernestine Hopwood, Principal of Monterey Elementary School, presented information regarding bullying, including the District's efforts to prevent, intervene, and monitor bullying behaviors, as well as future plans to continue to address this critical issue (see page ____).

Board Member Parra Craig left the meeting at 6:45 p.m.

Danny Tillman stated that victims need to know who they can go to safely. Mr. Tillman asked Staff to find a way to protect victims and suggested citing bullies at the high school level.

Reverend Dennis Brown stated that bullying is one of the programs he presents to students. He is available to give lectures.

Victoria Hughes stated that she brought up this topic at the last Board meeting. After her eighth grade autistic son was beaten by a student in the parking lot, the vice principal told her son that the student wouldn't be disciplined. Mrs. Hughes stated that if the vice principal is not disciplined, she will contact an attorney.

Gil Navarro, education advocate, stated that an SST would be beneficial in stopping bullying. Mr. Navarro recommended that Staff bring in the parents of a bully after the first incident.

President Tillman moved Session Six forward on the agenda.

SESSION SIX – Other Matters Brought By Citizens

6.0 - Other Matters Brought by Citizens

Rebecca Harper, SBTA President, stated that there is a loophole in the system, and retirees who apply for a substitute teacher position, don't have to go to Board for approval. Mrs. Harper stated that retired administrators who substitute are outsourcing SBTA members. Mrs. Harper spoke on behalf of labor at Excel Prep Charter School and stated that the material revision they are requesting is unacceptable. Mr. Tillman stated that the Excel teachers signed off on the change. Mrs. Harper stated that the teachers signed that they were aware of the change, but they do not support it. Harold Vollkommer stated that most charter school employees are at-will employees. Dr. Vollkommer offered an explanation about the retired administrators. On May 18, 2010, the Board adopted the Personnel Report that approved the administrators to teach before their retirement date, which allowed them to work without a break in service. Dr. Valdez asked for proof that the Board approved demotions for administrators at the SIG schools. Barbara Flores asked if the Board was informed of where they would be assigned. Dr. Delgado stated that the Board was told who would be demoted, but not their new locations. President Tillman stated that it has been past practice for the Board to approve positions, but not the locations. Dr. Valdez asked why the demoted administrators didn't have to interview for their new positions. Dr. Delgado stated that they don't have to interview for a job that they previously held. Dr. Valdez stated that we don't reassign demoted teachers and asked why we reassign demoted administrators. Dr. Delgado stated that there aren't a lot of options for a demoted teacher. Dr. Valdez stated that she wants the process changed so the Board can decide on personnel actions, based on where they will be placed.

Gil Navarro stated that the MOU that Casa Ramona has with the District states that the District shall provide special education services. Mr. Navarro filed a complaint last December because a student couldn't get special education help from Casa Ramona so he enrolled in San Andreas High School. Mr. Tillman stated that they realize they are responsible for special education services and the Board needs to take that into account before approving any new charters. Barbara Flores expressed her concern that the District is only charging charter schools one percent. Dr. Delgado reported that the District could only charge more if we provide facilities.

Jack Avakian from the YMCA provided an update on CAPS programs and thanked the District for their collaboration. Five middle schools and an elementary school were added to replace the Think Together program. Approximately 900 CAPS students participated in the YMCA Christmas parade. Also, they provided food baskets to 65 families.

Nancy Sanchez-Spears, elementary PE teacher, expressed her concern with the proposed change to the Board Policy 6142.7 (Physical Education). Ms. Sanchez-Spears stated that physical activity should not be confused with physical education. Marching band does not meet the requirements. Dr. Delgado reported that state guidelines require a marching band teacher to have the appropriate credential in order for the student to receive PE credit. Danny Tillman stated that

successful bands have extra class time. This is a good thing and it will help make the bands stronger.

Bryan Astrachan stated that the Personnel Commission is up and running and processing 300 vacancies. Mr. Astrachan thanked staff for their help. Danny Tillman reported that Mr. Astrachan invited him to swear him in. Mr. Tillman thanked him for his help. Dr. Delgado reported that Mr. Astrachan's position is only temporary, but we have seen progress.

SESSION FIVE - Administrative Reports

5.0 - Administrative Reports

5.1 - Approval to Amend Board Policy 6142.7 (Physical Education) First Reading

Based upon the Board's request to review current District policies and practices regarding Marching Band and to offer credit in a similar fashion as nearby districts, we recommend the following addition to the board policy:

San Bernardino City USD | 6000 | BP 6142.7 Instruction

Physical Education

The Board of Education recognizes the positive benefits of physical activity for student health and academic achievement. The Board desires to provide an activity-focused physical education program that supports the district's coordinated student wellness program, builds interest and proficiency in movement skills, and encourages students' lifelong fitness through physical activity. Besides promoting high levels of personal achievement and a positive self-image, physical education activities should teach students how to cooperate in the achievement of common goals.

The Board recognizes that a high school marching band may fulfill PE credit towards meeting graduation requirements when the teacher is credentialed in accordance with all state credentialing requirements. The marching band program will meet legally required objectives and state model content standards for physical education. This action will be retroactive to the beginning of the 2010-2011 school year.

- (cf. 5030 - Student Wellness)
- (cf. 5121 - Grades/Evaluation of Student Achievement)
- (cf. 6142.8 - Comprehensive Health Education)
- (cf. 6145.2 - Athletic Competition)
- (cf. 6146.1 - High School Graduation Requirements)
- (cf. 6146.11 - Alternative Credits Toward Graduation)

Note: An Attorney General opinion (53 Ops.Cal.Atty.Gen. 230 (1970)) allows marching band classes to be included as part of the physical education program provided that the entire program substantially meets the objectives and criteria of Education Code 51220, adequately prepares students for state physical fitness performance tests, and is taught by a teacher holding a physical education credential. However, the CDE cautions that it is difficult to meet state content standards for physical education through a marching band class. If the district classifies marching band or similar activities as part of the physical education program, the Board should ensure that the program in its entirety meets legally required objectives and state content standards for physical education.

The Board shall approve the components of the physical education program. The district's program shall be aligned with state model content standards and curriculum frameworks for physical education and shall include a variety of kinesthetic activities, including team and individual sports, as well as aesthetic movement forms, such as dance.

Dr. Delgado reported that the Board needs to understand that the PE credit depends on the teacher's credential.

5.2 - Budget Update

Mohammad Z. Islam, Chief Business and Financial Officer, reported that Governor Brown is closing offices and cutting state programs to save money.

5.3 - School Improvement Grant Update

Mohammad Islam reported that the District has received 25 percent of the money. Elsa Valdez requested regular updates on program implementation. Jim Dilday stated that they will be presenting information in Board Correspondence and at a future Board meeting.

SESSION SEVEN - Reports and Comments

7.0 - Report by Board Members

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

Elsa Valdez requested information on Language Assessment Teams (LAT) and the percentage of English learners per school. Judy White reported that eight schools have not held LAT meetings. Dr. Valdez asked for a quick turnaround at those eight schools. Dr. Valdez asked what intervention meetings consist of and requested to see three or four schools' plans.

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7.1 - Legislative Update

None.

8.0 - Report by Superintendent and Staff Members

Dr. Delgado reminded Board members that the January 4 meeting has been rescheduled for January 11, 2011.

SESSION EIGHT - Legislation and Action

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

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

Consent items 9.23 and 9.27 were held for later consideration. Consent item 9.48 was added to the agenda due to the flooding in Highland.

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

9.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on November 16, 2010, be approved as presented.

9.2 - Payment of Master Teacher – 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:

Mazzulla, Kathy	\$156.00
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9.3 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$149.55, Gedion Abraham; \$750.00, Coca Cola Bottling Co.; \$295.76, Target Corporation; \$5,000.00, Laurena Tamayo; \$1,500.00, Raoul & Petra Chacon; \$105.21, Cartridges for Kids; \$225.00, Nancy Jackson – Edison International Employee Contributions; \$203.84, Chase – WaMoola for Schools; \$300.00, Edison International; \$1,000.00, Nestle and Superior Grocers; \$1,500.00, Cal

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Poly Foundation, Inc.; \$2,000.00, Cal Poly Foundation, Inc.; \$225.00, Edison International; \$125.00, Highland Congregational Church; and \$250.00, Dr. Maryanna Gabriel.

9.4 - Cafeteria Warrant Register, Ending November 30, 2010

BE IT RESOLVED that the Cafeteria Warrant Register, ending November 30, 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.

9.5 - Commercial Warrant Registers for Period from November 16, through November 30, 2010

BE IT RESOLVED that the Commercial Warrant Register for period from November 16, through November 30, 2010, be approved.

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

9.6 - 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:

Amend the resolution to hire Robert Jacobo, approved by the Board on September 7, 2010, Agenda Item 8.16. The amendment is necessary to add \$600.00 for three additional events, for an aggregate total not to exceed \$6,600.00. The additional funds will be paid from the Restricted General Fund—Indian Education Formula, Account No. 505. All other terms and conditions will remain the same.

Ratify the start date to hire San Bernardino County Superintendent of Schools for AB 75/430 Training to District administrators, approved by the Board November 2, 2010, Agenda Item 8.4, to a start date of July 1, 2010. All other terms and conditions will remain the same.

9.7 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$253,071.00 in the budgeting of revenue and expenditures for the restricted program, Quality Education Investment Act (436).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$328.00 in the budgeting of revenue and expenditures for the restricted program, Local Staff Development (438).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$500,000.00 in the budgeting of revenue and expenditures for the restricted program, ARRA: Enhancing Education Through Technology Competitive Grant (521).

9.8 - Mileage and Cell Phone Amounts, Fiscal Year 2010-2011

BE IT RESOLVED that the Board of Education ratifies the fixed mileage rate, variable mileage rate, and cell phone payment at the following not-to-exceed amounts for the 2010-2011 fiscal year:

Fixed Monthly Certificated Mileage	\$15,000.00
Fixed Monthly Classified Mileage	\$ 4,000.00
Variable Mileage Rate (eff. 1/1/11)	\$.51
Cell Phone	\$ 7,000.00

9.9 - Extended Field Trip, Mt. Vernon Elementary School, Outdoor Science Camp, Running Springs, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 77 Mt. Vernon Elementary School students, 6 Outdoor Science Camp staff members, and 2 District employees, to attend the Outdoor Science Camp, in Running Springs, California, January 10, through January 14, 2011. The cost of the trip, not to exceed \$28,000.00, including meals and lodging for 77 Mt. Vernon Elementary School students, 6 Outdoor Science Camp staff members and 2 District employees, will be paid from sponsorship by the Orange County Department of Education. Transportation provided by Durham School Services, not to exceed \$315.00, will be paid from Mt. Vernon Elementary School Account No. 423. Names of the students are on file in the Business Services office.

9.10 - Extended Field Trip, California Cadet Corps, Governor Elect Jerry Brown's Inauguration, Sacramento, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 30 California Cadet Corps students and 6 District employees to attend Governor-Elect Jerry Brown's Inauguration, in Sacramento, California, January 2, through January 3, 2011. The cost of the trip, not to exceed \$2,380.00, including meals and lodging for 30 California Cadet Corps students and 6 District employees, will be paid from sponsorship by the State of California.

Transportation provided by Charter Coach, not to exceed \$2,600.00, will be paid from CA Cadet Corps Account No. 030 and reimbursed by the State of California. Names of the students are on file in the Business Services office.

9.11 - Field Trip, Golden Valley Middle School, The Lion King Production, Las Vegas, Nevada

BE IT RESOLVED that the Board of Education approves the field trip for 120 Golden Valley Middle School students and 12 District employees, to attend The Lion King Production, in Las Vegas, Nevada, on February 12, 2011. The cost of the trip, not to exceed \$10,800.00, including meals for 120 Golden Valley Middle School students and 12 District employees, will be paid from Golden Valley Middle School Account No. 2240 and fundraising funds. Transportation provided by charter bus lines not to exceed \$5,100.00, will be paid from Golden Valley Middle School Account No. 2240. Names of the students are on file in the Business Services office.

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

BE IT RESOLVED that the Board of Education approves entering into an agreement with Casa Colina Hospital for Rehabilitation, Pomona, CA, to conduct an educational physical therapy assessment on a certain District student (OAH 2010080706), effective December 22, 2010, through June 30, 2011. The fee, not to exceed \$1,800.00, will be paid from the Restricted General Fund—Special Education, Account No. 827.

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

9.13 - Agreement with Children's Resources to Provide Parent Seminars Regarding Bullying

BE IT RESOLVED that the Board of Education approves entering into an agreement with Children's Resources, Fontana, CA, to provide seminars to parents regarding bullying, effective January 21, through May 20, 2011. The seminars 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—Elementary Secondary Education Act, Account No. 507.

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

9.14 - Agreement with the Asian American Resource Center to Provide English Language Development Classes

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Asian-American Resource Center, San Bernardino, California, to provide English language development classes to parents of District students and community members that pledge to

provide tutoring to District students who are English learners, effective January 3, through June 30, 2011. The program will meet student needs in a multi-level English-as-Second-Language (ESL) class. The curriculum is varied to address proficiency levels from beginning through high literacy. Student progress will be continually monitored by a variety of standardized and teacher-developed tests. The goal is for the parents and community members to help tutor their children and others in the community in learning ESL skills. The cost, not to exceed \$130,000.00, will be paid from the Restricted General Fund – Community Based English Tutoring, Account No. 469.

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

9.15 - Agreement with CSUSB College of Extended Learning to Provide English Language Development Classes

BE IT RESOLVED that the Board of Education approves entering into an agreement with the CSUSB College of Extended Learning, San Bernardino, CA, to provide English language development classes to parents of District students and community members that pledge to provide tutoring to District students who are English learners, effective January 3, through June 30, 2011. The program will meet student needs in a multi-level English as Second Language (ESL) class. The curriculum is varied to address proficiency levels from beginning through high literacy. Student progress will be continually monitored by a variety of standardized and teacher-developed tests. The goal is for the parents and community members to help tutor their children and others in the community in learning ESL skills. The cost, not to exceed \$90,000.00, will be paid from the Restricted General Fund – Community Based English Tutoring, Account No. 469.

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

9.16 - Agreement with CTB/McGraw Hill to Provide LAS Links English Language Assessment Materials

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with CTB/McGraw Hill, Indianapolis, IN, to provide LAS Links English Language Assessment and materials for use at District schools, effective October 20, 2010, through June 30, 2013. The District is able to take advantage of significant discounts, up to 45 percent, by signing a multi-year agreement. The total cost for materials is follows: \$98,831.50 per year, for the first two years \$197,663.00; and the third year at \$80,466.00, for a three-year total not to exceed \$278,129.00, and will be paid from the Restricted General Fund—Title III LEP Student Subgrant, Account No. 544.

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

9.17 - Agreement with El Sol Neighborhood Educational Center to Provide English Language Development Classes

BE IT RESOLVED that the Board of Education approves entering into an agreement with the El Sol Neighborhood Educational Center, San Bernardino, CA, to provide English language development classes to parents of District students and community members that pledge to provide tutoring to District students who are English learners, effective January 3, through June 30, 2011. The program will meet student needs in a multi-level English as Second Language (ESL) class. The curriculum is varied to address proficiency levels from beginning through high literacy. Student progress will be continually monitored by a variety of standardized and teacher-developed tests. The goal is for the parents and community members to help tutor their children and others in the community in learning ESL skills. The cost, not to exceed \$130,000.00, will be paid from the Restricted General Fund – Community Based English Tutoring, Account No. 469.

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

9.18 - Agreement with Get Ahead Writing, LLC, to Provide Staff Training in Direct Application of Writing Application Standards

BE IT RESOLVED that the Board of Education approves entering into an agreement with Get Ahead Writing, LLC, Fullerton, CA, to provide training in direct application of writing application standards to District staff, and a Writing Boot Camp for 4th Graders, effective January 10, through June 30, 2011. The services will include 20 days of on-site training. The cost for services, not to exceed \$26,000.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 507.

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

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

BE IT RESOLVED that the Board of Education approves entering into an agreement with Juvenile Court Schools (JCS), San Bernardino, CA, for the Adult School to provide GED testing services for qualified students from JCS, effective January 3, through June 30, 2011. The Adult School will provide a certified GED examiner and proctor. All funds received will be deposited into the Restricted General Fund—Adult Education, 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.

9.20 - Agreement with the Kern County Superintendent of Schools to Provide Collect, Connect and Coaching (C3) Data Collection Tool License to District

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Kern County Superintendent of Schools to provide C3 Coaching and Data Collection Tool license to the District, effective December 22, 2010, through June 30, 2011. The fee, not to exceed \$500.00, will be paid from the Restricted General Fund—Title II Secondary Math/Science, Account No. 541.

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

9.21 - Food Service Agreement with Volunteers of America

BE IT RESOLVED that the Board of Education approves entering into a meal program food service agreement with Volunteers of America, Rialto, CA, effective January 3, through June 30, 2011. There is no cost to the District. This standardized agreement may be extended by mutual written consent one fiscal year at a time up to a total of three years, subject to the terms and conditions agreed upon by the parties by June 30 of each year. Written notice of changes to terms and conditions may include, but not be limited to, price changes, location(s) and number/style of meals served. District pricing schedule for 2010-11 is as follows:

20-meal minimum for delivery; 10-meal minimum for pick-up.
Delivery fee = \$.65/mi. if >15 mi. from Nutrition Services.

	Breakfast		Student Lunch		Adult Lunch		Snack
	<u>Family-Style</u>	<u>Box –Style</u>	<u>Family-Style</u>	<u>Box-Style</u>	<u>Family-Style</u>	<u>Box-Style</u>	
Reimbursable	\$1.95	\$1.95	\$2.95	\$2.85	\$3.10	\$3.00	\$1.30
Non-Reimbursable	1.70	1.70	2.85	2.85	3.00	3.05	.90

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

9.22 - Amendment of Interim Mediated Settlement Agreement OAH Case No: 2010050221

BE IT RESOLVED that the Board of Education approves amending the Interim Mediated Settlement Agreement approved by the Board on November 16, 2010, Agenda Item 10.18. The amendment is necessary to incorporate the Final Mediated Settlement Agreement into the original resolution. The Final Mediated Settlement includes: (1) reimbursement of parents upon receipt of proof of payment in an amount not to exceed \$4,500.00 for a block of forty-five hours used for either occupational therapy or speech language services provided by a mutually agreed upon Nonpublic Agency certified by CDE; (2) District agrees to fund in an amount not to exceed \$1,600.00 a follow-up observation and report completed by Independent Educational Evaluator, Dr. Carrie Dilley to be presented to the student’s Annual IEP in March, 2011; and (3) District

agrees to pay for attorney's fees in an amount not to exceed \$12,500.00 upon receipt of detailed invoice/billing related to the Final Mediated Settlement Agreement. All fees will be made from the Restricted General Fund—Special Education, Account No. 827. All other terms and conditions remain the same.

9.24 - Amendment of the Agreement for American Recovery and Reinvestment Act with the California Department of Rehabilitation for a Transition Partnership Program Grant

BE IT RESOLVED that the Board of Education approves amending and extending the agreement with the California Department of Rehabilitation (DOR) approved by the Board on February 16, 2010, Agenda Item 10.14. The amendment is necessary to add \$21,965.00 to the original amount of \$73,216.00 for an aggregate total of \$95,181.00, and to extend the contract term to June 30, 2011. The additional funds will be deposited into Fund 01—ARRA-Department of Rehabilitation, Account No. 595. 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.

9.25 - Amendment of the Master Agreement with YMCA of the East Valley to Provide C.A.P.S. Services to Students

BE IT RESOLVED that the Board of Education approves amending the master agreement with YMCA of the East Valley to provide C.A.P.S. services effective July 1, 2010, through June 30, 2011, approved by the Board on June 15, 2010, Agenda Item 10.70. The Amendment is necessary to add \$1,950,000.00 to the original fee since the YMCA will provide supervision at all CAPS sites. The fee of \$1,950,000.00, added to the original fee of \$2,500,000.00 for an aggregate total not to exceed \$4,450,000.00, will be paid from the following: \$1,063,522.50 from the Restricted General Fund—After School Education and Safety Program, Account No. 459; \$134,983.00 from the Restricted General Fund—After School Safety and Enrichment for Teens, Account No. 566; \$311,453.50 from the Restricted General Fund—21st Century Community Learning Centers Grant, Account No. 567; and \$440,041.00 from the Restricted General Fund—21st Century Community Learning Centers Grant-05, Account No. 574. 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.

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

BE IT RESOLVED that the Board of Education approves amending the agreement with Project Life Impact, San Bernardino, CA, to provide after school programs, effective July 1, 2010, through June 30, 2011, approved by the Board on June 15, 2010, Agenda Item 10.71. The amendment is necessary to increase the fee due to the addition of another school to its

responsibility. The additional fee of \$76,455.00, added to the initial fee of \$271,716.00 for an aggregate total not to exceed \$348,171.00 will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459. All other terms and conditions will remain the same.

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

9.28 - Amendment No. 1 to the Professional Services Agreement with Adolph Ziemba AIA & Associates for Architectural and Engineering Services for DSA Approved One-Story Kindergarten-type Classroom Buildings - Savings By Design Program

BE IT RESOLVED that the Board of Education approves amending the agreement with Adolph Ziemba AIA & Associates, Burbank, CA, for architectural and engineering services at Vermont and Lankershim Elementary School Overcrowding Relief Grant (ORG) single-story classroom projects. 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 two school sites. The cost for the additional services, \$2,600.00 per project with a total combined cost of \$5,200.00 for the two sites, 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.

9.29 - Amendment No. 1 to the Professional Services Agreement with GKK Works 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 GKK Works, Pasadena, CA, for architectural and engineering services at Lytle Creek and Wilson Elementary School Overcrowding Relief Grant (ORG) two-story classroom projects. 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 two school sites. The cost for the additional services, \$10,750.00 per project with a total combined cost of \$21,500.00 for the two sites, 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.

9.30 - Approval to Process Payments for Pending Change Orders for Group 1 Modernization Projects at Lincoln, Riley, and Salinas Elementary Schools - JM Builders

BE IT RESOLVED that the Board of Education approves the processing of payments for change orders pending Division of State Architect (DSA) approval for JM Builders, Redlands, CA, Multi-Trade Contractor for Group 1 Modernization Projects at Lincoln, Riley, and Salinas elementary schools, per Board of Education approval on April 20, 2010, as follows:

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

9.31 - Bid No. 14-10, Desktop Delivery of Office and School Supplies

BE IT RESOLVED that bids were received from Office Depot, San Bernardino, CA; Office Max, Garden Grove, CA and Staples Advantage, La Mirada, CA.

BE IT ALSO RESOLVED that Bid No. 14-10, Desktop Delivery of Office and School Supplies be awarded to Office Depot, the lowest responsible bidder in accordance with (PCC20118.1).

<u>BIDDER</u>	<u>TOTAL BID ON CORE ITEMS</u> <u>346 ITEMS SAMPLE LISTED</u>	<u>TERMS</u>
Office Depot San Bernardino, CA	\$1,237.68	Net 30
Office Max Garden Grove, CA	\$1,491.36	Net 30
Staples Advantage La Mirada, CA	“No Bid”	

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BE IT ALSO RESOLVED that Bid 14-10 for Desktop Delivery of Office and School Supplies term shall be January 1, through December 31, 2011.

BE IT ALSO RESOLVED that the District reserves the right to purchase more than or less than the quantities indicated on a line-item basis, as needed through the initial one-year term of bid, and all extensions, not to exceed three years total.

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

9.32 - Bid No. 15-06 Business Operating Support System as Awarded to Cybertech Systems and Software, Inc.

BE IT RESOLVED that the Board of Education approves amending the contract with Cybertech Systems and Software, Inc., approved by the Board on June 20, 2006, Agenda Item No. 10.16. This amendment is necessary to amend the scope of work to include Hardware Migration of the SAP System from AS2000 to Windows MS-SQL platform, at a not-to-exceed cost of \$42,000.00. The total revised not-to-exceed contract amount of \$410,000.00 will be paid from Unrestricted General Fund 01, Account No. 286. All other terms and conditions to remain the same.

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

9.33 - Bid No. 29-10, Varsity Baseball Infield Renovation at San Geronio High School

BE IT RESOLVED that bids were received from Athletic Field Specialists, Highland, CA; Ohno Construction Co., Fontana, CA; and Promised Land Nursery, Menifee, CA. The results of bidding are as follows:

<u>BIDDER</u>	<u>BASE BID AMOUNT</u>	<u>ALTERNATE BID AMOUNT</u>	<u>TERMS</u>
Athletic Field Specialists Highland, CA	\$33,275.00	Deduct \$3,000.00	Net 30 Days
Ohno Construction Co. Fontana, CA	\$74,100.00	Deduct \$3,500.00	Net 30 Days
Promised Land Nursery Menifee, CA	\$24,777.00	Included in Base Bid	Net 30 Days

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BE IT ALSO RESOLVED that Bid No. 29-10, Varsity Baseball Infield Renovation at San Geronio High School, be awarded to the lowest responsible bidder meeting District specifications based on the base bid amount:

<u>BIDDER</u>	<u>BASE BID AMOUNT</u>	<u>TERMS</u>
Promised Land Nursery Menifee, CA	\$24,777.00	Net 30 Days

BE IT FURTHER RESOLVED that Mohammad Z. Islam, Chief Business and Financial Officer, be authorized to sign any documents related to this bid.

9.34 - Request to Reject Bid No. 19-10, Chain Link Fencing & Associated Materials

BE IT RESOLVED that all bids for Bid No. 19-10, Chain Link Fencing & Associated Materials, be rejected in their entirety.

BE IT FURTHER RESOLVED that the District will re-bid this materials contract.

9.35 - Request to Reject Bid No. 20-10, Irrigation Materials

BE IT RESOLVED that all bids for Bid No. 20-10, Irrigation Materials, be rejected in their entirety.

BE IT FURTHER RESOLVED that the District will re-bid this materials contract.

9.36 - Request to Reject Bid No. 21-10, Electrical Materials

BE IT RESOLVED that all bids for Bid No. 21-10, Electrical Materials, be rejected in their entirety.

BE IT FURTHER RESOLVED that the District will re-bid this materials contract.

9.37 - Request to Reject Bid No. 23-09, Classroom Furniture

BE IT RESOLVED that Bid No. 23-09, Classroom Furniture, be rejected in its entirety.

BE IT FURTHER RESOLVED that the District will re-bid this furniture contract.

9.38 - Physical Education Exemptions

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

5/8/93 5/25/93 8/7/93 4/23/94

9.39 - 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:

4/20/1994 5/21/1993 *(S)2/18/1999 *(S)9/29/1994 *(S)12/26/1994 *(S)9/23/1997
*(S)9/19/1996 *(S)2/10/1996 *(S)6/4/1995 *(S)12/1/1997 5/5/1995 *(S)1/17/1994
*(S)11/17/1994 **(S)2/2/1998 6/11/1993

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

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

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

9.40 - 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.

9.41 - 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:

4/12/1994

9.42 - Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)

Education Code Section 48915 (a) states, "Principal or the Superintendent of the schools shall recommend a pupil's expulsion...., unless the principal or superintendent finds and so reports in writing to the governing board that expulsion is inappropriate, due to the particular circumstance, which should be set out in the report of the incident."

The student(s) identified below were found to have committed a violation of Education Code Section 48900 for which a referral for expulsion is mandated; however, the principal found that due to particular circumstances, expulsion is inappropriate:

6/13/1998

9.43 - 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.

9.44 - Lift of Expulsion of Student(s)

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

7/10/1993

9.45 - Failure to Recommend Mandatory Expulsion 48915

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

9.46 - Petition to Expunge, Rescind, or Modify Expulsion

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

9.47 - Education Code 48213

Education Code 48213 states: that a student can be excluded from attendance pursuant to Section 120230 of the Health and Safety Code or Section 49451 of this code if a principal or his designee determines that the continued presence of the child would constitute a clear and present danger to the life, safety, and health of a pupil or school personnel. The governing board is not required to send prior notice of the exclusion to the parent or guardian of the pupil. The governing board shall send a notice of the exclusion as soon as is reasonably possible after the exclusion.

9.48 - Emergency Repairs

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

BE IT RESOLVED that the Board of Education approves awarding a contract without bid under Public Contract Code 20113 from December 21, 2010, through January 11, 2011, to cover any and all affected district locations that suffer storm damage requiring immediate repairs.

Elsa Valdez requested further information about the Settlement Agreement and Amendment No. 1 to the Arco-AM/PM project.

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

9.23 - Amendment to the Settlement Agreement OAH Case Number 2010080706

BE IT RESOLVED that the Board of Education approves amending the Board resolution approved by the Board on September 21, 2010, Agenda Item 10.32. The amendment is necessary due to a subsequent Amended Resolution Settlement Agreement OAH Case No.

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2010080706 signed on November 23, 2010, to add \$1,000.00 in attorney's fees incurred for an aggregate total not to exceed \$6,505.00. The additional fee will be paid from Restricted General Fund-Special Education, Account No. 827.

9.27 - Amendment No. 1 to the Arco-AM/PM Project

BE IT RESOLVED that the Board of Education approves amending the Memorandum of Understanding agreement with Arco-AM/PM Gas Station, San Bernardino, CA. This amendment is needed to amend the Conditional Use Permit (CUP) case number from 07-04 to a new CUP No. 10-14. This new CUP No. 10-14 does not differ materially from the previous CUP and all other terms and conditions of the MOU would still apply. 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 said Amendment No. 1.

10.0 - Action Items

10.1 - Approval to Amend Board Policy 6142.7 (Physical Education) First Reading

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

BE IT RESOLVED that the Board of Education receives the amendment to Board Policy 6142.7 as a first reading.

10.2 - Material Revision for Excel Prep

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: Parra Craig), the following was adopted:

BE IT RESOLVED that the Board of Education denies the material revisions submitted by Excel Prep.

10.3 - Personnel Report #12, Dated December 21, 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: Parra Craig), the following was adopted:

BE IT RESOLVED that the Personnel Report #12, dated December 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.

10.4 - In Recognition of Deceased Employee

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

WILLIAM J. "BILL" KRABILL

WHEREAS William Krabill was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 1957 until his retirement in 1986; and

WHEREAS throughout his long and productive career with the District, William Krabill taught at Pacific and Cajon High Schools and was also a math professor at San Bernardino Valley College during the summers from the early 1960s to 2004; and

WHEREAS William Krabill served in the U.S. Army from 1945 until 1947, after which he attended Olivet Nazarene College and earned bachelor's degrees in math and education, and later went on to earn master's degrees in science and education from the University of Illinois; and

WHEREAS for 53 years, William Krabill was an active member of the First Church of the Nazarene, where he held various positions of responsibility, including Sunday school superintendent, Sunday school teacher, treasurer, and board member; and

WHEREAS on November 5, 2010, William Krabill died, bringing deep sorrow to his loving family and friends; and

WHEREAS William Krabill is survived by his daughter and son-in-law, Kathryn and John Dahl of Riverside;

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 William Krabill's many fine years of service to the District and does extend its deepest sympathy to his family.

SESSION NINE - Closed Session

11.0 - Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

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

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

Public Employee Discipline/Dismissal/Release

SESSION TEN – Open Session

12.0 - Action Reported from Closed Session

No reportable actions were taken.

SESSION ELEVEN - Closing

13.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 8:30 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District to be held on Tuesday, January 4, 2011, has been canceled. The business of the District normally considered by the Board on January 4, will be placed on the agenda of a special meeting scheduled for Tuesday, January 11, 2011, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.