

San Bernardino City Unified School District

Minutes of a Regular Meeting of the Board of Education

**MINUTES
ADOPTED
4/21/09**

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

March 17, 2009

5:30 p.m.

Present: President Teresa Parra; Board Members Barbara Flores, Judi Penman, 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: Vice President Danny Tillman and Board Member Louise Ayala

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:

Palm Avenue Elementary School

Autumn-Rose Castro, Ryan Mann, and Abigail Willis

Thompson Elementary School

Mercedez Delgado, Madison Diaz, and Francesca Williams

Vermont Elementary School

Gia Perez, Ruben Quintero, and Kimberly Torres

2.2 - In Recognition of César E. Chávez

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

WHEREAS César E. Chávez, a Mexican-American labor leader in California, is one of the heroic figures of the 20th century who led a movement dedicated to improving the lives of farm laborers; and

WHEREAS César E. Chávez is a recognized national leader in the fight for civil rights and meaningful social change by peaceful means for Mexican Americans, Latinos, all racial minorities, and women, and under his leadership he mobilized many Latinos to register to vote; and

WHEREAS the Board of Education of the San Bernardino City Unified School District recognizes the contributions made by César E. Chávez and designated the new middle school to be named Cesar E. Chavez Middle School in honor of this great man;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District hereby recognizes the many contributions and accomplishments of César E. Chávez and encourages all District schools to conduct appropriate activities in observance of his birthday on March 31; and

BE IT FURTHER RESOLVED that the Board of Education encourages all the schools of the District to take this opportunity to express their heartfelt appreciation for César E. Chávez and to honor his legacy as a man of dignity and strength.

2.3 - Resolution in Support of the “Teacher Education Assistance Creating Hope (TEACH) for Our Future Act of 2009” (HR 13)

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

WHEREAS the quality of our nation’s public education made America such a strong world leader – economically, morally, and politically; and

WHEREAS teaching is one of the most important professions in our society, and teachers are the most important, invaluable individuals, and the hardest to replace, within our educational system; and

WHEREAS the County of San Bernardino intends to provide its residents with the best education possible for its children; and

WHEREAS our schools will soon be suffering from a shortage of teachers, and the cost of a college education for people to become teachers continues to climb, teachers are generally underpaid and more challenged, and the entry level pay for teachers is considered by many to be too low; and

WHEREAS the “Teacher Education Assistance Creating Hope (TEACH) for Our Future Act of 2009” (HR 13), written and sponsored by the 43rd Congressional District Representative Joe Baca of Rialto, increases the forgiveness and debt relief of student loans from \$5,000 to \$25,000 for teachers who have taught five years, and applies to all teachers of all subjects instead of a select few teachers who teach specific subjects;

THEREFORE BE IT RESOLVED that, in accordance with our mission to do everything possible within our power to encourage young people to become teachers, and to keep America’s best and brightest teaching in the classroom where they can impact the most lives, the San Bernardino City Unified School District Board of Education endorses HR 13, the “TEACH for Our Future Act of 2009,” and strongly recommends its swift approval by the United States Congress and the President of the United States; and

BE IT FURTHER RESOLVED that the San Bernardino City Unified School District Board of Education deeply appreciates the work of 43rd Congressional District Representative Joe Baca in writing and sponsoring the “TEACH for Our Future Act of 2009.”

SESSION THREE - School Showcase

3.0 - School Showcase

3.1 - Richardson PREP HI

Students from Richardson PREP HI presented a video about their school. Demographics, test scores, and programs were among the topics that were covered.

President Parra requested and received consensus from the Board to permit speakers wishing to discuss the budget to do so now.

Ken Holt, CSEA President, thanked Yolanda Ortega and Mel Albiso for their open dialogue during negotiations. Mr. Holt thanked Dr. Delgado for his help with CSEA concerns. Mr. Holt stated that CSEA members are willing to do their part. Charlie LaChance stated that CSEA wants to do their fair share, but not the full share. Ms. LaChance stated that she is looking forward to working in a positive relationship and asked the Board to remember CSEA when

considering raises. Cindy Andrade, CSEA Site Representative and Public Relations Officer, asked Board members to be fair across the board. Robert Lozano, member of the CSEA negotiating team, reported they are trying to resolve issues with results that will be fair to all. Tambra Trujillo, CSEA Secretary and Site Representative, stated that furlough days should not be required only from classified employees.

Teresa Parra stated that the Board agrees that the burden shouldn't be on CSEA alone. Ms. Parra thanked the CSEA members for their continued support.

SESSION FOUR - Public Hearing

4.0 - Public Hearing

4.1 - Review of the Charter Petition for New Vision Middle School

District staff review of the charter petition for New Vision Middle School 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 does comply with Education Code section 47605. The petition lists the names of the fifty percent of interested teachers with copies of their teaching credentials. However, of those who listed their credentials, only two have a credential appropriate to provide service in middle school content areas. If the petition is approved, the petitioner will need to submit to the San Bernardino City Unified School District copies of the teaching credentials appropriate to teach in the content areas for middle school for those teachers hired to teach in these areas.

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 it plans to open the charter school in September 2009, and will add a sixth grade class each year until the school reaches a capacity of 375 students. The plan is to locate the school in San Bernardino area and serve the community of San Bernardino and Highland. The charter school would operate on a traditional academic year schedule. There is

no describable difference between the educational philosophies of the proposed charter and the San Bernardino City Unified School District. Research, publications, and curriculum frameworks are consistent with those used by the District. The proposed charter's curriculum does not differ from the standards-based curriculum of the District. Specifically Designed Academic Instruction in English (SDAIE) techniques will be embedded into the instructional program to meet the needs of English learners. The petition also states that the school will adhere to the provisions of the Individuals with Disabilities Education Act (IDEA) and comply with Section 504 of the Federal Rehabilitation Act.

The petition meets this element requirement with the amendment of the Physical Education minimum number of minutes as required by Education Code section 51222, which requires no less than forty minutes per day. The petition provides twenty-six minutes per day of P.E. instruction.

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 states that the proposed school will administer annually norm-reference and criterion-reference tests such as the California Standards Test as required by the state. Results from these tests will be analyzed prior to the beginning of the subsequent school year to create school-wide, grade-level, and department-level instructional goals. These goals will drive professional development at the school. The petition also proposes to use multiple formative assessments to ensure growth for each student. The petition states that the growth of the charter school will be measured annually against the growth of comparison middle schools in the District.

The petition meets 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 states that the school principal and the teaching staff will be accountable for student progress and for achievement of student growth and achievement required by NCLB regulations. The proposed instructional program will be assessment based and data driven. Each student will be assessed immediately and further assessments with accompanying analysis will take place on a regular and ongoing basis. According to the petition, students' learning gaps will be filled as soon as they are identified. The faculty and staff will closely monitor each student's progress on a regular basis using a variety of strategies including ongoing teacher observations, examination of student work, progress reports, teacher generated assessments, analysis of state mandated standardized tests including CST, CELDT, and CAT 6, and parent/student/teacher conferences.

The petition meets 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 proposed charter school will be an independent charter school governed by the Board of Trustees of REAL Journey Academies, a non-profit public benefit corporation. The petition included an appendix that provides the REAL Journey Academies' by-laws. The articles stated in the by-laws address the composition of the governing board, board qualifications, and terms of office. The appendix also shows the names and resumes of some of the current board members of REAL Journey Academies. The board members listed show resumes with experience in business administration, communications studies, and educational leadership and policy studies. The petition indicates that the charter school will establish a School Advisory Council consisting of parents, students, community members, teachers, and school site administrators. This council will participate in developing recommendations for school policies and share in efforts to engage the support of the community. The petition gives assurances that the board of trustees will comply with the provisions of the Brown Act and Government Code section 1090. The petition further states that it will purchase and maintain as necessary general liability, property, workers' compensation, and unemployment insurance benefits. The proposed charter school will comply with the District policy related to charter schools and will be solely liable for debts and obligations of REAL Journey Academies.

The petition meets this element requirement with the condition of incorporating the Governance By-Laws in the petition under Element 4: Governance Structure.

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 charter school will select its own staff and will not discriminate against any employee on the basis of race, color, age, gender, sex, national origin, sexual orientation, marital status, political or religious beliefs, or physical disability. The charter school will require each employee to submit a criminal background check as required by Education Code section 44237 and adhere to California laws including prohibitions regarding the employment of any person who has been convicted of a violent or serious felony. The charter school agrees to comply with the provisions of NCLB as they apply to certificated and paraprofessional employees of charter schools. The petition also states that prior to employment each employee must furnish an up-to-date TB test result and documents establishing legal employment status.

The petition meets 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 section 44237.

Findings: The petition states that the proposed charter school will adopt and implement a comprehensive set of health, safety, and risk management policies. These policies will be developed in consultation with the school's insurance carriers. The school will comply with state building codes, federal Americans with Disabilities Act access requirements, and other applicable fire, health, and structural safety requirements and will maintain on file readily accessible records documenting compliance. The school will have a Certificate of Occupancy on file with the District. The petition lists a series of policies and procedures including adherence to Education Code section 47605: Criminal Record Summary. The proposed charter school will secure and maintain insurance requirements acceptable to the District and will furnish to the District's Office of Risk Management within 30 days of all new policies inceptions, renewals, or changes.

The petition meets 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 states that it is the objective of the charter school to achieve and maintain SBCUSD's ethnic balance goal of seventy percent non-white and thirty percent other white. The charter school would provide application handouts in businesses frequented by local community members that are racially diverse, would publicize the instructional program, hosting community open houses, providing tours of the school and speaking to interested parties, and would conduct outreach efforts in local public libraries, park and recreation centers, community based organizations, churches and synagogues. The outreach efforts would be conducted in both English and Spanish. The proposed charter school will agree to discuss with the District the possibility of accepting for enrollment District students participating in the District's Public School Choice program.

The petition meets this element requirement.

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

Findings: The petition states that the charter school is committed to serving all students, including those more likely to "slip through the cracks" for lack of adequate support at home or school. The proposed charter will recruit an ethnically and academically diverse population. The petition states that the charter school will conduct a public random drawing should there be more applicants than available spaces. The school will give priority to the following students in

the following order:

1. Siblings of students currently enrolled, or wards of their parents
2. Students who participated but whose names were not selected in the lottery of another REAL Journey Academies Middle School in southeast San Bernardino and Highland
3. Children of current employees and developers of the charter school, not to exceed ten percent of the school population
4. Students living within a five-mile radius of the school facility
5. Students who reside in the San Bernardino City Unified School District, and
6. Students living in California.

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 expenditures that appear reasonable. However, the petition's revenue component is overstated for all three years, which would result in an operating deficit in fiscal years 2009-2010, 2010-2011, and 2011-2012. The proposed charter school will not meet the five percent reserve required. The petition's assumptions and projections do not present a fiscally sound plan to sustain the operations and maintain fiscal solvency.

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 clearly delineates the Education Code section 48900 regarding student discipline and provides the due process provisions to ensure a fair disciplinary process. The discipline policy will be printed in the school's student handbook. The proposed charter will apply modifications and intervention strategies to help students improve their behavior. The charter school will also comply with due process guidelines for students with disabilities and those that are under Section 504.

The petition meets this element requirement.

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

Findings: The petition states that the charter staff will participate in the Federal Social Security System and will have access to other school-sponsored retirement plans. The teachers will

participate in the State Teachers Retirement System (STRS). The charter school proposes to contact the San Bernardino County Office of Education to transmit data to STRS. It appears that all charter school employees except teachers will participate in the Federal Social Security System. The petition does not clearly list retirement plans for each staff position.

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 choose not to attend the charter school can choose to attend other public schools in their district of residence or pursue an inter-district transfer to attend a SBCUSD school.

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 leave and return rights of district union employees will be granted to certificated and classified employees in accordance with current collective bargaining agreements. The petition fails to mention Education Code on return rights.

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 states that in the dispute resolution process between the charter school and the San Bernardino City Unified School District it will take approximately 35 days to respond to any controversy or claim arising out of or relating to the charter agreement, except any controversy or claim that is in any way related to revocation of the charter. Any claim must be submitted in writing. The resolution process is also prescriptive and includes a mediation process that suggests that proceedings begin 120 days from the date of any claim disagreement between the District and the charter school. This process is cumbersome and lengthy and can invite public commentary, which the proposed charter school would like to avoid.

The petition does not meet 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 proposed charter school will be deemed the exclusive school employer for collective bargaining purposes under the Education Employment Relation Act (EERA). It also states that the scope of representation shall include discipline and dismissal of charter school employees. However, the petition does not provide language to reference the right of employees to organize for collective bargaining.

The petition does not meet this element requirement.

Requirement Element 16: Charter school closing procedures.

Findings: The petition states that the District may revoke the charter school if it commits a breach of any terms of its charter, breach of any provision set forth in a policy related to charter schools adopted by the SBCUSD Board of Education and/or any provisions set forth in the Charter School Act of 1992. The petition also provides a comprehensive process to close the charter school in the event that the corporation is dissolved. There are provisions for audit, for notifying charter school employees, students, and parents, and for the charter school to accept any liability or debt incurred by the charter school.

The petition meets this element requirement.

Narciso Cardona reported that six elements were not fully met.

Alex Lucero, Executive Director of New Vision Middle School, thanked staff for accommodating them. Mr. Lucero reported they will recruit students from crowded schools, private schools, surrounding districts, and students that are currently being home schooled. Dr. Rosa Gonzalez reported that she will be the principal and wants to contribute to the community. Dr. Al Karnig, President of California State University San Bernardino, expressed his support of Dr. Gonzalez and Mr. Lucero, and for the school's high achieving curriculum. Dr. Karnig asked the Board for their consideration of the charter school. Steve Holguin, from the Charter School Association, spoke on behalf of the petition. Mr. Holguin stated that this charter school will provide an opportunity for parents whose children attend private schools that are closing. John Futch, community member, stated that Richardson PREP HI is what New Vision Middle School is trying to do. Mr. Futch stated that the school will develop a strong relationship with higher education institutions. Doris Casillas stated she is a parent in support of the school. Ms. Casillas stated that her fifth grade son is worried about gang issues and his school is not eligible for after-school tutoring.

Following Board discussion, Elsa Valdez made a motion to give them 30 days or less to address the unfulfilled requirements. This was seconded by Judi Penman. Upon the affirmative vote of Members Flores, Parra, Penman, Tillman, and Valdez (Noes: None), the motion was approved.

Judi Penman left the meeting at 7:00 p.m.

4.2 - State Categorical Programs Flexibility Transfers For Fiscal Year 2008-09

The Budget trailer bill (SBX3 4) gives local school districts the authority under Tier III of the flexibility provision to transfer current year (Fiscal Year 2008-09) State categorical program estimated fund balances to the Unrestricted General Fund. Furthermore, the flexibility to transfer funds from State categorical programs is authorized for five years from Fiscal Year 2008-09 through Fiscal Year 2012-13.

This item was part of the budget cuts plan (Plan A) which was presented and approved by the Board of Education on March 3, 2009.

This public hearing is being held to comply with the requirement by the Budget trailer bill (SBX3 4).

President Parra opened the Public Hearing and asked if anyone wished to comment.

Dr. Delgado reported that the related action item 10.1 has an omission and added Adult Education for \$3,929,707, for an estimated grand total of all funds of \$7,309,718.45. Dr. Delgado stated that these numbers may change due to the stimulus package.

Lori Christie, Adult School teacher, stated that the \$3.9 million was saved by the adult school to increase their medical program, create a classroom for the welding students, and purchase property around the school for more parking.

Gil Navarro, County School Board member, stated that Adult School is an inexpensive way for students to get an education. Mr. Navarro appealed to the Board to not cut the program.

Elsa Valdez stated that the Adult Education program gives a lot of community members the opportunity to learn a new career or skill. Dr. Valdez asked the Superintendent to look at other ways to make cuts.

Gloria Elliott, Adult School student, stated that the Adult School staff cares about their students. Adult Education is a way for students to get off welfare and not be a burden.

Jameelah Woodard reported that she drives to the Adult School from Ontario and picks up her sister from Moreno Valley because San Bernardino Adult School has the programs they need. The Adult School staff make her feel she is a part of the community.

Charlie Brown, Adult School Principal, reported that the Adult School has seen a 17 percent enrollment growth due to the economic downturn. Mr. Brown stated that the reserves were saved over a 10-year period. Tier 3 State Categoricals will be reduced by 20 percent and they will have nothing to fall back on without the reserve.

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Tim Bentley, former Adult School student and parent of an Adult School student, stated that he went through the Adult School Welding Program. Everyone who goes through the program gets a job. Sales tax revenue is increased by them getting an education.

Max Barker stated he is a high school dropout and the Adult School staff have ignited a passion for education in him. He will soon test for his GED and would like to enroll in the LVN Program.

Ms. Parra reported that she is an Adult School GED graduate and asked if the District is cutting the Adult School program. Dr. Delgado stated that we are not cutting the program and it will continue. Ms. Parra asked if the cut will affect LVN student capacity. Mr. Brown stated that the cuts won't affect the number of LVN students, but the welding program could be reduced due to the 20 percent reduction of teachers. Ms. Parra clarified that the Tier 3 20 percent cuts are being made by the state, not the District. Mr. Brown reported that \$1 million was being saved for an expanded parking lot and \$3 million was for an annex near Curtis Middle School. Ms. Parra stated that she isn't comfortable with the full amount of cuts, but supports cuts for the parking lot. Dr. Delgado recommended that the Board approve the amounts and restore funds when we can. The state is still in a state of flux. We could receive an additional \$4 million. Dr. Delgado expressed his support for the Adult School program, but all groups are contributing in some way.

Lynda Savage stated that Adult School is a great asset to the community and hoped that the 20 percent is given back to the programs. Charlie Brown stated that their goal is to protect the full-time teachers with benefits first.

Teresa Parra asked why the District is eliminating Community Day Schools. Narciso Cardona reported that Community Day Schools are expensive and some of the students are dangerous. The program requires the right employee and additional funding.

Gil Navarro reported that amending the amount of funds listed in action item 10.1 is a violation of the Brown Act. Mohammad Islam stated that this amount was approved on March 3. It was included in Plan A. It was public record on March 3 when the Board approved the plan.

Hearing no further comment, Ms. Parra closed the Public Hearing.

President Parra moved Action Items 10.1 and 10.2 forward on the agenda.

10.1 - State Categorical Programs Flexibility Transfers for Fiscal Year 2008-09

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

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WHEREAS, the Budget trailer bill (SBX3 4) authorized for the transfer of funds from State Categorical Programs to Unrestricted General Fund.

WHEREAS, the transfer of the following funds of the following programs has been discussed at the public hearing on March 17, 2009.

STATE CATEGORICAL PROGRAMS FLEXIBILITY TRANSFERS (TIER III)
BUDGET TRAILER BILL (SBX3 4)

<u>PROGRAMS</u>	<u>EST. AMOUNT</u>
Morgan-Hart CSR for Grade 9	\$ 51,728.75
Community Day Schools	\$ 734,044.78
Instructional Materials Fund	\$ 946.95
Opportunity Schools	\$ 45,840.10
Gifted & Talented	\$ 41,867.45
Arts and Music	\$ 198,851.70
Pupil Retention Block Grant	\$ 72,113.08
Community Based English Tutoring	\$ 213.63
High Priority Schools	\$ 126,981.17
International Baccalaureate	\$ 21,413.11
Mathematics and Reading	\$ 9,669.43
Targeted Instructional Improvement Block Grant	<u>\$2,076,341.30</u>
General Fund Estimated Total:	\$3,380,011.45
Adult Education	<u>\$3,929,707.00</u>
Estimated Grand Total All Funds	<u>\$7,309,718.45</u>

WHEREAS, any unspent amounts available from all of the Tier III flexibility programs at the end of the Fiscal Year will be transferred to the Unrestricted General Fund.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education approves the transfer of these funds.

10.2 - State Categorical Programs Flexibility Transfers for Fiscal Year 2007-08

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

The Budget trailer bill (SBX3 4) authorized for the transfer of funds from State categorical programs to unrestricted General Fund to cover part of the District total General Fund deficit.

STATE CATEGORICAL PROGRAMS FLEXIBILITY TRANSFERS (TIER III)
BUDGET TRAILER BILL (SBX3 4)

I. ON-GOING PROGRAMS:

School Library and Improvement	\$1,462,005.00
Sierra Afternoon Session	\$36,143.61
National Board Certificate Teacher Incentive	\$2,974.50
Opportunity Schools	\$364,257.40
Supplemental School Counseling	\$1,998,709.12
Gifted & Talented	\$527,664.00
Arts and Music	\$1,314,748.97
Cal Safe Child Care	\$551,944.79
Cal Safe Pregnant Minors	\$364,375.96
Principal Training Program	\$15,525.00
Pupil Retention Block Grant	\$25,011.36
Teacher Credentialing Block Grant	\$394,126.39
Community Based English Tutoring	\$313,041.93
School Based Pupil Motivation	\$1,036.65
Mathematics and Reading	\$62,832.29
School Safety Entitlement	<u>\$512,185.29</u>
Subtotal On-Going Programs:	\$7,946,582.26

II. ONE-TIME PROGRAMS (Prior to FY 2007-08)

Governor's Performance Award (01-02)	\$162.00
Site Block Grant	\$4,160.67
Governor's Performance Award	\$2,208.22
One-Time Site Block	\$680.00
Governor's Performance Award (Site)	\$17,548.59
Career Technology Education Equipment	\$5,742.41
CA Instructional School Garden	\$31,382.80
Teacher Recruitment and Retention	\$39,395.17
Nell Soto Parent-Teacher Involvement	\$21,954.09
Arts, Music and Physical Education	\$3,386,362.53
Discretionary Block Grant – Site	\$730,069.79
Discretionary Block Grant – District	\$1,176,955.00
Instructional/Library Materials, Technology	\$181,092.29
Safe Schools	<u>\$11,484.62</u>
Subtotal One-Time Programs:	\$5,609,198.18

GRAND TOTAL: \$13,555,780.44

NOW, THEREFORE, BE IT RESOLVED that the Board of Education approves the transfer of these funds.

Teresa Parra stated that she won't support any new hires with categorical funds until these programs are restored.

SESSION FIVE – Administrative Reports

5.0 - Administrative Reports

5.1 - Second Period Interim Financial Report as of January 31, 2009

The Education Code, as updated by AB1200 and AB2756, requires school districts to report on their financial condition at the time of budget adoption and after closing the books with the unaudited actuals. Two interim reports are also required during the fiscal year: for the periods from July 1 through October 31 (first period), and from July 1 through January 31 (second period) (see page ____).

5.2 - Amendments to BB 9250 Remuneration, Reimbursement and Other Benefits (First Reading)

Remuneration, Reimbursement And Other Benefits

Remuneration

Each member of the Board of Education may receive a monthly compensation of no more than \$700.

On an annual basis, the Board may increase the compensation of Board members beyond the limit delineated in Education Code [35120](#) in an amount not to exceed five percent based on the present monthly rate of compensation. Any increase made pursuant to this section shall be effective upon approval by the Board. (Education Code [35120](#))

Board members are not required to accept payment for meetings attended.

If a member does not attend all Board meetings during the month, he/she is eligible to receive a percentage of the monthly compensation equal to the percentage of meetings attended unless otherwise authorized by the Board in accordance with law. (Education Code [35120](#))

A member may be paid for meetings he/she missed when the Board, by resolution, finds that he/she was performing designated services for the district at the time of the meeting or that he/she was absent because of illness, jury duty or a hardship deemed acceptable by the Board. (Education Code [35120](#)) ***In any calendar year a member may not receive compensation for any meeting from which he was absent in excess of the first two meetings missed except if the member is performing services outside the meeting for the school district.***

Board of Education Inservice and Business Expense

The purpose of this policy is to define how the funds in Board of Education Inservice and Business Expense accounts are to be budgeted and how authorization for their use is obtained, reimbursed and reported to the Board as well as to the public. This policy applies only to funds that are spent by the members of the Board.

Each Board member will have access to two types of account funds: Board members' Individual Accounts and the Board's Undistributed Account.

Individual Accounts

Funds from Individual Accounts shall be distributed each fiscal year into individual Board member accounts as follow:

Board President \$930.00
Board Vice President \$745.00
Board Member \$558.00

A new Board member receives a full year's allocation. The account of a newly elected vice president or president will be increased by \$187.00 or \$372.00, respectively, for the remaining of the fiscal year.

Money in individual accounts can be used by a Board member without prior approval of other Board members. ~~At the time of reimbursement or request for an advance, the amount of the expense and reason for the expense will be placed on the agenda for Board approval or ratification. The Board will approve or ratify the expense provided sufficient funds remain in the individual member's account.~~

These funds can be used to attend school-related meetings, local Chamber of Commerce activities, receptions, award presentations, or any other school-related activity. Meal expenses incurred while attending private meetings are non-reimbursable.

Board members are to use their own discretion as to what constitutes a school-related activity. No funds beyond what is shown in this policy can be used for these activities. No transfer of funds will be made from one Board member's account to another.

Undistributed Account

~~Funds from the Undistributed Account shall be approved in advance at a Board meeting. Special circumstances may preclude this but Board members spending these funds without prior Board approval must realize that these expenses may be denied and they would then be responsible for the expenses incurred.~~ These funds are to be used for educationally related conferences, business

trips to Washington and Sacramento, training, meetings or county, state, and national school boards of similar activities.

Annually, in January, each Board member should prepare an estimate of their anticipated expenses during the next fiscal year that will be paid from the Undistributed Account. This will be used as a guide in preparing the next fiscal year's budget and give other Board members an idea of what is planned. Approval of the fiscal year's budget is not an approval for individual Board members to spend the money provided in the budget.

Reports

~~Once each quarter the Superintendent will have a report prepared for presentation to the Board and the public delineating the expenditures by Board members in each of the two accounts. The purpose is to report on expenditures and show how the total expenditures compare with the amount of money budgeted for the fiscal year.~~

Reimbursement of Expenses

Board members shall be reimbursed for traveling expenses incurred when authorized in advance by the Board. (Education Code [35044](#))

(cf. [9240](#) - Board Development)

The rate of reimbursement shall be the same rate specified for district personnel.

(cf. [3350](#) - Travel Expenses)

Health and Welfare Benefits

Board members may participate in the health and welfare benefits program provided for district employees.

Health and welfare benefits for Board members shall be no greater than that received by district's nonsafety employees with the most generous schedule of benefits. (Government Code [53208.5](#))

(cf. 4154/4254/4354 - Health and Welfare Benefits)

The district shall pay the full cost of insurance premiums for Board members and eligible dependents electing to participate in the district health and welfare benefits program enrolled in the least expensive of the group health plans. Board members enrolled in a more expensive group health plan shall have the difference in the cost of premiums between the least expensive health plan and the health plan they have selected deducted from their monthly compensation.

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Health and welfare benefits provided to Board members shall be extended at the same level to their spouses, dependent children under the age of 19, dependent children under the age of 25 who are full-time students at a college or university, and dependent children regardless of age who are physically or mentally incapacitated.

Health and Welfare Coverage for Former Board Members

Former members of the Board who have completed one or more terms after July 1, 1985, may be provided individual health and welfare coverage if they continue coverage at the time they leave office, and if they agree to and do pay the full premium costs of the health and welfare benefits. Members may select medical and/or dental coverage provided to any group of employees. Once a member selects benefits coverage, it may only be changed or cancelled during open enrollment periods. Payment shall be made monthly in advance. A member who is cancelled, voluntarily or through non-payment, will not be reinstated to the program.

The benefits authorized for retired Board members shall be extended at the same level to the retired Board member's spouse, dependent children under the age of 19, dependent children under the age of 25 who are full-time students at a college or university, and dependent children regardless of age who are physically or mentally incapacitated.

Legal Reference:

EDUCATION CODE

1090 *Compensation for members and mileage allowance*

33050-33053 *General waiver authority*

33362-33363 *Reimbursement of expenses (Department of Education and CSBA workshops)*

35012 *Board members; number, election and term*

35044 *Payment of traveling expenses of representatives of board*

35120 *Compensation (services as member of governing board)*

35172 *Promotional activities*

44038 *Cash deposits for transportation purchased on credit*

GOVERNMENT CODE

20322 *Elective officers; election to become member*

53200-53209 *Group insurance*

UNITED STATES CODE, TITLE 26

403(b) Tax-sheltered annuities

COURT DECISIONS

Thorning v. Hollister School District, (1992) 11 Cal.App.4th 1598

Board of Education of the Palo Alto Unified School District v. Superior Court of Santa Clara County, (1979) 93

Cal.App.3d 578

ATTORNEY GENERAL OPINIONS

83 Ops. Cal. Atty. Gen. 124 (2000)

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

Public Employees' Retirement System: <http://www.calpers.ca.gov>

*Bylaw SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT
adopted: October 16, 2007 San Bernardino, California*

SESSION SIX – Other Matters Brought By Citizens

6.0 - Other Matters Brought by Citizens

Gil Navarro, County School Board member, stated that brochures are available advertising AB 540 to students. Mr. Navarro asked the Board to consider adopting resolutions against AB 454 and AB 1207. Mr. Navarro stated that these bill would repeal the nonresident tuition exemption for immigrant students.

Angela Montpas, teacher and SBTA site representative, reported that a student recently died from bacterial meningitis. Ms. Montpas asked her administration to make sure they were working in a safe environment. Ms. Montpas asked that the air ducts be cleaned and a hand washing apparatus be installed in the rest rooms. President Parra asked Mel Albiso to report back to the Board.

SESSION SEVEN - Reports and Comments

7.0 - Report by Board Members

Teresa Parra asked if it was possible to do a lease back for the Adult School parking lot. John Peukert stated that he would look into it.

Teresa Parra congratulated Ray Culberson who was selected as one of this year's recipients of the "Shine A Light On Child Abuse" Award. Mr. Culberson will be recognized at an awards breakfast on March 25.

Ms. Parra acknowledged receipt of a summary of the Special Education budget, but requested additional information with all categories broken down, including attorney fees.

7.1 - Legislative Update

None.

8.0 - Report by Superintendent and Staff Members

Dr. Delgado congratulated Danny Tillman who was recognized by the Center for Individual Development (CID) for his outstanding support of their programs. Mr. Tillman was honored at their Annual Awards Reception on March 11.

Dr. Delgado reminded Board members that Kari Verjil, Registrar of Voters, notified him that if the Board of Supervisors approves the Board members' request to conduct all future School Board elections in odd-numbered years, the estimated cost to conduct the 2011 election would be \$350,000. Dr. Delgado asked Board members if they wished to drop the matter. Lynda Savage

recommended dropping it. Teresa Parra recommended waiting until all Board members are present to decide. Dr. Delgado offered to attend the Board of Supervisors meeting. Barbara Flores stated that in light of the budget, the cost is expensive. Dr. Delgado asked the Board for direction. Teresa Parra stated that because it is not on the agenda, they can't vote.

Dr. Delgado displayed the plaque the District received from the California Department of Education for its support of the middle schools. Dayton Gilleland attended the event and represented the District.

Dr. Delgado announced that the District will host a statewide P-16 Council meeting here on March 27.

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 item 9.24 was held for later consideration.

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

9.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on February 17, 2009, be approved as presented.

9.2 - Payment of Master Teachers – California State University San Bernardino

BE IT RESOLVED that the Board of Education approve payment for services as a master teacher during the Fall Session 2008, as provided for in the Agreement with California State University San Bernardino, as follows:

SANDRA HAYES	\$166.70	RAY WOLL	\$ 83.35
MARGARET BARNES	\$ 83.35		

9.3 - Payment of Master Teachers - University of La Verne

BE IT RESOLVED that the Board of Education approves payment for services as master teachers during the January term 2009, as provided for in the Agreement with University of La Verne, as follows:

WILLIAM CHAVEZ	\$400.00	PAM O'CONNELL	\$400.00
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9.4 - Payment of Master Teacher – National University

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

SARAH THOMSON	\$300.00
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9.5 - 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.

9.6 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$800.00, Scholarship America Fund; \$2,500.00, Ralphs/Food 4 Less/Foods Co. Foundation; \$32,500.00, San Manuel Band of Mission Indians; \$2,850.00, Coca Cola Bottling Company; \$250.00, Schools First Federal Credit Union; \$750.00, Coca Cola Bottling Company; \$100.00, Chuck Peterson Realtor; \$100.00, Daniel Zemerno & Melanie Zemerno; \$2,000.00, Latisha and Patrick Casas; \$200.00, Veronica Zemerno; and \$200.00, John C. Martinez.

9.7 - Cafeteria Warrant Register, Ending February 28, 2009

BE IT RESOLVED that the Cafeteria Warrant Register, ending February 28, 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.

9.8 - Commercial Warrant Registers for Period from February 16, through February 28, 2009

BE IT RESOLVED that the Commercial Warrant Register for period from February 16, 2009, through February 28, 2009, be approved.

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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.

9.9 - 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:

Dream Shapers for two assemblies on March 20, 2009, at Ramona-Alessandro Elementary School. The cost, not to exceed \$750.00, will be paid from Ramona-Alessandro Elementary School Account No. 039.

Jim Walkow for two assemblies on March 19, 2009, at Hillside Elementary School. The cost, not to exceed \$1,000.00, will be paid from Hillside Elementary School Account No. 419.

Beth A. Steffel for service as an advisor in the area of graphic design, commencing on March 18, 2009, through June 4, 2009. The cost, not to exceed \$1,375.00, will be paid from Pacific High School Account No. 566.

9.10 - 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 expert:

David Ghoogasian of The Lyceum #289 to provide a course, Correlate No. 6: Creating a Climate for High Expectations, on May 1, 2009, for District personnel. The fee, not to exceed \$2,100.00, will be paid from the Restricted General Fund—Gifted and Talented Education, Account No. 430.

9.11 - Extended Field Trip, Belvedere Elementary School, Odyssey of the Mind Tournament, Brentwood, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 14 Belvedere Elementary School students and 4 District employees to attend Odyssey of the Mind Tournament, in Brentwood, California, April 3-5, 2009. The cost of the trip, not to exceed \$5,000.00, including meals and lodging for 14 Belvedere Elementary School students and 4 District employees, will be paid from Belvedere Elementary School Account No. 431. Transportation will be provided by students' parents, at no charge. Names of the students are on file in the Business Services office.

9.12 - Extended Field Trip, North Verdemont Elementary School, Arrowhead Ranch Outdoor Science School, Lake Arrowhead, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 75 North Verdemont Elementary School students and 4 District employees to attend Arrowhead Ranch Outdoor Science School, in Lake Arrowhead, California, June 15-19, 2009. The cost of the trip, not to exceed \$16,875.00, including meals and lodging for 75 North Verdemont Elementary School students and 4 District employees, will be paid through sponsorship from Orange County Department of Education. Transportation provided by First Student, not to exceed \$1,000.00, will be paid from North Verdemont Elementary School Account No. 501. Names of the students are on file in the Business Services office.

9.13 - Extended Field Trip, North Verdemont Elementary School, Fourth Grade Outdoor Education Program, Newport Dunes Resort, Newport Beach, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 65 North Verdemont Elementary School students and 7 District employees to attend the Fourth Grade Outdoor Education Program, Newport Dunes Resort, in Newport Beach, California, June 4-5, 2009. The cost of the trip, not to exceed \$2,400.00, including meals and lodging for 65 North Verdemont Elementary School students and 7 District employees, will be paid from North Verdemont Elementary School ASB funds. Transportation provided by First Student, not to exceed \$2,600.00, will be paid from North Verdemont Elementary School Account No. 612. Names of the students are on file in the Business Services office.

9.14 - Extended Field Trip, North Verdemont Elementary School, Fifth Grade Outdoor Education Program, Malibu Creek State Park, Los Angeles, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 89 North Verdemont Elementary School students and 8 District employees to attend the Fifth Grade Outdoor Education Program, Malibu Creek State Park, in Los Angeles, California, May 28-29, 2009. The cost of the trip, not to exceed \$3,300.00, including meals and lodging for 89 North Verdemont Elementary School students and 8 District employees, will be paid from North Verdemont Elementary School ASB funds. Transportation provided by First Student, not to exceed \$1,700.00, will be paid from North Verdemont Elementary School Account No. 612. Names of the students are on file in the Business Services office.

9.15 - Extended Field Trip, Bing Wong Elementary School, Outdoor Science School, Cedar Crest Camp, Running Springs, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 90 Bing Wong Elementary School students and 5 District employees to attend the Outdoor Science School, Cedar Crest Camp, in Running Springs, California, April 6-10, 2009. The cost of the trip, not to exceed \$32,430.00, including meals and lodging for 90 Bing Wong Elementary

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School students and 5 District employees, will be paid through sponsorship from Orange County Department of Education. Transportation provided by First Student, not to exceed \$1,200.00, will be paid from Bing Wong Elementary School Account No. 501. Names of the students are on file in the Business Services office.

9.16 - Extended Field Trip, Arroyo Valley High School, USA Spirit Nationals, Anaheim, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 20 Arroyo Valley High School students and 3 District employees to attend USA Spirit Nationals, in Anaheim, California, March 27-29, 2009. The cost of the trip, not to exceed \$2,869.28, including meals and lodging for 20 Arroyo Valley High School students and three District employees, will be paid from Arroyo Valley High School ASB Account. Transportation provided by First Student, not to exceed \$800.00, will be paid from Arroyo Valley High School Account No. 203. Names of the students are on file in the Business Services office.

9.17 - Extended Field Trip, Cajon High School, Heritage Music Festival, San Diego, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 44 Cajon High School students, 7 chaperones, and 1 District employee to attend the Heritage Music Festival, in San Diego, California, March 26-29, 2009. The cost of the trip, not to exceed \$13,560.00, including meals and lodging for 44 Cajon High School students and 1 District employee, will be paid from Cajon High School ASB funds. Transportation provided by JC Tours, not to exceed \$2,155.00, will be paid from Cajon High School ASB funds. Names of the students are on file in the Business Services office.

9.18 - Extended Field Trip, San Geronio High School, 63rd Annual California-Nevada-Hawaii District Convention, Anaheim Convention Center, Anaheim, California

BE IT RESOLVED that the Board of Education approves the extended field trip for nine San Geronio High School students and one District employee to attend the 63rd Annual California-Nevada-Hawaii District Convention, in Anaheim, California, April 3-5, 2009. The cost of the trip, not to exceed \$3,470.10, including meals and lodging for nine San Geronio High School students and one District employee, will be paid through sponsorship from Key Club members, Dr. Paul Scott, and San Geronio High School Key Club ASB funds. Transportation, to and from Anaheim, will be provided by parents' private vehicles, at no cost. Names of the students are on file in the Business Services office.

9.19 - License Agreement with the Redevelopment Agency of the City of San Bernardino for Use of the California Theatre of the Performing Arts

BE IT RESOLVED that the Board of Education approves entering into a license agreement with the Redevelopment Agency of the City of San Bernardino, CA, for the use of the California

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Theatre of the Performing Arts for Adult School Graduation on June 9, 2009. The fee, not to exceed \$2,000.00, will be paid from Adult Education Fund 11.

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

9.20 - Local Agreement for Child Development Services with the California Department of Education, Contract No. CSCC-8262, CCDF School Age Resource

BE IT RESOLVED that the Board of Education ratifies entering into a local agreement for child development services with the California Department of Education, Sacramento, CA, to provide one-time funding to support the Child Care and Development Programs serving school-age children ages five through twelve years, effective July 1, 2008, continuing through June 30, 2009. The total amount payable to the District shall not exceed \$2,000.00, and shall be deposited into the Child Development Fund 12.

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

9.21 - Local Agreement for Child Development Services with the California Department of Education, Contract No. CCAP-8303, Infant Toddler Resource

BE IT RESOLVED that the Board of Education ratifies entering into a local agreement for child development services with the California Department of Education, Sacramento, CA, to provide one-time funding to support the Child Care and Development Programs and the California School Age Families Education program serving infants and toddlers ages birth to three years, effective July 1, 2008, continuing through June 30, 2009. The total amount payable to the District shall not exceed \$8,965.00, and shall be deposited into the Child Development Fund 12.

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

9.22 - Amendment No. 1 to the Local Agreement for Child Development Services with the California Department of Education for Use in Accordance with the Program Requirements for Pre-Kindergarten and Family Literacy Program, Contract Number CPKF-8031

BE IT RESOLVED that the Board of Education approves amending the Local Agreement for Child Development Services with the California Department of Education, Contract Number CPKF-8031, as approved by the Board of Education on August 5, 2008, Agenda Item No. 7.26. This amendment incorporates amended Funding Terms and Conditions language and increases the Maximum Reimbursable Amount of \$372,890.00 by \$5,206.00 to a new Maximum Reimbursable Amount of \$378,096.00. The monies shall be deposited into Fund 12 - Child Development: Children's Center, Account No. 252.

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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 agreement.

9.23 - Amendment of the Agreement with the Inland Regional Center to Provide Applied Behavioral Analysis to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Inland Regional Center, San Bernardino, CA, approved by the Board on June 3, 2008, Agenda Item 9.25. The amendment is necessary to increase the total amount of the agreement by \$47,000.00 from \$30,000.00 to an aggregate not to exceed \$77,000.00 due to several new mediated settlements. All other terms and conditions will remain the same.

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

9.25 - Renewal of the Affiliation Agreement with Walgreens, Fontana for Pharmacy Students

BE IT RESOLVED that the Board of Education approves renewing the affiliation agreement with Walgreens, Fontana, CA, to provide a site for practical learning experience for the Adult School's pharmacy students, effective April 1, 2009, through March 31, 2014. 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.

9.26 - Renewal of the Agreement with the County of San Bernardino, Department of Behavioral Health, to Provide Screening, Diagnosis, and Treatment to Eligible Medi-Cal Recipients

BE IT RESOLVED that the Board of Education approves renewing the agreement with the County of San Bernardino, Department of Behavioral Health, to provide early, periodic screening, diagnosis, and treatment to eligible Medi-Cal recipients ages 0-21 years, effective July 1, 2009, continuing through June 30, 2010. 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.

9.27 - Purchase of Office and Classroom Supplies Using Master Agreement No. 42595, Issued Through Los Angeles County/US Communities, as Awarded to Office Depot

BE IT RESOLVED that the Board of Education ratifies continuing the use of Master Agreement No. 42595, issued through Los Angeles County/US Communities, to Office Depot, as approved by the Board on February 7, 2006, Agenda Item No. 10.18. This amendment extends the term from February 8, 2009, through January 1, 2010. Prices are comparable to those that the District would receive if it were to issue its own bid. All other terms and conditions to remain the same.

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

9.28 - Sale of Covered Electronic Waste (CEW) and Non-CEW Equipment for Recycling

BE IT RESOLVED that the Board awarded Bid 09-05 to E-Recycling of California, Paramount, CA, on May 17, 2005, to include the purchase of additional surplus computer equipment and peripherals for recycling from the District for a one-year term, and all extensions, not to exceed five years. During the awarded term, the District will present new Board-approved computer and peripheral surplus lists to the awarded bidder with option to buy using Attachment B, Price List, which states the District shall receive \$3.00 per monitor, \$1.25 per CPU, \$3.00 per TV, \$1.25 per printer, \$3.00 per server, \$1.50 per storage device, and \$.05 per keyboard or mouse. All prices include associated cables. Proceeds from the sale shall be deposited into the Unrestricted General Fund.

BE IT ALSO RESOLVED that in accordance with California Education Code Section 17545, the Board of Education declares the following items as surplus to District needs and unsatisfactory or no longer suitable for school use: List of Salvage Computer Equipment and Peripherals dated December 16, 2008.

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

9.29 - Bid No. 05-09 Re-Bid Heating Ventilation Air Conditioning Parts and Equipment

BE IT RESOLVED that the bid received from US Air Conditioning Distributors, Riverside, CA, be rejected in its entirety as not bid as specified.

BE IT ALSO RESOLVED that the bid received from American Refrigeration Supplies was received after the response due date, and returned to the vendor unopened per the terms of the bid document.

BE IT ALSO RESOLVED that Bid No. 05-09 Re-Bid Heating Ventilation Air Conditioning Parts and Equipment be awarded to Allied Refrigeration, San Bernardino, CA, the lowest responsible bidder meeting District specifications.

BE IT FURTHER RESOLVED that the District reserves the right to purchase more than or less than the quantity indicated on a line-item basis, as needed, throughout the initial one-year term of bid, and all extensions, not to exceed three years total. The cost will be charged to deferred maintenance Fund Number 014 and non-deferred maintenance will be charged to Unrestricted General Fund 01.

9.30 - Bid No. F08-24, Curtis Middle School Modernization Abatement

BE IT RESOLVED that the contracts for Bid No. F08-24, Curtis Middle School Modernization Abatement, be awarded to the lowest responsible bidder meeting the specifications for the Bid Category, based on Base Bid as follows.

Category 02 – Abatement	Base Bid
5M Contracting 2691 Dow Ave, Suite C2 Tustin, CA 92780	\$ 267,500.00

Award Total: \$267,500.00

BE IT ALSO RESOLVED that the cost will be paid from Funds 21, 35, and 40.

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

9.31 - Notice of Completion, Bid No. F05-19, Category 2, Serrano Middle School Modernization Project

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F05-19, Serrano Middle School Modernization Project, for the portion of the work awarded to the Prime Contractor listed below:

Category No. 2 – Multi Trade
Angeles Contractor, Inc
Buena Park, CA

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

9.32 - Notice of Completion, Bid No. F07-16, QEIA – Site Work and Interior Electrical Work Associated with Nineteen Relocatable Classrooms

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F07-16, QEIA – Site Work and Interior Electrical Work Associated with Nineteen Relocatable Classrooms (2 of 5 sites), for the portion of the work awarded to the General Contractor at the two sites listed below:

General Contractor
Shanks Electric Corp.
Helendale, CA

Completed Sites:

1. San Bernardino High School
2. Vermont Elementary School

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

9.33 - Notice of Completion, Bid No. 32-05, Technology Infrastructure at Mt. Vernon Elementary School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the Bid No. 32-05, Technology Infrastructure at Mt. Vernon Elementary School, Purchase Order No. 074972, awarded to:

Checkpoint Communications, Inc.
2168 Michelson Drive
Irvine, CA 92612

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. 32-05, Technology Infrastructure at Urbita Elementary School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the Bid No. 32-05, Technology Infrastructure at Urbita Elementary School, Purchase Order No. 074972, awarded to:

Checkpoint Communications, Inc.
2168 Michelson Drive
Irvine, CA 92612

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

9.35 - Request for Retention Reduction – Bid No. F07-14, QEIA - Site Work and Interior Electrical Work Associated with Ten Relocatable Classrooms

BE IT RESOLVED that the Board of Education approves reducing the retention amount for Delt Builders, Rancho Cucamonga, CA, general contractor for QEIA - site work and interior electrical work associated with ten relocatable classrooms, by 5 percent. 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 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:

*(S)05/24/1994	*(S)03/06/1993	*(S)09/11/1994	*(S)01/11/1992	*(S)11/25/1992	**S07/11/1992
**S12/12/1993	**S06/18/1993	*(S)05/24/1991	01/05/1996	*(S)01/02/1993	**07/14/1992
*(S)04/27/1993	*(S)11/09/1992	04/11/1993	*(S)11/17/1992	*(S)11/16/1998	*(S)12/28/1992
*(S)12/07/1993	*(S)08/26/1993	**05/02/1993	*(S)06/19/1996	*(S)12/28/1991	01/13/1992
*(S)03/16/1995	**09/19/1993	**S09/11/1992	**S09/11/1992	*S09/08/1995	**S10/02/1994
*(S)03/16/1993	**S11/14/1992	*(S)05/24/1993	**03/05/1993		

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

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

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

9.37 - 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:

06/12/1990 07/28/1994 02/04/1994

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:

08/12/1997 12/31/1990

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:

10/21/1991 10/24/1991 11/21/1993 10/09/1992 03/17/1992 10/27/1992
07/05/1992

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.

9.24 - Amendment No. 1 with STV Inc. to Provide Architectural and Engineering Services for Portable Buildings at the San Bernardino High School Modernization Project

Teresa Parra left the room. This item failed due to lack of a quorum. Ms. Parra returned.

10.0 - Action Items

10.3 - Second Period Interim Financial Report as of January 31, 2009

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

BE IT RESOLVED that the Board of Education approves, on the basis of information presented, the Second Interim Financial Report of 2008-2009 as of January 31, 2009.

BE IT FURTHER RESOLVED that the President of the Board of Education be authorized to certify on behalf of the Board that the San Bernardino City Unified School District will be able to meet its ongoing financial obligations for the current fiscal year and subsequent two fiscal years with budget cuts plan (Plan A) estimated at \$82 million which was approved by the Board of Education on March 3, 2009.

10.4 - Amendments to BB 9250 Remuneration, Reimbursement and Other Benefits (First Reading)

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

BE IT RESOLVED that the Board of Education receives the amendments to BB 9250 Remuneration, Reimbursement and Other Benefits as a first reading.

10.5 - Personnel Report #18, dated March 17, 2009

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

BE IT RESOLVED that the Personnel Report #18, dated March 17, 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.

10.6 - In Recognition of Deceased Employees

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

LAURA JEAN EICHENBERG

WHEREAS Laura Eichenberg was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 1962, until her retirement in 1978; and

WHEREAS and even after Laura Eichenberg retired, she continued working as a substitute teacher for two more years; and

WHEREAS throughout her long and productive career with the District, Laura Eichenberg taught at Sterling and Barton Elementary Schools, where she was known as a devoted teacher; and

WHEREAS on February 23, 2009, Laura Eichenberg died, bringing deep sorrow to her loving family and friends; and

WHEREAS Laura Eichenberg is survived by her children, Bill of Ridgecrest, Katie of Pacific Grove, Jim of Killeen, TX, and Tom of Elk Grove; seven grandchildren; and one great-grandchild;

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 Laura Eichenberg's many fine years of service to the District and does extend its deepest sympathy to her family.

CARL JUNIOR "TUFFY" PALMGREN

WHEREAS Carl Palmgren was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 1959, until his retirement in 1981; and

WHEREAS Carl Palmgren taught English and was also a dedicated yearbook and journalism adviser; and

WHEREAS prior to World War II, Carl Palmgren worked in the Civilian Conservation Corps, and he served in the United States Army during World War II, in the Battle of the Bulge, from March 16, 1943, until January 3, 1946, and besides working for the District, Carl Palmgren also taught in North Dakota and Minnesota; and

WHEREAS throughout his long and productive career with the District, Carl Palmgren was known as a devoted teacher, earning the recognition of Teacher of the Year, and he was among the first group inducted into the San Geronio High School Teachers' Hall of Fame; and

WHEREAS on March 2, 2009, Carl Palmgren died, bringing deep sorrow to his loving family and friends; and

WHEREAS Carl Palmgren is survived by two brothers, Glenn Johnson, of Homestead, Wis., Ronnie Johnson, of Kingsford; one step-son, Kenneth Kidder, of Madison, Wis.; many grandchildren, great-grandchildren, nieces, and nephews;

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 Carl Palmgren'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:

Board of Education Minutes
March 17, 2009

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

Conference with Legal Counsel – Pending Litigation

Government Code 54956.9(c)

Eminent domain related to Alessandro II and Roosevelt II projects

- APN # 0139-061-31
- APN # 0139-061-17
- APN # 0144-141-07, 0144-141-08, 0144-141-24, 0144-141-25, 0144-141-33
- APN # 0144-141-37
- APN # 0144-141-35, 0144-141-36

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 9:00 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, April 7, 2009, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.