

**San Bernardino City Unified School District**

Minutes of a Regular Meeting of the Board of Education

**MINUTES  
ADOPTED  
3/3/09**

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

February 3, 2009

Present: President Teresa Parra; Vice President Danny Tillman; Board Members Louise Ayala, Barbara Flores, Judi Penman, Lynda Savage, and Elsa Valdez; Superintendent Arturo Delgado; Deputy Superintendent Judy White; Assistant Superintendents Mel Albiso, Narciso Cardona, Dayton Gilleland, Mohammad Islam, Yolanda Ortega, John Peukert, Paul Shirk, and Harold Vollkommer; and Superintendent's Assistant Mary Beth Gosnell. Minutes recorded by Administrative Assistant Jennifer Owens.

**SESSION ONE – Budget Workshop**

**1.0 - Budget Workshop**

**1.1 - Budget Workshop**

Mohammad Z. Islam, Chief Business and Financial Officer, presented a budget update and proposed budget cut plan for Fiscal Year 2008-09 and Fiscal Year 2009-10 (see page \_\_\_\_). The first plan includes the cuts proposed by Staff. The second plan is the recommendations made by various stakeholders.

Louise Ayala stated that increasing class size would hurt student achievement. Barbara Flores asked for the cost of testing. Paul Shirk stated that the cost is \$75,000-80,000. Teresa Parra asked for the current administration-to-student ratio. Mrs. Parra stated she would like to talk again about reducing each department by 10 percent. Mrs. Parra asked if the plan includes the teachers on assignment, how do we look at the Special Education budget and how it affects the General Fund budget, and if the TIIG carryover is addressed? Mohammad Islam stated that the TIIG carryover is part of the categorical program flexibility piece.

Danny Tillman expressed his preference for the proposed cuts recommended by Staff. Elsa Valdez stated that some of the cuts will affect low-achieving students. Teresa Parra asked that Board members review the proposals and bring a list of their priorities to the February 17 Board workshop.

**SESSION TWO - Opening**

**2.0 - Opening**

**2.1 - Call to Order**

President Parra called the meeting to order at 5:50 p.m.

2.2 - 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 THREE - Special Presentations**

**3.0 - Special Presentations**

3.1 - Verizon Check Presentation

Michael Page, Verizon Director of Government & External Affairs, presented a check to the District. The check represents the Verizon technology grant that will fund the creation of a Digital Classroom to train District teachers in the effective integration of technology and classroom instruction. The mock classroom, part of the District's Professional Development Center, will provide teachers with a chance to learn about and practice using classroom technology to make lessons more interactive and relevant to technology-proficient students.

3.2 - Schools That Sparkle

The Board recognized and presented the "Schools That Sparkle" Award to the following custodians and administrators for the fall quarter of 2008, for achievement in custodial excellence.

***Inghram Elementary School***

Principal Joan West, Vice Principal Louis Ramos,  
and Custodians Rosa Ramos and Henry Aguilar

***Richardson PREP HI***

Principal Jim Kissinger, Vice Principal Keith Thompson,  
and Custodians Larry Boyne, Raymond Rice, and Maria Barragan

A special Site that Sparkles award was presented to Debra Love, Purchasing Services Director; Bill Hanes, Warehouse Manager, and Steve Kennerly, Assistant Warehouse Manager.

3.3 - Recognition of African-American History Month

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

**WHEREAS** Americans of African descent contributed to the development of our nation in countless ways and participated in every effort to secure, protect, and maintain the essence and substance of American democracy; and

**WHEREAS** African-American history reflects a spirit of determination, perseverance, ingenuity, and cultural pride in the struggle to share equally in the opportunities of a nation founded upon the principles of freedom and liberty for all people; and

**WHEREAS** the San Bernardino City Unified School District also plays a role in promoting the knowledge and understanding that can be gained by all students, regardless of race, through a study of African-American history;

**THEREFORE, BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District declares February 2009 to be acknowledged in all District schools as a period of recognition of African-American history as it relates to the history and culture of our country; and

**BE IT FURTHER RESOLVED** that the Board of Education encourages all the schools of the District to undertake educational activities which commemorate the history and contributions of African-American citizens and that this history be included and intertwined in all studies of history of the United States throughout the school year.

### 3.4 - In Recognition of National School Counseling Week

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

**WHEREAS** school counselors are employed in public schools to help students reach their full potential; and

**WHEREAS** the San Bernardino City Unified School District welcomes this opportunity to join with others in our community, state, and nation in recognizing the contributions that school counselors make in the lives of countless children; and

**WHEREAS** school counselors are passionate about their commitment to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development; and

**WHEREAS** comprehensive school counseling programs are considered an integral part of the educational process that enables all students to achieve success in school; and

**WHEREAS** school counselors seek to identify and utilize community resources that enhance and complement comprehensive school counseling programs and help students become productive members of society;

**THEREFORE, BE IT RESOLVED** that the Superintendent and the Board of Education of the San Bernardino City Unified School District join the rest of the state and the nation in recognizing February 2-6, 2009, as National School Counseling Week and encourage all of our schools to set aside this week to acknowledge the outstanding and selfless contributions that school counselors make to our students and our schools each day.

#### **SESSION FOUR – Student Report/School Showcase**

##### **4.0 - Student Report/School Showcase**

##### **4.1 - San Andreas High School**

Student Board Representatives Machezni Lugo and Jessica Ayala presented a report of activities taking place at the high schools during the month of February. Principal Myrtle Foster and Case Manager Roberta Figueroa discussed the Cal-SAFE program which offers services to parenting male and pregnant and parenting female students. Three students shared some of their experiences.

Board 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**

Jim Dilday announced that Deputy Superintendent Judy White has been selected by ACSA Region 12 as Central Office Administrator of the Year.

#### **SESSION FIVE - Administrative Presentation**

##### **5.0 - Administrative Presentation**

##### **5.1 - Budget Workshop**

John Peukert presented information on the Capital Facility Project (see page \_\_\_\_). Mr. Peukert stated that the District has enough cash for the next 18 months. We are guaranteed to get the funds that are frozen due to a cash flow problem. A recommendation for bridge financing will come to the Board at a later date. Judi Penman recommended the District use bridge financing to take advantage of the current bid climate. Danny Tillman stated that even though there is a cost

for bridge financing, it would be cheaper than stopping and restarting building projects. Lynda Savage stated that bridge financing has been successful in the past. Teresa Parra stated that a bond could be considered in the future to pay off bridge financing.

Danny Tillman asked why the funds aren't being released. Mr. Peukert stated that the state is having a challenge selling bonds so it is a cash flow issue.

## **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.

Barbara Flores asked what the District is doing to address the dropout issue. Dr. Delgado named a few of the programs operating in the District and stated we will give a full report in the future.

Elsa Valdez reported that the University of California, Riverside, has been doing research in our district and they have said they will share their data with us. Paul Shirk stated that we have been working with them and he will include their data when we present our next report.

Elsa Valdez announced that Congressman Joe Baca will be holding a symposium on dropouts. Dr. Valdez asked that they get accurate numbers before making any decisions on the budget.

Louise Ayala reported that someone from the Trophy House told her the District isn't going to purchase as many supplies as in the past. Teresa Parra stated that schools make their own decisions of where to purchase trophies.

Judi Penman stated that she would like to see more line items at the next budget workshop. Mrs. Penman requested the percentage of jobs that will be cut by program.

Danny Tillman stated that our district's budget is in a good position because we have done a good job working together. Mr. Tillman agreed with Dr. Valdez that the budget workshop was for brainstorming and the Board shouldn't have a lot of discussion on cuts that probably won't happen.

Teresa Parra asked if joining Hispanic Association of Colleges & Universities (HACU) would be a benefit to the District. Dr. Delgado stated K-12 institutes are being allowed to join and he would look into it.

Teresa Parra stated that schools should solicit local businesses when looking for vendors to take senior portraits. Mrs. Parra stated that a new outreach program is collecting used prom dresses for girls that can't afford to buy their own.

7.1 - Legislative Update

None.

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

None.

**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 9.8, 9.14, 9.15, 9.22, 9.23, 9.24, 9.25, 9.26, 9.27, and 9.29 were held for later consideration.

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

9.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on December 16, 2008, and January 5, 2009, be approved as presented.

9.2 - Payment of Master Teacher – National University

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during Spring/Summer 2008, as provided for in the Agreement with National University, as follows:

Candy Coffey	\$150.00	Ray Gallardo	\$ 75.00
Suzanne Hidalgo	\$ 75.00	James Trotter	\$300.00

9.3 - Payment of Master Teacher – National University

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during Spring/Summer 2008, as provided for in the Agreement with National University, as follows:

Candy Coffey	\$150.00	Judy Lyons	\$300.00
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9.4 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$5,000.00, Flourish Foundation; \$1,500.00, Payless Shoe Source Foundation; \$9,456.00, San Manuel Band of Mission Indians; \$600.91, Aquarium of The Pacific; \$8,500.00, Rotary Club of San Bernardino; \$270.00, David Meade; and \$100.00, Mel Albiso-Association of Mexican-American Educators.

9.5 - 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:

Jesus Milagro Sanchez (Member of English Language Advisory Committee, Parent)	To attend the California Association for Bilingual Education (CABE) Conference – Four Day Pass to all parent educational seminars and luncheon, Long Beach, California, February 25-28, 2009. Total cost, not to exceed \$1,920.00, will be paid from Rio Vista Account No. 496 and Account No. 431.
Mayra Higuera (Member of English Language Advisory Committee, Parent)	

9.6 - Commercial Warrant Registers for Period from January 1, through January 15, 2009

BE IT RESOLVED that the Commercial Warrant Register for period from January 1, 2009, through January 15, 2009, be approved.

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

9.7 - 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 approves payment to the following:

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Jeanie Sczublewski, Accompanist, for four regular rehearsals and two performances spread over four days commencing on February 17, through February 24, 2009. The cost, not to exceed \$300.00, will be paid from Educational Services Account No. 538.

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 ratifies payment to the following:

Ed Nunez for a presentation on January 16, 2009, at Kendall Elementary School. The cost, not to exceed \$1,123.25, will be paid from Kendall Account No. 501.

9.9 - Extended Field Trip, Manuel A. Salinas Elementary School, Outdoor Science School, Green Valley, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 63 Manuel A. Salinas Elementary School students and 2 District employees to attend the Outdoor Science School, in Green Valley, California, February 23-27, 2009. The cost of the trip, not to exceed \$20,475.00, including meals and lodging for 63 Manuel A. Salinas Elementary School students and 2 District employees, will be paid from sponsorship through the Orange County Department of Education. Transportation by First Student Bus Lines, not to exceed \$922.52, will be paid from Manuel A. Salinas Elementary School ASB. Names of the students are on file in the Business Services office.

9.10 - Extended Field Trip, Manuel A. Salinas Elementary School, Outdoor Science School, Green Valley, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 30 Manuel A. Salinas Elementary School students and 1 District employee to attend the Outdoor Science School, in Green Valley, California, April 27-May 1, 2009. The cost of the trip, not to exceed, \$10,050.00, including meals and lodging for 30 Manuel A. Salinas Elementary School students and one District employee, will be paid from sponsorship through the Orange County Department of Education. Transportation by First Student Bus Lines, not to exceed \$461.76, will be paid from Manuel A. Salinas Elementary School ASB. Names of the students are on file in the Business Services office.

9.11 - Extended Field Trip, Arroyo Valley High School, Wrestling CIF Finals, Temecula, California

BE IT RESOLVED that the Board of Education approves an extended field trip for 14 Arroyo Valley High School students and 2 District employees to attend the Wrestling CIF Finals, in Temecula, California, February 27-28, 2009. The cost of the trip, not to exceed \$1,140.00, including meals and lodging for 14 Arroyo Valley High School students and 2 District employees, will be paid from ASB funds. Transportation provided by Xpress Rent-A-Car, not to

exceed \$600.00, will be paid from Arroyo Valley High School Account No. 203. Names of the students are on file in the Business Services office.

9.12 - Extended Field Trip, Arroyo Valley High School, Wrestling CIF State Finals, Bakersfield, California

BE IT RESOLVED that the Board of Education approves an extended field trip for four Arroyo Valley High School students and two District employees to attend the Wrestling CIF State Finals, in Bakersfield, California, on March 5, 2009 through March 8, 2009. The cost of the trip, not to exceed \$1,050.00, including meals and lodging for four Arroyo Valley High School students and two District employees, will be paid from ASB funds. Transportation provided by Xpress Rent-A-Car, not to exceed \$600.00, will be paid from Arroyo Valley High School Account No. 203. Names of the students are on file in the Business Services office.

9.13 - Extended Field Trip, Cajon High School, California State Thespian Festival, Ontario Convention Center, Ontario, California

BE IT RESOLVED that the Board of Education approves an extended field trip for 10 Cajon High School students and 2 District employees to attend the California State Thespian Festival, in Ontario, California, April 3-5, 2009. The cost of the trip, not to exceed \$3,096.00, including meals and lodging for 10 Cajon High School students and 2 District employees, will be paid from ASB funds. Transportation will be provided by private vehicles, driven by District employees, at no charge. Names of the students are on file in the Business Services office.

9.17 - Agreement with Children's Resources to Provide Training in Afro-Latin Learning Styles to District Parents

BE IT RESOLVED that the Board of Education approves entering into an agreement with Children's Resources, Fontana, CA, to provide training in Afro-Latin Learning Styles to parents, effective April 2, 2009, through April 30, 2009. The training will be provided to parents weekly for five weeks. The cost for the services, not to exceed \$3,500.00, will be paid from the Unrestricted General Fund—Medi-Cal Billing, Account No. 585.

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

9.18 - Agreement with Northwest Capital Recovery Group for Utilities Cost Recovery Services

BE IT RESOLVED that the Board of Education approves entering into an agreement with Northwest Capital Recovery Group, Bellingham, WA, for utilities cost recovery services, effective February 4, 2009, continuing through June 30, 2011. Northwest Capital Recovery Group collects and analyzes information regarding possible over-billings by providers of utilities and services, i.e., power, water, telecom, shredding, natural gas, sewer, and garbage. They will

present their findings to the District and collect over-billings. All recovery will be shared on a 55 percent basis for the District and 45 percent for the Northwest Capital Recovery Group. There will be no other costs 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.

9.19 - Agreement with the University of California, Riverside Mathematics, Engineering, Science Achievement (MESA) Program

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with the University of California, Riverside – Mathematics, Engineering, Science Achievement (MESA) Program, to create, promote and facilitate opportunities for academic and personal excellence in the fields of engineering, mathematics, and science, effective July 1, 2008, through June 30, 2009. Student participants must demonstrate a commitment to prepare for a college education. 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 agreement.

9.20 - Assurance Agreement with California State University San Bernardino to Participate in a Moderate/Severe Disabilities Intern Program

BE IT RESOLVED that the Board of Education approves entering into an agreement with California State University San Bernardino, San Bernardino, CA, to participate in a Moderate/Severe Disabilities Intern Program, effective February 4, 2009, through June 30, 2012. The internship is needed to meet an expressed employee shortage of persons holding the Moderate/Severe Credential. The interns will not displace certificated employee(s) of the District, and must meet the University's competencies or the District's performance criteria during the course of the program. The interns will assume the functions that are authorized by the regular standard credential (EC 44454), and the interns' services will meet the instructional service needs of the District (EC 44458). The interns' salaries will be in accordance with the Internship Act of 1997. 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.

9.21 - Facilities Use Agreement with National University

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with National University, San Bernardino, CA, for rental of conference rooms at \$150.00 per day plus equipment rental costs, effective February 19-20, 2009, for Step Up to Writing training.

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The cost, not to exceed \$300.00, will be paid from 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 said agreement.

9.28 - Amendment No. 5 to the Renewal of the Master Facilities Use Agreement with Sturges Center for the Fine Arts

BE IT RESOLVED that the Board of Education approves amending the master facilities use agreement with Sturges Center for the Fine Arts, San Bernardino, CA, for renewal of the agreement for use of the Fine Arts auditorium, effective July 1, 2009, through June 30, 2010, including approval to enter into individual facilities use agreements that comply fully with the requirements of the master facilities use agreement. Existing rental cost of the theatre and all other terms and conditions remain the same. Use of this facility is on an as-required basis as requested by school sites and departments. The cost will be charged to various site and department budgets upon approval by authorized management personnel.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said master agreement and the individual facilities use agreements that comply fully with the requirements of the master agreement.

9.30 - Piggyback Bid No. G47 of County of San Bernardino, Photocopiers and Facsimile Equipment, Supplies and Maintenance

BE IT RESOLVED that it is in the best interest of the District that the Board of Education approves the use of the County of San Bernardino RFP No. G47 awarded to Konica Minolta Business Solutions, San Bernardino, CA, for the rental of photocopiers, supply purchases, and copier maintenance services effective February 4, 2009, continuing through January 19, 2014. As a local governmental body, the District has the option of piggybacking off this contract. Prices are comparable to those that the District would receive if it were to issue its own bid. This contract award includes a trade-in allowance estimated at \$144,000.00 to be paid by Konica Minolta Business Solutions for the purchase-lease buyout of existing District leased printing equipment. The monthly lease amount is \$16,410.00 plus tax, and will be paid from unrestricted General Fund, Account No. 764.

BE IT ALSO RESOLVED the Board approves a trade-in allowance estimated at \$144,000.00 to be paid by Konica Minolta Business Solutions for the purchase-lease buyout of existing District leased printing equipment.

BE IT FURTHER RESOLVED that the District reserves the right to purchase more than or less than the quantities indicated, as needed, throughout the duration.

9.31 - Piggyback Bid No. J-5 of County of San Bernardino, Gasoline and Diesel Fuel

BE IT RESOLVED that it is in the best interest of the District that the Board of Education approves the use of the County of San Bernardino RFP No. J-5, Gasoline and Diesel Fuel awarded to Poma Distributing Company, Bloomington, CA to purchase fuel for the term of the contract ending August 31, 2010, and any extensions. As a local governmental body, the District has the option of piggybacking off this contract. Prices are comparable to those that the District would receive if it were to issue its own bid.

BE IT FURTHER RESOLVED that the District reserves the right to purchase more than or less than the quantities indicated, as needed, throughout the duration.

9.32 - Request to Reject Bid No. 23-08, HVAC Parts and Equipment

BE IT RESOLVED that Bid No. 23-08, HVAC Parts and Equipment be rejected in its entirety.

9.33 - Notice of Completion, Bid 11-08, Seal Coat at Eleven District School Sites

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Seal Coat at Eleven District School Sites, Purchase Order No. 700752 awarded to:

Mission Paving and Sealing, Inc.  
2213 Rosemead Blvd  
El Monte, CA 91733

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

9.34 - Notice of Completion, Bid No. F05-04, Categories 5 and 7, Cajon High School Modernization Project

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

Category No. 5 - Flooring  
Moore Flooring, Inc.  
Chino, CA

Category No. 7 - Acoustical Ceilings  
Southcoast Acoustical Interiors  
Rancho Cucamonga, CA

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

9.35 - Rejection of Claim by ASR Constructors, Inc., for Colonel Joseph C. Rodriguez Prep Academy, Bid No. F05-09, Bid Package #E04, #E14 and #E21

BE IT RESOLVED that the Board of Education rejects the Statement of Claim for \$237,538.09 from ASR Constructors, Inc., for Colonel Joseph C. Rodriguez Prep Academy New Construction Project, aka, New Elementary School #47 (Emmerton II), for bid packages #E04 Landscape and Irrigation; #E14 Plumbing; and #E21 Asphalt Paving/Stripping.

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

9.36 - 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:

\*S10/27/1994 \*S04/13/1997 \*S10/24/1995 \*\*S06/07/1994 \*S08/17/1994 \*S03/04/1993  
\*S03/28/1993 \*\*S08/19/1993 \*S10/01/1993 \*S03/06/2000

\*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.

9.37 - 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.

9.38 - 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:

08/09/1996

9.39 - 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:

9.40 - 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.

9.41 - 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:

06/07/1994    01/21/1993    12/19/1994    04/23/1993

9.42 - 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:

9.43 - 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.

9.44 - 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.

9.45 - Approval to Establish Temporary Loans from Capital Project Funding

BE IT RESOLVED that the Board of Education approves the temporary borrowing of funds from approved projects in Funds 21, 25, 35, and 40 per Education Code 42603 projects to fund State apportioned capital projects that are impacted by the State capital fund release restriction.

BE IT FURTHER RESOLVED that any borrowed funds will be repaid upon receipt of funds from the State or other financing sources.

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

Barbara Flores asked why the District was contracting with County Schools when we have our own GLAD instructors. Judy White stated that we couldn't accommodate the number of teachers that needed training this year.

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

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

Loretta Whitson, Alta Loma, CA, to provide a one-day training workshop for District administrators and counselors to learn the use of the California Standards for School Counseling Profession, February 17, 2009. The cost, not to exceed \$2,000.00, will be paid from Restricted General Fund-Drug Free Schools, Account No. 555.

University of California Professional Development Institute (UCPDI, UC/San Diego) to provide SB 472 state approved English Learner professional development institutes to support teachers using State Board approved, standards-aligned programs, from February 2, 2009 through February 6, 2009. The cost, \$250.00 per participant with no more than 30 participants each for elementary and secondary teachers plus \$3,000.00 for two instructors (one for elementary and one for secondary) for a total cost not to exceed \$22,000.00, will be paid from the Restricted General Fund—Title III LEP Student Subgrant, Account 544.

San Bernardino County Superintendent of Schools to provide GLAD professional development training for teachers, May 28, 2009, through June 30, 2009. The total cost, not to exceed \$36,000.00, will be paid from the Restricted General Fund-Program Improvement Local Education Agency Corrective Action Resources, Account 513.

9.29 - Resolution for Approval of Behavioral Intervention Plans (Hughes Bill) Mandated Cost Claim Settlement and Agreement to Waive Future Claims

Danny Tillman questioned why this resolution was included in the consent calendar. Mohammad Islam stated that it was misplaced on the agenda. The District did not participate in the lawsuit, but we will benefit from the settlement.

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

**WHEREAS**, the Commission on State Mandates (“the Commission”), in a test claim known as the Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim, has determined that, since 1993, there are unfunded state mandates exceeding the federal requirements in the following seven (7) components of the Hughes Bill Statute and Regulations (California Education Code section 56523 and California Code of Regulations, title 5, sections 3001, subdivisions (c), (d), (e), (f), and (aa), and 3052): special education local plan area (“SELPA”) plan requirements, development and implementation of behavioral intervention plans, development and implementation of emergency interventions, prohibited behavioral intervention plans, and due process hearings;

**WHEREAS**, these state mandates remain required components of the Hughes Bill Statute and Regulations;

**WHEREAS**, final claiming instructions for the Behavioral Intervention Plans Mandated Cost Claim were never adopted by the Commission due to various disputes that arose with the State;

**WHEREAS**, the State’s Department of Finance disputes that any of the identified Behavioral Intervention Plans Mandated Cost Claim mandates qualify for state reimbursement because it contends they are required by federal law, and therefore the State has filed a lawsuit with the Sacramento Superior Court, case No. 03CS01432, to contest the Commission’s decision in the Behavioral Intervention Plans Mandated Cost Claim;

**WHEREAS**, the Test Claimants believe that the identified mandates require new programs and increased levels of service in excess of federal law, and are therefore unfunded state mandates, and therefore the Test Claimants oppose the court action filed by the State challenging the Commission’s decision;

**WHEREAS**, this litigation could thwart resolution of these matters for a number of years;

**WHEREAS**, to avoid the cost and uncertainty of further litigation, to alleviate the uncertainty regarding the Hughes Bill Statute and Regulations funding, and to expedite the resolution of this long-pending mandate claim, the State and the Test Claimants (“Parties”) have determined to compromise and settle the claims set forth in the Behavioral Intervention Plans Mandated Cost Claim;

**WHEREAS**, the Parties have negotiated a settlement agreement (“Agreement”), which provides \$520 million as general fund reimbursement for past costs associated with the Hughes Bill Statute and Regulations, allocated as follows:

- \$510 million to school districts based on 2007-08 P-2 ADA (about \$14.85 per ADA annually for six years, beginning in 2011-12, or for a lesser period at the State’s discretion should the State choose to accelerate payment of such reimbursement);

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- \$1.5 million to county offices of education in 2009-10 based on December 2007 county special education pupil count, about \$35.06 per pupil, with no county office of education receiving less than \$5,000;
- \$6 million to SELPAs in 2009-10 based on December 2007 special education pupil count, about \$8.85 per pupil, with no SELPA receiving less than \$10,000; and
- \$2.5 million in 2009-10 for administrative costs incurred in pursuing the Claim;

**WHEREAS**, the settlement further provides \$65 million as a permanent increase to the AB 602 funding base for special education programs and services beginning in 2009-10, resulting in each SELPA's funding rate increasing by about \$10.92 per ADA, the District will receive approximately \$568,297.53, with this amount increasing by the cost of living adjustment and ADA growth in subsequent years;

**WHEREAS**, by approving this settlement the District will receive approximately \$47,949.38 in discretionary funding for retroactive reimbursement, and \$765,621.70 over six years in equal installments, unless the State, in its discretion, accelerates payment of such reimbursement;

**WHEREAS**, the District, in exchange for the foregoing financial settlement, must waive its right to file any further mandate claims arising from the Hughes Bill Statute and Regulations, or to benefit from any new Hughes Bill Statute and Regulations claims filed, unless the Hughes Bill Statute and Regulations change;

**WHEREAS**, if for some reason the settlement process is not completed, the Waiver will not take effect;

**WHEREAS**, the Board has reviewed the Notice to LEAs Re: Pending Settlement of the Behavioral Intervention Plans [Hughes Bill] Mandated Cost Claim and the required Waiver; and

**WHEREAS**, the District administrative staff, having reviewed the terms of the pending settlement, recommends that the Board approve the settlement and agree to waive its rights to file mandated cost claims arising from the Hughes Bill Statute and Regulations in the future or to benefit from such claims unless the Hughes Bill Statute and Regulations change;

**NOW, THEREFORE, BE IT RESOLVED** that the Board approves the terms of the pending settlement of the Behavioral Intervention Plans Mandated Cost Claim, agrees to waive its rights regarding claims as set forth in the attached Waiver, and authorizes the Chief Business and Financial Officer to sign the required Waiver and to deliver it as requested by no later than February 27, 2009, and to complete any other administrative task necessary to effectuate this decision.

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President Parra left the meeting and Vice President Danny Tillman chaired a portion of the meeting.

Barbara Flores asked why no dollar amounts are listed in items 9.22 through 9.26. John Peukert stated that these are renewals of agreements and the figures were included in the original items. These amendments are only to extend the dates of service. Louise Ayala stated that she would like to see more local architects being used. Danny Tillman asked if there is a way to give extra weight to local vendors and suggested the District do more outreach to local vendors. Judi Penman stated that the Chamber of Commerce receives copies of all bids and they forward the bids to Chamber members.

Upon motion by Member Flores, seconded by Member Valdez, and approved by the affirmative vote of Members Flores, Penman, Savage, Tillman, and Valdez (Noes: Ayala; Absent for Vote: Parra), the following were adopted:

9.14 - Agreement with Adolph Ziembra, AIA & Associates, Inc., to Provide Architectural and Engineering Services at Bonnie Oehl Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Adolph Ziembra, AIA & Associates, Inc., Burbank, CA for architectural and engineering services for various site upgrades at Bonnie Oehl Elementary School, effective February 9, 2009, through February 9, 2011. The cost, not to exceed \$39,500.00, plus reimbursables, will be paid from Fund 21, 35, or 40.

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

9.15 - Agreement with NTD Architecture to Provide Architectural Services for Hunt Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with NTD Architecture, San Dimas, CA, for architectural services for various site upgrades at Hunt Elementary School, effective February 9, 2009, through February 9, 2011. The cost, not to exceed \$52,000.00, plus reimbursables, will be paid from Fund 21, 35, or 40.

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

9.16 - Agreement with STV Inc., to Provide Architectural and Engineering Services for the Relocation of Six Portable Buildings from Former Curtis Middle School to San Bernardino High School

BE IT RESOLVED that the Board of Education approves entering into an agreement with STV Inc., Rancho Cucamonga, CA, for architectural and engineering services for the relocation of six portable buildings from the former Curtis Middle School to San Bernardino High School Interim Housing Project, effective February 9, 2009, through February 9, 2011. The cost, not to exceed \$25,000.00, plus reimbursables, will be paid from Fund 21, 35, or 40.

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

9.22 - Renewal of the Agreement with PSWC Architects for Architectural and Engineering Services for New Elementary School #49 - Roosevelt II Project

BE IT RESOLVED that the Board of Education approves renewing the agreement with PSWC Architects, San Bernardino, CA, originally approved on March 20, 2001, for architectural and engineering services for New Elementary School #49 – Roosevelt II Project. This renewal will be effective from February 19, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. 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 agreement.

9.23 - Renewal of the Agreement with PSWC Architects for Architectural and Engineering Services for New Elementary School #51 – Alessandro II Project

BE IT RESOLVED that the Board of Education approves renewing the agreement with PSWC Architects, San Bernardino, CA, originally approved on February 17, 2004, for architectural and engineering services for New Elementary School #51 – Alessandro II Project. This renewal will be effective from March 3, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. 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 agreement.

9.24 - Renewal of the Agreement with Ruhnau, Ruhnau & Clarke Architects for Architectural and Engineering Services for New Elementary School #52 – Lincoln II Project

BE IT RESOLVED that the Board of Education approves renewing the agreement with Ruhnau, Ruhnau & Clarke Architects, Riverside, CA, originally approved on February 17, 2004, for architectural and engineering services for New Elementary School #52 – Lincoln II Project. This

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renewal will be effective from March 3, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. 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 agreement.

9.25 - Renewal of the Agreement with WLC Architects for Architectural and Engineering Services for New Elementary School #53 – Wilson II Project

BE IT RESOLVED that the Board of Education approves renewing the agreement with WLC Architects, Rancho Cucamonga, CA, originally approved on February 17, 2004, for architectural and engineering services for New Elementary School #53 – Wilson II Project. This renewal will be effective from March 2, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. 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 agreement.

9.26 - Renewal of the Agreement with Anderson Architecture for Architectural Services for New Elementary School #54 - Burbank II Project

BE IT RESOLVED that the Board of Education approves renewing the agreement with Anderson Architecture, San Juan Capistrano, CA, originally approved on March 20, 2001, for architectural and engineering services for New Elementary School #54 – Burbank II Project. This renewal will be effective from February 19, 2009, to June 30, 2014, due to continued construction and governmental agencies approvals. 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 agreement.

9.27 - Amendment No. 1 to the Agreement with WLC Architects for Architectural and Engineering Services for New Elementary School #53 - Wilson II Project

BE IT RESOLVED that the Board of Education approves amending the agreement with WLC Architects, Rancho Cucamonga, CA, previously approved by the Board on February 17, 2004, for architectural and engineering services for New Elementary School #53 - Wilson II Project. This amendment is for additional services required by the City of San Bernardino and other utilities agencies for the off-site improvements including utilities and traffic signal design. The cost, not to exceed \$34,222.00, will be paid from Funds 21, 25, 35, and 40. All other terms and conditions remain the same.

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

President Parra returned and chaired the remainder of the meeting.

**10.0 - Action Items**

**10.1 - Personnel Report #15, dated February 3, 2009**

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

BE IT RESOLVED that the Personnel Report #15, dated February 3, 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.

**SESSION NINE - Closed Session**

**11.0 - Closed Session**

This item was canceled.

**SESSION TEN – Open Session**

**12.0 - Action Reported from Closed Session**

None.

**SESSION ELEVEN - Closing**

**13.0 - Adjournment**

By the affirmative vote of the members, the meeting was adjourned at 7:55 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, February 17, 2008, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.