San Bernardino City Unified School District

Minutes of a Regular Meeting of the Board of Education

ADOPTED
6/16/09

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

April 21, 2009 5:30 p.m.

Present: President Teresa Parra; Vice President Danny Tillman; Board Members 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 Narciso Cardona, Dayton Gilleland, Yolanda Ortega, John Peukert, Paul Shirk, and Harold Vollkommer; and Superintendent’s Assistant Mary Beth Gosnell. Minutes recorded by Administrative Assistant Jennifer Owens.

Absent: Board Members Louise Ayala, Barbara Flores, and Judi Penman

SESSION ONE - Opening

1.0 - Opening

1.1 - Call to Order

President Parra 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:

Kendall Elementary School
Katherine Elizarraraz, Taj Jackson, and Jacob Russell

Salinas Elementary School
Mikhaila Gonzalez, Jessica Jamieson, and Isaac Zavala

Warm Springs Elementary School
Thi Thanh Thanh Ho, Princess Polk, and Jesus Sanchez
2.2 - Recognition of Cajon High School Girls Basketball Team and Coaches

The Cajon High School Girls Basketball team won the CIF top division this year. The team went farther in the State playoffs than any other San Bernardino City team in history. The Board members recognized the players and coaches for their accomplishments.

2.3 - Recognition of 800 Club Schools

The Schools of Achievement recognition program honors schools that have an Academic Performance Index (API) above 800. The Board of Education recognized and congratulated the staffs of Middle College High School for obtaining an API of 836, Palm Avenue Elementary School for obtaining an API of 820, and Richardson PREP HI for obtaining an API of 927 on the State of California 2007-08 Academic Performance Index.

2.4 - Outstanding Customer Service Awards

The Board of Education recognized the following employees for their outstanding customer service:

Debra Benvenuto, Kendall Elementary
Sangeetha Carmona, Shandin Hills Middle School
Jimmy Dayonot, Del Rosa Elementary
Elizabeth Luna-Correa, Bradley Elementary
Kim McJimsey, Maintenance and Operations
Carrol Neighbors, Lincoln Elementary
Terri Perea, Student Services
Isabel Robinson, Palm Avenue Elementary
Maria Valtierra, Warm Springs Elementary
Debra Walters, Special Education

2.5 - Starfish Award Winners

The Board of Education recognized the following schools, recipients of the STARFISH Award for outstanding customer service:

Anderson School, and Arrowhead, Belvedere, Bradley, Hillside, Jones, Kendall, Lankershim, Mt. Vernon, Newmark, Oehl, Palm Avenue, Roosevelt, Thompson, and Urbita Elementary Schools.

2.6 - Resolution in Support of Propositions 1A-1F

Elsa Valdez requested that the words “and universities” be deleted from the first paragraph.

Upon motion by Member Tillman, seconded by Member Savage, and approved by the affirmative vote of Members Parra, Savage, Tillman, and Valdez (Noes: None), the following was adopted as amended.
WHEREAS California’s public schools and colleges and universities are facing more than $11 billion in state budget cuts; and

WHEREAS with the recently passed budget package, California’s students, who already live in a state that ranks 47th in the nation in per-pupil spending, will be forced to endure an additional cut of nearly $2,000.00 per student; and

WHEREAS these cuts are causing the elimination of art, music, physical education, career and technical education programs, and threaten the education of an entire generation of children; and

WHEREAS these cuts are leading to the layoffs of teachers, counselors, librarians, principals, bus drivers, custodians, safety officers, and other school personnel who provide services to students; and

WHEREAS California has to reform its dysfunctional budget system to provide stability and to protect funding for our schools; and

WHEREAS Propositions 1A, 1B, 1C, 1D, 1E, and 1F on California’s May 19 Special Election Ballot will generate short-term revenues to help us get out of this unprecedented fiscal crisis, establish long-term budget reforms to stabilize, and lay out a responsible timeline for repaying school districts the massive cuts they have incurred; and

WHEREAS Proposition 1A will stabilize future state spending and create an enhanced rainy day reserve fund that will help protect funding for vital programs like education, public safety, and health care; and

WHEREAS Proposition 1B starts the process of paying back our schools and community colleges more than $9 billion they were cut, and are owed under the minimum school funding law. The payments to schools would come out of the newly created rainy day fund established by Prop. 1A and are dependent on the passage of Prop. 1A; and

WHEREAS Prop 1C will modernize the State Lottery and allow our state to immediately raise $5 billion in new revenues to help with this year’s budget deficit and billions more in future years. It also guarantees that public schools will receive the same amount of funds they currently receive from the lottery; and

WHEREAS Prop. 1D temporarily redirects a portion of excess funds from the voter-approved tobacco tax to pay for children’s health and social services over the next two years; and
WHEREAS  Prop. 1E would temporarily redirect a portion of the funds from the Mental Health Services Trust Fund, approved by voters in 2004, to fund children’s health and other General Fund programs that are at risk of elimination due to the state budget crisis; and

WHEREAS  Prop. 1F prohibits legislators, the governor, and other state politicians from getting pay raises whenever our state budget is running a deficit, saving California millions of dollars and bringing accountability to the Legislature and Governor’s office; and

WHEREAS  if Propositions 1A-1F do not pass, California will lose more than $22 billion in revenues over the next four years that will put tremendous pressure to make even more cuts to vital services;

THEREFORE, BE IT RESOLVED that the San Bernardino City Unified School District Board of Education formally endorses Propositions 1A-1F on the California May 2009 Special Election ballot.

BE IT FURTHER RESOLVED that we hereby authorize the listing of the San Bernardino City Unified School District Board of Education in support of Propositions 1A, 1B, 1C, 1D, 1E, and 1F and direct staff to fax this resolution to the Budget Reform Now Coalition at 916.442.3510.

SESSION THREE - School Showcase

3.0 - School Showcase

3.1 - Del Vallejo Middle School

Charles McWilliams, Del Vallejo Middle School principal, discussed the school’s Intervention program and the positive impact it has had on the students.

SESSION FOUR - Public Hearing

4.0 - Public Hearing

4.1 - Revocation of Prime Academy of Excellence Charter School

California Education Code section 47607 (C) states that a charter may be revoked by the authority that granted the charter under this chapter if the authority finds, through a showing of substantial evidence, that the charter school did any of the following:

1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.
2. Failed to meet or pursue any of the pupil outcomes identified in the charter.
3. Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.
4. Violated any provision of law.

Prior to revocation, the authority that granted the charter shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

The San Bernardino City Unified School District Board of Education approved the petition of Prime Academy of Excellence Charter School to operate a charter school in the San Bernardino City Unified School District on June 17, 2008. After further review of the petition the District found that the petition contained a material violation set forth in California Education Code section 47605 (A) and (B):

(A) The petition has been signed by a number of parents or legal guardians of pupils that is equivalent to at least one-half of the number of pupils that the charter school estimates will enroll in the school for its first year of operation.

The District’s review showed that a number of parents that signed the petition with the interest of having their pupils attend the Prime Academy of Excellence Charter School did not have children eligible to attend this charter school.

(B) The petition has been signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed by the school during its first year of operation.

The District’s review showed that the petition contained only a copy of a teaching credential for one of the teachers who had signed the petition.

On January 21, 2009 the San Bernardino City Unified School District informed the petitioner in writing of the material violations and gave the petitioner 30 days to amend the material violations. The petitioner did not meet the 30 days to amend the petition. On March 11, 2009, the San Bernardino City Unified School District informed the petitioner in writing that the District had not received the required material changes. The District gave the petitioner a due date of Tuesday, March 31, 2009, to submit to the District the required amendments. The petitioner has not submitted the requested amendments to the petition. The petitioner informed the District on April 14, 2009, via telephone that she plans to submit the petition to the Compton School District and will not pursue the operation of the Prime Academy of Excellence Charter School in the San Bernardino City Unified School District.

Therefore, the San Bernardino City Unified School District recommends that the Board of Education revoke the charter for Prime Academy of Excellence Charter School.
President Parra opened the public hearing and asked if anyone wished to comment. Narciso Cardona stated that the revocation was based on material violations. Hearing no further response, Ms. Parra closed the public hearing.

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

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

BE IT FURTHER RESOLVED that the Board of Education approves the revocation of the Prime Academy of Excellence Charter School.

4.2 - Review of the Charter Petition for American Sports Charter Academy

District staff review of the charter petition for American Sports Charter Academy indicates that the petition does not contain reasonable comprehensive descriptions of all the element requirements for the establishment of a California charter school as stipulated in California Education Code sections 47605-47608.

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

Findings: The petition states that the proposed charter school will start with an enrollment of 100 high school students (Grades 9-12) in its first year of operation. The charter proposal includes the hiring of four teachers in its first year of operation. The petition provides copies of teaching credentials of five teachers who have expressed interest in teaching in this proposed charter school.

- Jack Reed -- Clear multiple-subject teaching credential authorizing the holder to teach general subjects in a self-contained class in Grades 12 and below. The credential also has a supplementary/subject matters authorization in English in Grades 9 and below and a cross-cultural language and academic development emphasis to provide services to English learners in Grades 12 and below.
- Emily Elaine Ewing -- Preliminary multiple-subject credential authorizing holder to teach general subjects in a self-contained class in Grades 12 and below. The credential also authorizes the holder to provide services to English learners in English language development in Grades 12 and below.
- Joaquin Vicente Loustaunau -- Vocational credential authorizing the holder to teach technical, trade, or vocational courses in a program of technical, trade, or vocational education.
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- Michael Steven Cummins -- Preliminary single-subject teaching credential authorizing the holder to teach social science in Grades 12 and below.
- William J. Tell – Single-subject teaching credential authorizing the holder to teach social science in Grades 12 and below.

The petition has more than the 50 percent of teachers interested in teaching in this proposed charter school and meets this Education Code requirement. However, the petitioner is required to provide to the sponsoring district the names of teachers that are NCLB qualified to teach the core course requirements for high school graduation.

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

**Findings:** The petition states that the proposed charter school will offer two educational environments: the first, an independent study program serving students for whom a traditional educational environment is not working or is not appropriate; the other, a site-based seat program designed to ensure acceptance to, and success in, elite four-year colleges. The petition states that students enrolled in the site-based program will be young people who commit to attending school every day, getting their work done in a timely manner, and conducting themselves in a manner consistent with the proposed student contract for serious students. The petition states that students enrolled in the independent study program will be those for whom traditional school schedules are not appropriate. It also states that many of these students will be committed athletes in San Bernardino and adjacent counties.

The dichotomy of the seat time program and the independent study program are inconsistent in regard to academic supports and expectations of student outcomes. The petition also states that independent study students will be older students who have dropped out of school because they were not able to find an alternative school setting. The charter schools by design are alternative schools to the traditional public schools and their focus is to educate at-risk students. These students need more time in school. The independent study option limits students to weekly interactions with a qualified instructor. Also, independent study is a choice and not a placement option. The petition would have to provide a comprehensive program for all students including those that the petitioner identified as potential independent study learners.

The charter petition does not meet this element requirement.

**Requirement Element 2:** The charter must contain the measurable pupil outcomes identified for use by the charter school. “Pupil outcomes,” for purposes of this part, means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program.
Findings: The petition provides a series of academic goals in the core course work that is in the form of finished products, such as research projects, attendance goals, CAHSEE results, and both API and AYP results. Though these are both formative and summative assessments designed to measure student academic growth, there is no mention of how these results will drive instruction and provide staff development to improve student achievement.

The petition does not meet this element requirement.

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

Findings: The petition shows a limited understanding of the state and federal requirements for academic progress and the measures used. The petition simply states that the proposed charter school will assess students with state and federal accountability measures and provide an analysis of whether student performance is meeting goals and improve upon its educational programming as necessary. The petitioner needs to show more detail as to how this data analysis will improve the achievement of the different subgroups specified in NCLB.

The petition does not meet this element requirement.

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

Findings: The petition states that the charter school is formed as a non-profit benefit 501C3 corporation and as such a board of directors will oversee the charter school. The petition contains the proposed charter school governing board policies that include the role of the governing board. It states that the board may initiate and carry any program, activity, or may otherwise act in any matter which is not in conflict with or is inconsistent with or preempted by any law and which is not in conflict with the purposes for which charter schools are established. It states that the all meetings of the board will be held and conducted in accordance with the terms and provision of the Ralph M. Brown Act, California Government Code sections 54950. However, the petition does not describe the composition of the board, qualifications, and reporting relationships of the board. There is no language in the petition that lists terms and selection/election process.

The petition does not meet this element requirement.

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

Findings: The petition states that the proposed charter school will retain or employ teaching staff who hold appropriate California teaching certificates or permits issued by the Commission on Teacher Credentialing. It also states that the charter school will strive to meet all
requirements as designed in NCLB. The petition states that if a teacher of record cannot meet the NCLB requirements for all subjects taught, a possible solution is to provide students with access to teachers meeting the requirement through in-person meetings or through distance learning arrangements. The petition does not describe how this will be done in light of meeting NCLB requirements. The petition also needs to describe the process to be used to provide for the inspection and/or monitoring of credentials.

The petition does not meet this element requirement.

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

**Findings:** The petition states that employees will be required to have a fingerprinting/criminal background check per Education Code section 44237. The petition does not clarify in sufficient detail the process to be used to complete the Education Code requirement, i.e. where the fingerprints will be completed, who will receive the information, what will happen to the information once reviewed, etc. The petition states that “the school will not employ a person who has been convicted of a serious crime or violent felony or a person who would be prohibited from employment in a public school district because of his conviction for any crime unless an applicable exception applies.” The petition needs to state clearly to what exceptions they may be referring.

The petition does not meet this element requirement.

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

**Findings:** The petition describes a number of strategies to recruit students for the charter school. It states that the charter school will be open to all students and the racial and ethnic balance will reflect the general population of students residing in the District.

The petition meets this element requirement.

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

**Findings:** The petition states that there will be no admission criteria, testing, or other evaluation required of any applicant. The charter school would not charge application fees nor shall it charge tuition. The school will be non-sectarian in its admission and enrollment policies and shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. The petition also states that in the event that there are more students applying than space, preferences shall be extended in the following priority:
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- Students currently attending the school
- Siblings of students currently enrolled in the school
- Students residing within the boundaries of the granting district
- Children of staff and governing board members not to exceed 10 percent of the total student population

The petition meets this element requirement.

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

**Findings:** The petition provides reasonable expenditures for each fiscal year, but overstates its overall revenue projections. The school’s 3 percent reserve for economic uncertainty is incorrect and understated, beginning with fiscal year 2011-2012 through fiscal year 2013-2014. No reference is made for the charter school reporting calendar, which includes the interim reporting twice a year, budget report, unaudited actuals, and attendance reporting. The petition does not mention who is going to be the auditor, their name or firm. Also, there is no mention about what financial system and attendance accounting system will be implemented for the charter school.

The petition does not meet this element requirement.

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

**Findings:** The petition applies the Education Code on suspensions and expulsions and lists all the possible reasons for suspension and expulsions embedded in Education Code section 48900. The petition does state that in the event of extending a suspension pending expulsion a meeting will be held within 15 school days of the student’s suspension. An extension of suspension must be done within the 5 days of the suspension.

The petition does not meet this element requirement.

**Requirement Element 11:** The charter must contain the manner by which staff members of the charter schools will be covered by the State Teachers’ Retirement System, the Public Employees’ Retirement System, or Federal Social Security.

**Findings:** The petition states that all certificated, classified, and other staff members at the charter school will retain all previously vested rights in their respective retirement systems, including but not limited to STRS, PERS, and the Social Security System. The petition also states that employees of the charter school will decide in which teacher and employee retirement funds they wish to participate, to the extent allowed by law and subject to a decision by the
charter school’s governing board. The governing board cannot decide on which retirement funds
the employees wish to participate in.

The petition does not meet this element requirement.

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

**Findings:** The petition states that students who reside within the District who choose not to
attend the charter school may attend a school within their school of residence according to
District policy or at another school district or school through the District’s intra- and inter-district
policies.

The petition meets this element requirement.

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

**Findings:** The petition states that employees of the District who choose to leave the
employment of the District in the charter school shall have no automatic rights to return
to the District after employment at the charter school unless specifically granted by the District
through a leave of absence or other agreement or policy of the District as aligned with the
collective bargaining agreements of the District. A District employee cannot take a leave of
absence to work at another district. An independent charter is its own local education agency
(district).

The petition does not meet this element requirement.

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

**Findings:** The petition provides the Uniform Complaint Procedures to comply with state and
federal laws and regulations governing charter schools. The process includes the rights of the
complainant to appeal the school’s dispute resolution to the California Department of Education
within 15 days of receiving the charter school’s decision. The petition provides a reasonable
timeline and complaint process for disputes between the District and the charter school. The
process includes mediation. The mediation costs shall be split between the District and the
charter school.

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

 Findings: The petition states that the charter school shall be the exclusive school employer of the school’s employees for collective bargaining purposes under the Educational Employment Relations Act. The scope of representation shall include discipline and dismissal of charter school employees. The petition states that the District may inspect or observe any part of the charter school at any time, but shall provide reasonable notice to the executive director of the charter school prior to any observation or inspection.

 The District would have the oversight responsibility to ensure that the charter school follows the application of approved element requirements. The District can observe the charter school without notice to the executive director. It is reasonable to provide reasonable notice to the executive director of the charter school on the inspection of records.

 The petition does not meet this element requirement.

 Requirement Element 16: The charter school must provide a description of the procedures to be used if the charter school closes - Education Code section 47605.

 Findings: The petition states that in the event of closing the charter school, the action to close will be documented by official action of the charter school board. The charter board will notify parents and students in a timely manner and will assist parents and students in locating suitable alternative programs. The charter school will provide parents, students, and the District with copies of student records. All transfers of student records will be made in compliance with the Family Educational Rights and Privacy Act. All records of the school shall be transferred to the District in the case of dissolution of the corporation. The petition also states that as soon as practical, which period is generally no more than six months after closure, final financial records and an independent audit will be completed and provided to the District upon its completion. The audit will be prepared by a qualified certified public accountant selected by the charter school. On closure the charter school will remain solely responsible for all liabilities arising from the operation of the school. The petition states that all assets of the charter school will remain the sole property of the charter school and shall be distributed in accordance with the Articles of Incorporation upon the dissolution of the nonprofit public benefit corporation. The petition did not include the Articles of Incorporation.

 The petition does not meet this element requirement.

 President Parra opened the public hearing and asked if anyone wished to comment.
Harry Hwang reported that he started American Sports University (ASU) in San Bernardino five years ago. Most of the students are from out of the District. It is the only four-year sports university in the United States. They will recruit from outside of the District. His goal is to enroll 3,000 students and he asked the Board to support his project.

Jose Gonzalez, San Bernardino resident, expressed his support of the school. There are too many students on the streets. He is trying to get a soccer program at ASU.

Jessica Pryor, ASU student and marketing major, reported that the ASU faculty is caring. She is also a tae kwon do student and competitor.

Kaleb Scroggin, ASU student, stated he is a tae kwon do team member from Savannah, Georgia. Mr. Scroggin reported that a charter art school in Savannah helped to turn that city around.

James Montasory, ASU student from Colorado Springs, Colorado, reported that he is a Junior Captain of the tae kwon do team. Mr. Montasory stated that he is in the process of signing with Gatorade and expressed his support for the charter school.

Jeffrey Clayton, ASU Executive Director of Admissions and Outreach, stated that the charter school will be site based and non-site based. They will bring students from outside of San Bernardino. They are trying to stop the exodus of the best and brightest students from San Bernardino.

Lennell Jones, member of the Southern California Black Chamber of Commerce, expressed his support of the charter school. It will bring a vitalization to San Bernardino. They will have a Sports Hall of Fame.

Teresa Parra stated she is disappointed that charter schools take a lot of ADA from the District, but this is different than our charter schools. They have the potential to bring money to San Bernardino. Ms. Parra recommended giving them a 30-day extension.

Elsa Valdez asked if the 100 charter school students would be guaranteed a place at the American Sports University if they wished to continue their education. Mr. Hwang stated that they would try to have them remain there when they finish high school. The university offers 11 majors.

Lynda Savage stated that they are doing a wonderful job; however, we have a set of rules and they must pass all the elements. They must come back with the elements corrected.

Teresa Parra asked the ASU students to go to our high schools to talk about what they are doing. Ms. Parra asked them to mentor some of our students. Mr. Hwang stated that they are here to work together.
Hearing no further response, Ms. Parra closed the public hearing.

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

BE IT RESOLVED that the Board of Education adopts the findings regarding the charter petition submitted by the America Sports Charter Academy.

BE IT FURTHER RESOLVED that the Board of Education approves an extension of 60 days to amend the charter petition submitted by the American Sports Charter Academy.

President Parra moved Session Six – Other Matters Brought by Citizens forward on the agenda.

**SESSION SIX – Other Matters Brought By Citizens**

**6.0 - Other Matters Brought by Citizens**

Charlie LaChance, CSEA Labor Representative, reported that the union ratified the MOU to accept a 2.09 percent reduction in pay for two years. They want to do their fair share; however, they are troubled that some Superintendent’s Staff members’ work years were reduced from 225 days to 220 days and they received a 2.27 percent pay increase. In addition, the Associate Superintendent and the Chief Business and Financial Officer received a 4.27 percent pay increase. Ms. La Chance stated that they want everyone to take their fair share and asked the Board to revisit what they have done and rescind it. Ms. La Chance expressed her appreciation for the working relationship with the District this year. Danny Tillman thanked CSEA members for working together. He knows what the money means to them. Mr. Tillman expressed his hope that the stimulus money will help. Mr. Tillman stated that we will restore money when we can and the Board wants to keep their confidence.

Audra Durst stated that her daughter, in fourth grade at Belvedere Elementary School, is a good student, but made a mistake at school last week. She is currently pending expulsion in lieu of suspension. The District offered to move her to another school. Ms. Durst stated that it would be traumatic to move her. President Parra stated that the Board will discuss this in Closed Session.

Danny and Cindy Aguilar reported that their son was the victim of a crime at Cajon High School and the administration did not notify them. A School Police officer told them that their son’s account wasn’t accurate. President Parra asked staff to give the Board a report. Dr. Delgado reported that he met with Mr. Aguilar and acted on it immediately.

Richard Simon stated that he was addressing the Board on behalf of Bonnie Konowitch and students. Ms. Konowitch’s position as a grant manager is being eliminated. Mr. Simon stated that he is aware that cuts have to be made; however, a grant manager is not an expense to the
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District. It brings in money. Twenty percent of her grant applications were approved. Ms. Konowitch has years of experience. President Parra stated that this is a personnel matter and the Board would discuss it later.

Gil Navarro, San Bernardino County School Board Member, reported that the District’s dropout rates are too high. Mr. Navarro stated that we need to give students an incentive and find the underlying cause. Mr. Navarro asked if County resources are helpful to District staff.

SESSION FIVE - Administrative Reports

5.0 - Administrative Reports

5.1 - Quarterly Uniform Complaint Report Summary

Pursuant to legislation passed as a result of the Williams Case and Valenzuela Settlement Agreements, districts must report summarized data on the nature and resolution of all complaints on a quarterly basis to the governing board, at a regularly scheduled board meeting. The following is the quarterly report for the period from January to March 2009, pursuant to Section 4686(b) of Title 5, Division 1, Chapter 5.1, Subchapter 1, Article 8 of the California Code of Regulations.

Williams and Valenzuela Settlement Legislation
Quarterly Report Summary

Quarterly Uniform Complaint Report Summary
For submission to school district governing board and county office of education

District Name: San Bernardino City Unified School District
Quarter covered by this report: January – March 2009

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Submitted by: Marie Arakaki
Title: Affirmative Action Director
President Parra thanked District staff for making sure we are in compliance.

5.2 - Acknowledge Receipt of Initial Contract Proposal From San Bernardino School Police Officers Association (SBSPOA)

Section 3547 of the Government Code requires that all initial proposals of exclusive representatives must be presented at a public meeting of the public school employer. At that meeting, any interested parties shall have the opportunity to comment on the proposal. Now is the time for such public comment from any interested person or persons.

On March 25, 2009, the Employee Relations/Classified Human Resources Division received the initial proposal from SBSPOA, as follows:

- A uniform credit of $600 for each officer per year. This is not a payment to the officers, but rather, a store credit that allows officers to buy uniforms as they are needed. The credit allows the officer the right to also carry over $50 of $600 uniform credit to the next year if the full $600 is not expended. In addition, the credit would be good towards the purchase of shoes.
- Raise the comp time bank. Presently, the cap is 40 hours. The SBSPOA would like to raise the cap to 480. Raising the cap is mutually beneficial, because it allows the District the flexibility to not have to pay overtime immediately after officers have reached the 40-hour cap, and allows officers the opportunity to maximize their tax consequences.
- The SBSPOA would like to negotiate over language that obligates the District to conduct a salary and benefits survey near the expiration of their contract. The purpose of this is so that both the SBSPOA and the District will be in a position to intelligently discuss the working conditions of the SBSPOA members and compare them with officers of surrounding agencies in anticipation of negotiations.
- The SBSPOA would like to negotiate over a policy that allows officers to bid for shifts and assignments based upon seniority.
- Implement specialty pay for education, having a POST certificate and working an FTO assignment. Presently, most departments provide incentives to their officers to make advancements in their career that benefit both the officer and the department. The SBSPOA requests that officers who reach a certain level of education, obtain an intermediate and/or advanced POST certificate, or work as a Field Training Officer, receive a 5% specialty pay. Presently, there is no specialty pay in place.
- Change the allocation of on-call requirements. Presently, the department requires that 10 officers are assigned on-call. This creates problems and difficulties, since there are only 19 sworn officers. The SBSPOA desires to negotiate an on-call policy that preserves the interests and concerns of the department, but also remedies the problems that are created amongst the membership. The SBSPOA would prefer a policy that insures that the on-call schedule is covered, but that does not necessarily require that 10 individual officers make up that schedule.
• Binding arbitration. The SBSPOA requests that the final step in the resolution of all grievances and discipline proceedings be binding arbitration.
• Incorporate all prior MOU benefits. The SBSPOA requests that any and all prior benefits and provisions contained in prior MOUs that remain in effect and benefit School Police Officers be included in the negotiated contract. Thus, any benefits that School Police Officers were entitled to prior to severing with CSEA will remain in full force and effect and become a part of the negotiated MOU.

It is recommended that the Board of Education receives the initial contract proposal from the San Bernardino School Police Officers Association to the District.

SESSION SEVEN - Reports and Comments

7.0 - Report by Board Members

Danny Tillman reported that parents have approached him about the cost of sports uniforms. Mr. Tillman requested a report on the cost and what parents are being told. Dr. Delgado stated that it is a state law that we can not require students to pay for extracurricular activities and he will provide a report to the Board.

Teresa Parra reported that Rebecca Harper is the new president of SBTA. Ms. Parra announced that her future stepson and his wife had their first child.

7.1 - Legislative Update

None.

8.0 - Report by Superintendent and Staff Members

Dr. Delgado asked for Board direction on taking action on Assembly Bills 351, 454, and 1207. It was the consensus of the Board to place a resolution supporting the passage of Assembly Bill 351 and a resolution opposing the passage of Assembly Bills 454 and 1207 on a future Board agenda.

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.
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No items were held for later consideration.

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

9.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on March 10, and March 17, 2009, be approved as presented.

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

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

9.3 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of $124.28, WaMoola for Schools; $150.00, Brennan Electric Inc.; $316.59, Target-Take Charge of Education; $217.02, WaMoola for Schools Program; $150.00, Baseline Auto Center Inc.; $500.00, Alaina Mathews; $150.00, Philip D. Haley and Carol Haley; $150.00, Stephen and Norma Enriquez; $100.00, Sergio and Melonie Calderon; $350.00, Wells Fargo Bank; $100.00, Glass Factory; $100.00, Verlene Carey; $240.00, Edison International; $150.00, Donna Gilbert; $250.00, Schools First Federal Credit Union; $5,000.00, Josie Gonzales; and $1,000.00, Target Community Relations.

9.4 - 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:

Leticia Herrera (Parent) To attend the 2009 California Association for Bilingual Education (CABE) Conference for Para-Educators and Parents, Riverside Convention Center, Riverside, California, May 14, 2009, as a Board representative. The total cost, not to exceed $135.00, will be paid from Davidson Elementary School Account No. 501.

Alma Calleja
Omar Calleja
Ana Morales
Dolores Gonzalez
Maricela Chavez

Attend the 2009 CABE Para-Educator/Parent Conference, Riverside Convention Center, Riverside, California, May 14, 2009, as parent representatives. The total cost, not to exceed $1,080.00, will be paid from Warm Springs Elementary School Account No. 496.
9.5 - Cafeteria Warrant Register, Ending March 31, 2009

BE IT RESOLVED that the Cafeteria Warrant Register, ending March 31, 2009, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes Gene Fortajada, Accounting Services Director; John A. Peukert, Assistant Superintendent, Facilities/Operations; Adriane Robles, Nutrition Services Director; or Dalia Gadelmawla, Nutrition Services Business Manager, to sign disbursements. Two signatures are required on all cafeteria warrants.

9.6 - Commercial Warrant Registers for Period from March 16, through March 31, 2009

BE IT RESOLVED that the Commercial Warrant Register for period from March 16, 2009, through March 31, 2009, be approved.

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

9.7 - Extended Field Trip, Thompson Elementary School, Orange County Outdoor Science School, Angelus Oaks, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 90 Thompson Elementary School students and 4 District employees to attend Orange County Outdoor Science School, in Angelus Oaks, California, May 11-15, 2009. The cost of the trip, not to exceed $15,525.00, including meals and lodging for 90 Thompson Elementary School students and 4 District employees, will be paid from Thompson Elementary School Account No. 419. Transportation provided by First Student, not to exceed $800.00, will be paid from Thompson Elementary School Account No. 419. Names of the students are on file in the Business Services office.

9.8 - Extended Field Trip, Pacific High School, Pacific High School AVID 2009 College Tour, Multiple Northern California Locations

BE IT RESOLVED that the Board of Education approves the extended field trip for 40 Pacific High School students, 1 adult chaperone, and 2 District employees to attend Pacific High School AVID 2009 College Tour, in multiple Northern California locations, May 18-22, 2009. The cost of the trip, not to exceed $11,348.84, including meals and lodging for 40 Pacific High School
students and 2 District employees, will be paid from Pacific High School ASB Account. Transportation provided by JC Tours chartered coach, not to exceed $3,600.00, will be paid from Pacific High School Account No. 511. Names of the students are on file in the Business Services office.

9.9 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of $2,074.65 in the budgeting of revenues and expenditures for the restricted program, Project Inspire Grant Program (116).

BE IT ALSO RESOLVED that the Board of Education approves the addition of $1,000.00 in the budgeting of revenues and expenditures for the restricted program, Academic Pentathlon (319).

BE IT ALSO RESOLVED that the Board of Education approves the addition of $2,600.00 in the budgeting of revenues and expenditures for the restricted program, California Partnership Academies: Mentor Initiative (491).

BE IT ALSO RESOLVED that the Board of Education approves the addition of $87,608.00 in the budgeting of revenues and expenditures for the restricted program, Title V, Part A – Innovative Education Program Strategies (529-530).

BE IT FURTHER RESOLVED that the Board of Education approves the reduction of $893,463.00 in the budgeting of revenues for the restricted program, Special Education-Salaries (802).

9.10 - Personnel Commission Budget Addition - Fiscal Year 2008-09

BE IT RESOLVED that the Board of Education approves the transfer of $189,663.00 from the Unrestricted General Fund (01) Human Resources Classified Account No. 053 to the Personnel Commission Account No. 071.

9.11 - 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 2008-09 school year and ratifies payment to the following:

Orange County Performing Arts for an assembly on April 2, 2009, presented by Street Beat. The cost, not to exceed $783.00, will be paid from Marshall Elementary School Account No. 459.

Orange County Performing Arts for an assembly on April 9, 2009, presented by Abalaye African Dance Ensemble. The cost, not to exceed $842.40, will be paid from Marshall Elementary School Account No. 459.
Orange County Performing Arts Center for an assembly on March 17, 2009, presented by Victoria Burnett. The cost, not to exceed $977.40, will be paid from Marshall Elementary School Account No. 501.

Orange County Performing Arts Center for an assembly on April 21, 2009, presented by Michael Katz. The cost, not to exceed $1,004.40, will be paid from Marshall Elementary School Account No. 501.

BE IT FURTHER RESOLVED that the Board of Education considers the following activities to be a part of the regular course of study for the 2008-09 school year and approves payment to the following:

Project Character for two assemblies on May 21 2009, and June 4, 2009, at Riley Elementary School. The cost, not to exceed $2,466.00, will be paid from Riley Elementary School Account No. 501.

¼ Inch Publishing for two assemblies on June 9, 2009, at Lytle Creek Elementary School presented by Jane Tenorio-Coscarelli. The cost, not to exceed $800.00, will be paid from English Learner Programs Department Account No. 544.

Cal State University San Bernardino to present a six-week, creative writing workshop, commencing on April 22, 2009, through May 29, 2009. These presentations will be free of charge.

Orange County Performing Arts for an assembly on April 30, 2009, presented by Island Inspirations. The cost, not to exceed $788.40, will be paid from Marshall Elementary School Account No. 459.

Alexander Raguzi for a performance on May 1, 2009. The cost, not to exceed $1,400.00, will be paid from Arrowview Middle School Account No. 501.

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

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

The University of California, Riverside Extension School to provide a course, Teaching the Gifted and Talented: Approaches to Curriculum and Differentiation, June 6, 2009, for up to 32 District personnel. The fee, not to exceed $1,400.00, will be paid from the Restricted General Fund—Gifted and Talented Education, Account No. 430.

Sopris West Educational Services to present two half-day professional development workshops, “Step Up to Writing,” to District teachers and staff on April 8, and June 30, 2009, at Marshall
Elementary School. The cost, not to exceed $5,000.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act Title I, Account No. 501.

Bonnie Adama to provide professional development training workshops for primary teachers in using “hands-on” strategies through manipulatives to address grade level standards in mathematics, June 4, 2009, through June 18, 2009. The cost, not to exceed $800.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Title I, Account No. 501.

NCS Pearson, Inc., to present a two-day Master Schedule Building workshop, May 27-28, 2009. The fee, not to exceed $5,400.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act Title I, Account No. 501.

9.13 - Agreement with Hilton Hotel San Bernardino to Provide a Cooperative Vocational Education Program

BE IT RESOLVED that the Board of Education approves entering into an agreement with Hilton San Bernadino, San Bernadino, CA, to provide a cooperative vocational education program work site for students enrolled in Hotel/Hospitality classes, effective April 22, 2009, through March 31, 2014. There will be no cost to the District.

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

9.14 - Affiliation Agreement with Loma Linda University Health Care to Provide a Site for Practical Learning Experience for Adult School Medical Assistant Students

BE IT RESOLVED that the Board of Education approves entering into an affiliation agreement with Loma Linda University Health Care, Loma Linda, CA, to provide a work site for practical learning experience for the Adult School’s medical assistant students, effective April 22, 2009, through March 31, 2014. There will be no cost to the District.

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

9.15 - Facilities Use Agreements with Jerry Lewis Swim Center

BE IT RESOLVED that the Board of Education authorizes Riley Elementary School to enter into facilities use agreements with the Jerry Lewis Swim Center, San Bernardino, CA, for use of the facilities for End-of-School-Year Swim Parties on June 4, June 11, and June 18, 2009. The cost, not to exceed $936.00, will be paid from Restricted General Fund—After School Education and Safety Program, Account No. 459.
BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said agreement.

9.16 - Approval to Enter Into a Hold Harmless Agreement with National Fire Insurance Company of Hartford (Surety) and to Release Retention Payment in Connection with Aurora Modular Industries’ Bankruptcy

BE IT RESOLVED that the Board of Education approves the release of the retention payment and remaining contract balance - $19,176.00 for six buildings at Curtis Middle School, Barton Elementary School, Serrano Middle School, and Urbita Elementary School and $24,314.16 for one building at San Bernardino Adult School - to National Fire Insurance Company of Hartford, Chicago, IL, (Surety) in consideration of a hold harmless agreement that relieves the District of any and all liabilities in connection with Aurora Modular Industries’ bankruptcy. The total payment of $43,490.16 will be paid from Funds 21, 25, 35, 40 and Fund 11 – San Bernardino Adult Education.

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

9.17 - License Agreement with Macerich Management Company for the Use of the Inland Center Mall for the District Art Show

BE IT RESOLVED that the Board of Education approves entering into a license agreement with Macerich Management Company, a California Corporation, Managing Agent for the Inland Center Mall, San Bernardino, CA, for the District’s Art Show scheduled for May 19-28, 2009. There is no cost to the District for this event.

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

9.18 - Bid No. F07-04, Hillside and Hunt Elementary Schools Modernization and Deferred Maintenance

BE IT RESOLVED that the contracts for Bid No. F07-04, Hillside and Hunt Elementary Schools Modernization and Deferred Maintenance, be awarded to the lowest responsible bidder meeting the specifications, based on the combined Base Bid for both sites. In addition, the District recommends that Alternates Nos. 1, 2, 3, 4, and 5 for Modernization projects and Alternate No. 1 for Deferred Maintenance, be added to the Base Bid. The cost will be paid from Funds 14, 21, 35, and 40.
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HILLSIDE ELEMENTARY SCHOOL

<table>
<thead>
<tr>
<th>Contractor</th>
<th>MOD</th>
<th>Def. Maint.</th>
<th>BASE BID</th>
<th>Alt. #1 Def. Maint.</th>
<th>Alt. #1 MOD</th>
<th>Alt. #3 MOD</th>
<th>Alt. #4 MOD</th>
<th>Alt. #5 MOD</th>
<th>Total Alts.</th>
<th>Bid Award</th>
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<td>Plyco Corp. 5150 Etiwanda Ave. Mira Loma, CA</td>
<td>392,400</td>
<td>807,600</td>
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<td>147,000</td>
<td>74,000</td>
<td>330,000</td>
<td>43,000</td>
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<td>2,004,000</td>
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</table>

HUNT ELEMENTARY SCHOOL

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<th>Contractor</th>
<th>MOD</th>
<th>Def. Maint.</th>
<th>BASE BID</th>
<th>Alt. #1 Def. Maint.</th>
<th>Alt. #1 MOD</th>
<th>Alt. #2 MOD</th>
<th>Alt. #3 MOD</th>
<th>Alt. #4 MOD</th>
<th>Alt. #5 MOD</th>
<th>Total Alts.</th>
<th>Bid Award</th>
</tr>
</thead>
<tbody>
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<td>Plyco Corp. 5150 Etiwanda Ave. Mira Loma, CA</td>
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<td>927,600</td>
<td>1,526,400</td>
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<td>70,000</td>
<td>77,000</td>
<td>157,000</td>
<td>73,000</td>
<td>657,000</td>
<td>2,183,400</td>
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</tr>
</tbody>
</table>

Combined Base Bid $2,726,400.00  
Combined Total Alternates $1,461,000.00  
Award Total: $4,187,400.00

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

9.19 - Request Board Approval to Pay Brickley Environmental for Work Exceeding the Change Order Limitation of Public Contract Code Section 20118.4 on the Cajon High School Modernization Project

BE IT RESOLVED that the Board of Education approves the request to pay Brickley Environmental $60,585.00 for change orders CAH-112-01-10 and CAH-121-01-11 for work completed in Bid Category 1 – Hazmat/Demolition that exceeds the 10 percent change order limitation, as a disputed claim. All other terms and conditions will remain the same.

9.20 - Expulsion of Student(s)

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

*(S)02/18/1994 *(S)01/24/1995 **(S)12/22/1997
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*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.

9.21 - 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.

9.22 - 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:

04/29/1992 05/21/1993 06/10/1995

9.23 - 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:

03/04/1998

9.24 - 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.

9.25 - 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:

03/10/95

9.26 - 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:

9.27 - Petition to Expunge 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.

9.28 - 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.
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10.0 - Action Items

10.1 - Quarterly Uniform Complaint Report Summary

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

BE IT RESOLVED that the Board of Education approves the findings of the Quarterly Uniform Complaint Report Summary for the period of January to March 2009.

10.2 - Presentation of San Bernardino School Police Officers Association Initial Contract Proposal to the District

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

BE IT RESOLVED that the Board of Education adopts the initial contract proposal to the District.

10.3 - Personnel Report #20, dated April 21, 2009

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

BE IT RESOLVED that the Personnel Report #20, dated April 21, 2009, 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 Employees

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

NANCY P. LOPEZ

WHEREAS Nancy Lopez was a dedicated member of the classified staff for the San Bernardino City Unified School District from 1987, until her retirement in 2003; and

WHEREAS Nancy Lopez was a dedicated cafeteria worker at Muscoy and Mt. Vernon Elementary Schools; and
WHEREAS a lifelong resident of San Bernardino, Nancy Lopez belonged to the VFW Ladies Auxiliary Post 8737; and

WHEREAS on April 4, 2009, Nancy Lopez died, bringing deep sorrow to her loving family and friends; and

WHEREAS Nancy Lopez is survived by her husband of 42 years, Robert Lopez; two daughters, Stephanie Lopez and Tracey Negrette; two granddaughters, Larissa and Aubrianna; a sister, Laura Rodriguez; and a brother, Jesus Pedroza Jr.;

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 Nancy Lopez’s many fine years of service to the District and does extend its deepest sympathy to her family.

JOEY LYNN OBREGON

WHEREAS Joey Obregon was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 2003, until her untimely passing; and

WHEREAS before joining the District as a teacher at Newmark Elementary School, Joey Obregon graduated from Fontana High School and in 1989 and went on to earn her bachelor of arts degree from Cal State, San Bernardino;

WHEREAS throughout her career with the District, Joey Obregon was known as a devoted teacher, and in her personal life was a dedicated member of the Bridge Nazarene Church in Bloomington; and

WHEREAS on March 6, 2009, Joey Obregon died, bringing deep sorrow to her loving family and friends; and

WHEREAS Joey Obregon is survived by her husband, Al; two daughters, Sydni and Allie Marquardt; a brother; sisters, and a large extended family;

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 Joey Obregon’s fine years of service to the District and does extend its deepest sympathy to her family.

MANUEL F. ZERMENO

WHEREAS Manuel Zermeno was a dedicated member of the classified staff for the San Bernardino City Unified School District from 1973, until his retirement in 1992; and
WHEREAS Manuel Zermeno was a devoted custodian who always took pride in keeping the grounds clean; and

WHEREAS Manuel Zermeno was a 30-year veteran of the United States Navy; and

WHEREAS on April 8, 2009, Manuel Zermeno died, bringing deep sorrow to his loving family and friends; and

WHEREAS Manuel Zermeno is survived by his wife, Maria; a sister, Connie Diaz; five daughters, Rojella, Paula, Sofia, Jeanie, and Julia; nine grandchildren, and five great-grandchildren;

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 Manuel Zermeno’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

Public Employee Appointment
Title: High School Vice Principal

SESSION TEN – Open Session

12.0 - Action Reported from Closed Session

Upon motion by Member Tillman, seconded by Member Parra, and approved by the affirmative vote of Members Parra, Savage, Tillman, and Valdez (Noes: None), the following was adopted:
BE IT RESOLVED that the Board of Education approves the appointment of the following employee:

LOVETT, LISSETTE: High School Vice Principal, effective date, work year and salary, to be determined. Budget – 035

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 will be held on Tuesday, May 5, 2009, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.