

San Bernardino City Unified School District

Minutes of a Regular Meeting of the Board of Education

**MINUTES
ADOPTED
4/7/09**

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

March 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 TWO - Opening

2.0 - Opening

2.1 - Call to Order

President Parra called the meeting to order at 4:30 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.

Mrs. Parra announced that Session One and Session Four will be combined for one presentation.

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 the subsequent two (2) Fiscal Years for Board review and consideration (see page ____).

Dr. Delgado reported that due to declining enrollment, the District needs to eliminate 166 teaching positions. We are getting a good response from teachers who are interested in taking the SERP. Mr. Islam stated that this report does not include the \$34 million in federal funds the District may receive.

Judi Penman requested a list of all programs included under Additional Duty. Lynda Savage suggested Board members prioritize their choice of cuts that can be returned if the District receives extra money. Louise Ayala stated that Board members should have had more input into budget decisions.

Dr. Delgado stated that the proposal includes increasing class size at K-3 to 25:1. If the teachers agree to eliminate the three buyback days, we can go with Plan B of 22:1. Teresa Parra stated that staff should cut the ratio of all employees to match declining enrollment. Dr. Delgado reported that over the last three years, \$8 million has been cut from administrative offices. Danny Tillman stated that a percentage of cuts per department would require layoffs, while furloughs won't. Mr. Tillman stated that a lot of time has been spent to recommend cuts with the least impact to programs and employees.

Mr. Islam stated that the Board can change the budget plan if we receive federal stimulus money. Dr. Delgado stated that we have to submit an itemized budget by March 15, but the Board can make changes until July 1, as long as the changes equal the budget cuts.

Gil Navarro, County School Board Member, distributed a breakdown of Tier 1-3 State Categoricals. This handout was prepared by the County Superintendent of Schools Office.

Willard Hughes expressed his disappointment that the Board approved a salary increase for the Associate Superintendent and Chief Business and Financial Officer, and a transportation allowance increase for Assistant Superintendents, Associate Superintendent, Deputy Superintendent, and Chief Business and Financial Officer. Danny Tillman stated that this decision was based on a cost savings of \$250,000 that will be realized from the reduction of the number of Assistant Superintendents.

SESSION THREE - Public Hearings

3.0 - Public Hearings

3.1 - Annual Service Plan and Budget Requirement (E.C.56205 (b)(2))

Each Special Education Local Plan Area (SELPA) local plan requires a service plan and budget component that will be developed/updated annually. The Community Advisory Committee (CAC) discussed and reviewed the documents on December 9, 2008.

Statutory Language

(2) An annual service plan shall be adopted at a public hearing held by the special education local plan area. Notice of this hearing shall be posted in each school district in the special education local plan area at least 15 days prior to the hearing. The annual service plan may be revised during any fiscal year according to the policymaking process established pursuant to

subparagraphs (D) and (E) of paragraph (12) of subdivision (a) and consistent with subdivision (f) of Section 56001 and with Section 56195.9.

The annual Service Plan/Budget for the 2008-2009 school year is due to be completed on or before March 31, 2009, and will be kept in the San Bernardino City Unified School District Special Education Local Plan Area office. The Annual Service Plan includes a Description of Services and is available at the San Bernardino City Unified School District SELPA office and the Annual Budget demonstrates funding to support the Local Plan and Annual Service Plan.

President Parra opened the Public Hearing and asked if anyone wished to comment. Hearing no response, Ms. Parra closed the Public Hearing.

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

BE IT RESOLVED that the Board of Education approves the San Bernardino City Unified School District's Special Education Plan.

BE IT FURTHER RESOLVED that Dayton Gilleland, Assistant Superintendent, Educational Services Division, be authorized to sign all required documents relating to this plan.

3.2 - Resolution Approving the District's School Facilities Needs Analysis and Adopting Alternative School Fees in Compliance with Government Code Sections 65995.5, 65995.6, and 65995.7

With the adoption of SB 50 and Proposition 1A in 1998, school districts that meet certain requirements have the option of adopting alternative school fees ("Alternative School Fees"), also known as Level 2 Fees and Level 3 Fees, in accordance with Government Code Sections 65995.5, 65995.6, and 65995.7. (All further references are to the Government Code, unless indicated.) In general, Alternative School Fees, which are calculated for an individual school district, apply solely to residential construction within that school district and are in excess of the Level 1 Fee authorized by the State Allocation Board ("SAB"). Alternative School Fees are calculated per square foot of assessable space ("Assessable Space") of new residential construction in the District as defined in Section 65995(b)(1). The Level 2 Fee is intended to represent fifty percent (50%) of a school district's school facility costs, applies when the SAB is apportioning State Funding to school districts in California. The Level 3 Fee is intended to represent one hundred percent (100%) of a school district's school facility costs.

In order to impose Alternative School Fees, the District must prepare and adopt a School Facilities Needs Analysis ("SFNA"). Therefore, pursuant to Section 65995.5(b), the District has caused the Dolinka Group, LLC to prepare a 2009 SFNA, ("2009 SFNA") on behalf of the San Bernardino City Unified School District ("District").

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In compliance with Section 65995.6(a), the 2009 SFNA includes projections of the number of unhoused elementary, middle, and high school pupils generated by various types of new residential units in each category of pupils enrolled in the District. The projection of unhoused pupils is based on the historical generation rates of new residential units constructed during the previous five (5) years that are of a similar type of unit to those anticipated to be constructed either in the District or the city or county in which the District is located, and relevant planning agency information, such as multi-phased development projects, that may modify the historical figures. In accordance with Section 65995.6, the 2009 SFNA also contains a calculation of existing school building capacity, calculated pursuant to Education Code Section 17071.10. The existing school building capacity has been recalculated pursuant to Section 65995.6(a).

Pursuant to the 2009 SFNA, the Level 2 Fee amount has been calculated as Five and 40/100 Dollars (\$5.40) per square foot of assessable space for new residential construction within the District. The Level 3 Fee amount has been calculated as Ten and 80/100 Dollars (\$10.80) per square foot of assessable space for new residential construction; however, the Level 3 Fee has been suspended as set forth in Section 65995.7(a)(2).

The 2009 SFNA must be adopted by resolution following a public hearing conducted by the Board. The Board conducted a public hearing and received public comments relating to the adoption of the SFNA on March 3, 2009. The 2009 SFNA has been on file and available for public review at the District's Board of Education Building Reception Desk since January 30, 2009. Pursuant to Section 65352.2(c), prior to the completion of the 2009 SFNA, the Board caused notice and any relevant and available information relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, including a notice of the preparation of the 2009 SFNA and offered to meet to discuss this information, to the planning commission(s) or agency(ies) of the cities and counties with land use jurisdiction within the District. In addition, the 2009 SFNA was provided to the local agencies responsible for land use planning within the District for review and comment during the thirty (30) day public review period. Notice of the time and place of the public hearing, including the location and procedure for viewing a copy of the 2009 SFNA was also published in at least one newspaper of general circulation within the District's jurisdiction not less than thirty (30) days prior to the public hearing. A copy of the 2009 SFNA was mailed not less than thirty (30) days prior to the public hearing to any person who made a written request therefor forty-five (45) days prior to the public hearing.

President Parra opened the Public Hearing and asked if anyone wished to comment. Hearing no response, Ms. Parra closed the Public Hearing.

Upon motion by Member Flores, 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:

RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN
BERNARDINO CITY UNIFIED SCHOOL DISTRICT APPROVING A
SCHOOL FACILITIES NEEDS ANALYSIS, ADOPTING ALTERNATIVE
SCHOOL FACILITY FEES IN COMPLIANCE WITH GOVERNMENT CODE
SECTIONS 65995.5, 65995.6, AND 65995.7, ADOPTING RESPONSES TO
PUBLIC COMMENTS RECEIVED AND MAKING RELATED FINDINGS
AND DETERMINATIONS

WHEREAS, the Board of Education (“Board”) of the San Bernardino City Unified School District (“District”) provides for the educational needs for Grades K-12 students within the City of San Bernardino, the City of Highland, and the City of Colton (“City” or, collectively, “Cities”) and the unincorporated areas of San Bernardino County (“County”); and

WHEREAS, the Board has previously adopted and the District has imposed statutory school facility fees (“Statutory School Facility Fees” or “Level I Fees”) pursuant to Education Code Section 17620 and Government Code Section 65995(b)(1) and (b)(2), and alternative school fee amounts pursuant to Government Code Sections 65995.5 (“Level 2 Fees”) and 65995.7 (“Level 3 Fees”) or (collectively, “Alternative School Facility Fees” or “ASFF”), but desires to update its ASFF based upon a current school facilities needs analysis (“2009 SFNA”) prepared by the Dolinka Group, LLC in accordance with applicable law; and

WHEREAS, the Board of the District has previously by Resolution elected to participate in the school facilities funding program established pursuant to the Leroy F. Greene School Facilities Act of 1998 (“SFP”) for both modernization and new construction projects, and appointed a representative (“District Representative”) for the purpose of requesting an Eligibility Determination (“ED”) for funding under the SFP; and

WHEREAS, the District Representative caused to be accomplished the completion and certification of the Enrollment Certification/Projections (“ECP”) by submission of Form SAB 50-01, the Existing School Building Capacity (“ESBC”) by submission of Form SAB 50-02, and the Eligibility Determinations (“ED”) by submission of Form SAB 50-03 to the State Allocation Board (“SAB”) for approval pursuant to the SFP; and

WHEREAS, the District received notification from the SAB that the District meets the eligibility requirements for new construction funding pursuant to the provisions of the SFP; and

WHEREAS, the District Representative has caused the completion and certification of Form SAB 50-04, the Application for Funding (“AFF”), and prior to the adoption of this Resolution submitted the AFF to the SAB for approval pursuant to the SFP; and

WHEREAS, Level 2 Fees and Level 3 Fees, upon adoption of the ASFF and during the effective period thereof, are applicable to new residential construction in accordance with applicable law,

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subject to the suspension of Level 3 Fees pursuant to Government Code Section 65995.7(a)(2);
and

WHEREAS, pursuant to Government Code Section 65995.6(f), ASFF adopted by the Board are effective for a maximum of one (1) year; and

WHEREAS, the District has met the requirements established by Government Code Section 65995.5(b)(3) in that: (i) the District has issued debt or incurred obligations for capital outlay in an amount equivalent to a specified percentage of its local bonding capacity, (ii) at least twenty percent (20%) of the teaching stations within the District are relocatable classrooms; and (iii) a substantial enrollment of the District's students are on a multi-track, year-round calendar; and

WHEREAS, new residential construction continues to generate additional students for the District's schools and the District is required to provide school facilities for Grades K-12, ("School Facilities") to accommodate those students; and

WHEREAS, the District does not have sufficient funds available for the construction of the School Facilities, including the acquisition of sites, construction of permanent School Facilities, and acquisition of interim School Facilities, to accommodate students from new residential construction; and

WHEREAS, the Board has caused to be prepared the 2009 SFNA dated December 2008, pursuant to applicable law including, but not by way of limitation, Government Code Section 65995.6, prior to the adoption of ASFF; and

WHEREAS, the Board has received and considered the 2009 SFNA which includes all matters required by applicable law, including an analysis of: (a) the purpose of the ASFF; (b) the use to which the ASFF are to be put; (c) the nexus (roughly proportional and reasonable relationship) between the residential construction and (1) the facilities for which the ASFF are to be used, (2) the need for School Facilities, (3) the cost of School Facilities and the amount of ASFF from new residential construction; (d) an evaluation and projection of the number of students that will be generated by new residential construction by grade levels of the District as described by Government Code Section 65995.6; (e) a description of the new School Facilities that will be required to serve such students; and (f) the present estimated cost of such School Facilities; and

WHEREAS, the 2009 SFNA in its final form has been available to the public, for at least thirty (30) days before the Board held a public hearing and considered the adoption of the ASFF, including a response by the Board to written and oral comments, if any, received by the District; and

WHEREAS, all notices of the preparation of the 2009 SFNA and adoption of ASFF, including the offer by the District to meet with any affected local planning agency relating to the potential

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expansion of existing school sites or the necessity to acquire additional school sites, have been given in accordance with Government Code Section 65352.2; and

WHEREAS, copies of the 2009 SFNA have been provided thirty (30) days prior to the public hearing if such written request(s) for copies were filed with the District forty-five (45) days prior to a public hearing; and

WHEREAS, the 2009 SFNA has been provided to all local agencies responsible for land use planning for review and comment in compliance with Government Code Section 65995.6(c); and

WHEREAS, the District received, considered and discussed any written and/or oral comments received by the District, and has responded to all comments, which the Board desires to adopt all such written and oral responses as the Board's response(s), if any; and

WHEREAS, as to the approval of the 2009 SFNA and ASFF, Government Code Section 65995.6(g) provides that the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the preparation, adoption, or update of the 2009 SFNA or adoption of this Resolution; and

WHEREAS, the District desires to approve the 2009 SFNA and adopt ASFF pursuant to Government Code Sections 65995.5 and 65995.7 for the purpose of establishing ASFF that may be imposed on residential construction calculated pursuant to Government Code Section 65995(b), subject to the suspension of Level 3 Fees as set forth in Government Code Section 65995.7(a)(2).

NOW THEREFORE, THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. That the Board does hereby find and determine that the foregoing recitals and determinations are true and correct, including not by way of limitation, its adoption of and/or responses to both written and oral comments received by the District, if any.

Section 2. That the Board does hereby find and determine that the 2009 SFNA meets all applicable legal requirements, and it hereby adopts each of the findings set forth in the 2009 SFNA.

Section 3. That a District Representative made a timely application to the SAB for new construction funding for which it is eligible.

Section 4. That the District received notification from the SAB that the District meets the eligibility requirements for new construction funding pursuant to the provisions of the SFP.

Section 5. That for purposes of Government Code Section 65995.5(b)(3): (i) the District has issued debt or incurred obligations for capital outlay in an amount equivalent to a specified percentage of its local bonding capacity, (ii) at least twenty percent (20%) of the teaching stations within the District are relocatable classrooms, and (iii) a substantial enrollment of the District's students are on a multi-track, year-round calendar.

Section 6. That the District has caused to be prepared the 2009 SFNA, which is on file at the District office address and incorporated herein by this reference, which complies with all applicable statutory requirements, including the provisions of Government Code Section 65995.6.

Section 7. That the Board hereby approves and adopts the 2009 SFNA for the purpose of establishing ASFF as to future new residential construction within the District, subject to the suspension of Level 3 Fees as set forth in Government Code Section 65995.7(a)(2).

Section 8. That the Board finds that the purpose of the ASFF imposed upon residential construction are to fund the additional School Facilities to serve the students generated by the residential construction upon which the ASFF are imposed as provided in the 2009 SFNA and applicable law.

Section 9. That the Board finds that the ASFF are hereby established as applicable to the extent set forth herein, and will be used to fund those School Facilities described in the 2009 SFNA, and such fees that these School Facilities are to serve the students generated by the new residential construction within the District as provided in the 2009 SFNA.

Section 10. That the Board finds that there is a roughly proportional, reasonable relationship between the use of the ASFF and the new residential construction within the District because the ASFF imposed on new residential construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new residential construction in accordance with applicable law as set forth in the 2009 SFNA, and such fees are less than an estimated actual cost of the School Facilities estimated to result from the new residential construction as set forth in the 2009 SFNA.

Section 11. That the Board finds that there is a roughly proportional, reasonable relationship between the new residential construction upon which the ASFF are imposed, and the need for additional School Facilities in the District because new students will be generated from new residential construction within the District, and the District does not have sufficient capacity in the existing School Facilities to accommodate these students.

Section 12. That the Board finds that the amount of the ASFF imposed on new residential construction as set forth in this Resolution is roughly proportional and reasonably related to, and does not exceed the cost of, providing the School Facilities required to serve the students generated by such new residential construction within the District.

Section 13. That the Board finds that a separate fund (“Fund”) of the District and two (2) or more sub-funds (“Sub-Funds”) have been created or are authorized to be established for all monies received by the District for the deposit of Level 1 Fees, Level 2 Fees and Level 3 Fees (if applicable) imposed on residential construction within the District, as well as Commercial/Industrial Fees and mitigation payments (“Mitigation Payments”) collected by the District and that said Fund and Sub-Funds at all times have been separately maintained, except for temporary investments, with other funds of the District as authorized by applicable law.

Section 14. That the Board finds that the monies of the separate Fund or the separate Sub-Funds, described in Section 13, consisting of the proceeds of Level 1 Fees, Level 2 Fees and Level 3 Fees (if applicable), Commercial/Industrial Fees and Mitigation Payments have been imposed for the purposes of constructing those School Facilities necessitated by new residential construction and as further set forth in the 2009 SFNA, and, thus, these monies may be expended for all those purposes permitted by applicable law.

Section 15. That the 2009 SFNA determines the need for new School Facilities for unhoused pupils that are attributable to projected enrollment growth from the construction of new residential units over the next five (5) years, based on relevant planning agency information and the historical generation rates of new residential units constructed during the previous five (5) years that are of a similar type of unit to those anticipated to be constructed within the District, and/or the County.

Section 16. That the Board has identified and considered, and/or subtracted, as set forth in the 2009 SFNA, the following information in determining amounts of the Level 2 Fees and Level 3 Fees:

- (a) any surplus property owned by the District that can be used as a school site or that is available for sale to finance school facilities pursuant to Government Code Section 65995.6(b)(1);
- (b) the extent to which projected enrollment growth may be accommodated by excess capacity in existing school facilities pursuant to Government Code Section 65995.6(b)(2);
- (c) local sources other than fees, charges, dedications, or other requirements imposed on residential construction available to finance the construction of school facilities needed to accommodate any growth in enrollment attributable to the construction of new residential units pursuant to Government Code Section 65995.6(b)(3); and
- (d) the full amount of local funds the Board has dedicated to facilities necessitated by new construction, including fees, charges, dedications or other

requirements imposed on commercial or industrial construction pursuant to Government Code Section 65995.5(c)(2).

Section 17. That the Board has calculated, as set forth in the 2009 SFNA, the maximum square foot fees, charges, or dedications to be established as ASFF that may be collected in accordance with the provisions of Government Code Sections 65995.5(c) and 65995.7(a).

Section 18. That notice and relevant and available information relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, including notice of a proposed meeting regarding such information, was provided to City and County planning officials or agencies with land use jurisdiction within the District prior to the completion of the 2009 SFNA.

Section 19. That the 2009 SFNA in its final form has been made available to the public at the District Board of Education Reception Desk for a period of not less than thirty (30) days, and that the District has made itself available to meet with any affected city or county to discuss the preparation of the 2009 SFNA, pursuant to the requirements of Government Code Section 65352.2.

Section 20. That the public has had the opportunity to review and comment on the 2009 SFNA, and the Board has responded to both written and oral comments it has received, if any, regarding the 2009 SFNA.

Section 21. That in responding to written comments pursuant to Government Code Section 65995.6(c), the Board does hereby adopt any and/or all such response(s) made by District staff and/or its consultants as its own response(s), and/or adopts such response(s) as modified by the Board at the public hearing.

Section 22. That notice of the time and place of the public hearing to adopt the 2009 SFNA (“Hearing”), including the location and procedure for viewing or requesting a copy of the proposed 2009 SFNA has been published in at least one newspaper of general circulation within the jurisdiction of the District at least thirty (30) days prior to the Hearing.

Section 23. That the District has caused to be mailed a copy of the 2009 SFNA not less than thirty (30) days prior to the Hearing to any person who made a written request forty-five (45) days prior to the Hearing.

Section 24. That the 2009 SFNA has been provided to all local agencies responsible for land use planning for review and comment in compliance with Government Code Section 65995.6(c).

Section 25. That the Board conducted the required Public Hearing on March 3, 2009 prior to adoption of the 2009 SFNA and the ASFF, at which time all persons desiring to be heard on all

matters pertaining to the 2009 SFNA were heard, all responses to such comments received were made by the Board, if any, and all information presented was duly considered.

Section 26. That the Board hereby adopts ASFF and establishes the ASFF on new residential construction projects within the District in the following amounts:

(a) Pursuant to Government Code Section 65995.6, Level 2 Fees in the amount of Five and 40/100 Dollars (\$5.40) per square foot of Assessable Space for new residential construction, including new residential projects, manufactured homes and mobilehomes as authorized under Education Code Section 17625.

(b) Pursuant to Government Code Section 65995.7, Level 3 Fees in the amount of Ten and 80/100 Dollars (\$10.80) per square foot of Assessable Space for new residential construction, including new residential projects, manufactured homes and mobilehomes as authorized under Education Code Section 17625.

(c) However, these amounts shall not be imposed on any construction project used exclusively for housing senior citizens, as described in Civil Code Section 51.3, or as described in subsection (k) of Section 1569.2 of the Health and Safety Code or paragraph 9 of subdivision (d) of Section 15432 of the Government Code or any mobile home or manufactured home that is located within a mobilehome park, subdivision, cooperative or condominium for mobilehomes limited to older persons as defined by the Federal Fair Housing Amendments of 1988. Additionally, Level 3 Fees shall not be levied by the District until authorized by Government Code Section 65995.7(a)(2).

Section 27. That ASFF, upon adoption and during the effective period thereof, are applicable to residential construction in lieu of Level 1 Fees in accordance with applicable law, except that Level 3 Fees are suspended pursuant to Government Code Section 65995.7(a)(2).

Section 28. That the proceeds of the ASFF increased and established pursuant to this Resolution shall continue to be deposited into those Sub-Funds of the Funds identified in Section 13 of this Resolution, the proceeds of which shall be used exclusively for the purpose for which the ASFF are to be collected.

Section 29. That the Superintendent, or designee, is directed to cause a copy of this Resolution to be delivered to the building officials of the affected cities and county within the District's boundaries, along with a copy of all the supporting documentation referenced herein, and a map of the District clearly indicating the boundaries thereof, advising such entities that new residential construction is subject to the ASFF increased pursuant to this Resolution, and requesting that no building permit or approval for occupancy be issued by any of these entities for any new residential construction project, mobilehome or manufactured home subject to the ASFF absent a certificate of compliance ("Certificate of Compliance") from this District demonstrating compliance of such project with the requirements of the ASFF, nor that any

building permit be issued for any nonresidential construction absent a certification from this District of compliance with the requirements of the applicable ASFF.

Section 30. That the Superintendent, or designee, is authorized to cause a Certificate of Compliance to be issued for each construction project, mobilehome and manufactured home for which there is compliance with the requirement for payment of the ASFF in the amounts specified by this Resolution. In the event a Certificate of Compliance is issued for the payment of ASFF for a construction project, mobilehome or manufactured home, and it is later determined that the statement or other representation made by an authorized party concerning the construction project as to square footage is untrue or in the event the zoning is declared invalid, then such Certificate of Compliance shall automatically terminate, and the appropriate City or County shall be so notified.

Section 31. That regarding the timely provision of a Certificate of Compliance by the District for residential construction, although not required by applicable law, the Board hereby determines that the 2009 SFNA is a proposed construction plan for purposes of requiring payment of ASFF prior to the issuance of any building permit for new residential construction in accordance with Government Code Section 66007, and that all ASFF are appropriated for the purpose of accomplishing such construction plan.

Section 32. That no statement or provision set forth in this Resolution, or referred to therein shall be construed to repeal any preexisting fee or mitigation amount previously imposed by the District on any residential or nonresidential construction.

Section 33. That if any portion or provision this Resolution is held to be invalid, the remaining provisions of this Resolution are intended to be and shall remain valid.

Section 34. That if the Level 2 Fees and/or the Level 3 Fees are held to be invalid (other than the suspension under Government Code Section 65995.7(a)(2)), Statutory School Facility Fees, in amounts determined by applicable law at such time, are intended to be, and shall remain, in full force and effect.

Section 35. That the ASFF adopted by this Resolution shall take effect immediately upon such adoption and shall be effective for a maximum of one (1) year, subject to the suspension of Level 3 Fees as set forth in Government Code Section 65995.7(a)(2).

SESSION FOUR - Administrative Presentation

4.0 - Administrative Presentation

4.1 - Governor's Final Budget Fiscal Year 2009-10

This was presented under Session One.

SESSION FIVE - Administrative Reports

5.0 - Administrative Reports

5.1 - Acknowledge Receipt of Initial Contract Proposal From San Bernardino Teachers Association (SBTA)

Section 3547 of the Government Code requires that all initial proposals of exclusive representatives must be presented at a public meeting of the public school employer. At that meeting, any interested parties shall have the opportunity to comment on the proposal.

Article XXVIII, Section 2, of the Collective Bargaining Agreement between the District and the San Bernardino Teachers Association (SBTA), states, in part, “No sooner than March 1, and no later than April 1, preceding expiration of this Agreement, the Association shall present its initial proposals. No later than April 15, the Parties shall commence meeting and negotiating for a successor agreement.” Due to the uncertainty of the State’s budget, the SBTA and the District agreed to postpone negotiations until the approval of the State budget. On January 26, 2009, the Certificated Human Resources Division received the initial proposal from SBTA, as follows:

1. That the Agreement remain in full force and effect from July 1, 2008 through June 30, 2009 without any re-openers;
2. That the Agreement remain in full force and effect from July 1, 2009 through June 30, 2010 without any re-openers; and
3. That the Parties meet and negotiate the “impact” of any actions which affect the SBTA bargaining unit through the use of Memorandum(s) of Understanding.

It is recommended that the Board of Education receive the Initial Contract Proposal from the San Bernardino Teachers Association.

5.2 - Supplemental Early Retirement Plan (SERP) Board Resolution

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

WHEREAS, California Government Code Section 53224 authorizes school districts to make contributions to a Supplemental Early Retirement Plan (SERP); and

WHEREAS, the San Bernardino City Unified School District desires to provide early retirement incentive to its eligible employees under such a plan; and

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District hereby establishes a Supplemental Early Retirement Plan for certain eligible employees of the District effective July 1, 2009.

BE IT ALSO RESOLVED FURTHER that the eligibility requirements for employees to participate in such plan shall be as follows:

- Employee must be at least 50 years of age by June 30, 2009, with 15 years of service with the District
- Be a full-time certificated or classified employee
- Employee must be eligible to retire from CalSTRS or CalPERS by June 30, 2009
- Retirement date must be effective between the dates of April 1, 2009, and June 30, 2009

BE IT ALSO RESOLVED that the Board hereby adopts the San Bernardino City Unified School District Supplemental Employee Retirement Plan (SERP), effective July 1, 2009, with a benefit commencement date of August 1, 2009.

BE IT ALSO RESOLVED that the SERP benefit is based on the benefit provided from a one-time Employer contribution of 50% of each eligible employee's annual base salary as of February 1, 2009.

BE IT ALSO RESOLVED that the Board hereby appoints Keenan Financial Services as the contract administrator to assist the District in the implementation and administration of the Plan.

BE IT ALSO RESOLVED that the San Bernardino City Unified School District shall make contributions to the Plan annually, for a period of five years, to fund said benefits. Payment shall be remitted to United of Omaha an A+ rated insurance and annuity company located in Omaha, Nebraska, selected by Keenan Financial Services for the Plan.

BE IT ALSO RESOLVED that the fees associated with this Plan, both from Keenan Financial Services and United of Omaha, will be paid from the annuity premium payments. The annuity benefits calculated for the participants of the Plan will incorporate the fees in the final benefit provided. The fees for the program are described in the Services Agreement with Keenan Financial Services and the Quote/Contract that will be provided by United of Omaha.

BE IT ALSO RESOLVED which eligible employees that elect to retire with the SERP benefit will receive a monthly payment based on the benefit options which they may choose from. These options include:

- Life Only
- Joint & 50% Survivor
- Life or Ten (10) Years, whichever is longer
- Five (5) Year Monthly Payments
- Six (6) Year Monthly Payments
- Seven (7) year Monthly Payments
- Eight (8) Years Monthly Payments

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- Nine (9) Years Monthly Payments
- Ten (10) Years Monthly Payments

BE IT ALSO RESOLVED that, for purposes of the limitations on contributions and benefits under the Plan, as prescribed by section 415 of the Internal Revenue Code of 1986, as amended, the “limitation year” shall be the Plan Year, as defined under the terms and provisions of the Plan.

BE IT ALSO RESOLVED that, for purposes of clarification of administration of the Plan but not for purposes of making said Plan subject to title I of Employee Retirement Income Security Act (ERISA), the Board hereby designates the District as the plan administrator.

BE IT FURTHER RESOLVED that the Board hereby authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to execute on behalf of the District the Form 2848, Power of Attorney and Declaration of Representative.

BE IT FURTHER RESOLVED that the Board hereby authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to take the following actions:

- A. Execute the Plan and any and all other documents necessary or proper to implement the Plan.
- B. Contract with Keenan Financial Services as contract administrator to provide all services described in the contract.
- C. Execute any and all documents, including any amendment to the Plan, necessary or proper to maintain favorable determination of the Plan.
- D. Enter into any other contract or agreement which he or she deems necessary or proper to administer and/or fund the Plan and to attain and maintain the income tax qualification of the Plan as prescribed by Section 415 of the Internal Revenue Code of 1986 as amended.

SESSION SIX – Other Matters Brought By Citizens

6.0 - Other Matters Brought by Citizens

Linda Johnson announced that March 13, 2009, has been designated Pink Friday. A Stand Up for Schools march will begin at 4 p.m. to protest the budget cuts to public schools, colleges, and university.

Abraham Duarte, student intern, thanked Gil Navarro for his help over the past several years.

Kevin Davis, stated that the San Bernardino Adult School charges \$45 for Spanish classes, yet they offer ESL classes for free. Dayton Gilleland stated that there are different funding mechanisms based on courses. Dr. Delgado stated that we would look into this.

Mark Lawrence displayed a netbook laptop that costs \$300. Mr. Lawrence suggested the District purchase the netbooks instead of Apples because they are cheaper and easier to carry.

Micki Clowney announced that the Boys and Girls Club of San Bernardino is offering The Science Academy on March 7, and March 14. The class is for students in Grades K-12 and is free. Ms. Clowney asked for permission to distribute the flyers to schools. Mohammad Islam stated that the flyers would be distributed tomorrow.

Amanda Kettman and Tess Mahoney, California State University San Bernardino School of Social Work students, reported they researched student safety around Muscoy Elementary School. They reported seeing janitors monitoring students crossing streets because there are no crossing guards and parents don't respect the school employees. They asked the Board to consider implementing some help at the school. Dr. Delgado stated that someone would look into it.

Gil Navarro, San Bernardino County School Board Member, invited all to visit the Norton Space & Aeronautics Academy. They currently have 220 students enrolled and offer a bilingual immersion program with English and Spanish. Next year they will add Mandarin Chinese. Mr. Navarro distributed copies of a brochure advertising the County Schools Education Support Services departments.

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.

Danny Tillman thanked Tanya Fischer for her invitation to attend the Grand Opening of the African American Family Heritage Reading Room last Saturday. Dr. Tillman stated that this is a great program.

Barbara Flores stated that African American children's literature is great. Dr. Flores thanked Linda Bardere for her work on the new District website.

Teresa Parra recommended that the District conduct an energy audit and an M& O audit. Ms. Parra asked what impact a single track calendar for all schools would have for the District. Ms. Parra requested a report on how the SELPA pods are being used. Ms. Parra asked staff to create a Districtwide procedure for new facilities.

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Elsa Valdez reported that the Urbita Earth Savers club members' efforts saved \$1,200 for the school. Dr. Valdez suggested other schools' students conserve energy. Dr. Valdez requested a summary of the SELPA budget.

Judi Penman reported that the City applied for a grant from Edison and asked if the District changed ballasts to conserve energy. Mel Albiso stated that we have been making changes.

7.1 - Legislative Update

Dr. Flores stated that Congressman Joe Baca introduced legislation to provide loan forgiveness to all teachers. Dr. Flores asked the Board to adopt a resolution to support his bill.

8.0 - Report by Superintendent and Staff Members

Dr. Delgado reported that the District has received money for the Middle College High School. Dr. Delgado announced that Jim Dilday is extending an invitation to Board members to attend an event in San Diego on Friday, March 13, when the District will be honored by the Middle Grades Alliance for its support of middle grades in San Bernardino. Dr. Delgado announced that Cajon High School's Varsity Girls Basketball team will play in CIF's highest division of competition which is 1AA in the title game on Friday, March 6, at Mater Dei High School at 8:30 p.m.

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 9.26 was pulled for further discussion. Consent items 9.27 and 9.28 were deleted. Birth date 6/18/93 was deleted from Consent item 9.30.

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 January 13, January 27, and February 3, 2009, be approved as presented.

9.2 - Approval of Single Plan for Student Achievement, 2008-2009

BE IT RESOLVED that the Board of Education approves the Single Plan for Student Achievement for the following school:

Schoolwide Programs: Middle Schools
Chavez Middle School

9.3 - 2009-2010 Community-Based English Tutoring (CBET) Program

BE IT RESOLVED that the Board of Education approves the English Learner Programs office submitting a Notification of Intent to participate in the Community-Based English Tutoring (CBET) Program for the 2009-2010 school year.

BE IT FURTHER RESOLVED that Judy D. White, Deputy Superintendent, Curriculum/ Instruction and Accountability and Mohammad Z. Islam, Chief Business and Financial Officer, be authorized to sign all documents pertaining to the CBET Program on behalf of the Board of Education.

9.4 - 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 Fall session 2008, as provided for in the Agreement with University of La Verne, as follows:

KRISTEN BICONDOVA	\$400.00	WILLIAM CHAVEZ	\$400.00
PAM O'CONNELL	\$400.00		

9.5 - Payment of Master Teachers – University of Redlands

BE IT RESOLVED that the Board of Education approves payment for services as a site supervisor during the time period of Fall 2008, as provided for in the Agreement with the University of Redlands, as follows:

ANGELA KOUNAS	\$100.00
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9.6 - Payment of Master Teachers – University of Redlands

BE IT RESOLVED that the Board of Education approves payment for services as a site supervisor during the Fall quarter 2008 as provided for in the Agreement with the University of Redlands, as follows:

JERRY POUPARD	\$100.00
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9.7 - Payment of Master Teachers – University of Redlands

BE IT RESOLVED that the Board of Education approves payment for services as a site supervisor during the time period of Fall 2008, as provided for in the Agreement with the University of Redlands, as follows:

JILL CATLIN	\$100.00
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9.8 - Payment of Master Teachers – University of Redlands

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during the time period of October 27, to December 12, 2008, as provided for in the Agreement with the University of Redlands, as follows:

CATHERINE COWLES	\$100.00	CHERIE WALKER	\$100.00
CARRIE FITZSIMMONS	\$100.00	WILLIAM BESHEARS	\$100.00
ANA SILVA	\$100.00		

9.9 - 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.

9.10 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$250.00, Schools First Federal Credit Union; \$100.00, Jennifer Bohnert; \$450.00, Edison International Employee Contributions Campaign; and \$516.50, Stardust Skating Center.

9.11 - Commercial Warrant Registers for Period from February 1, through February 15, 2009

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

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

9.12 - Business and Inservice Meetings

BE IT RESOLVED that the Board of Education ratifies the attendance and participation of the following individuals in scheduled business and inservice meetings:

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Glenda Rice
Lorrie Dales
(Parents)

To attend the California Department of Education Board Meeting at the California Department of Education Building, Sacramento, CA, January 7-8, 2009. The cost, not to exceed \$800.00, will be paid from the DAIT Budget Account No. 513.

9.13 - 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:

Khan Le, from Discovery Science Center, for two assemblies, on March 9, 2009, at Kendall Elementary School. The cost, not to exceed \$550.00, will be paid from Kendall Elementary School Account No. 501.

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

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

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 March 16, 2009, through March 20, 2009. The cost is \$250.00 per participant with no more than 30 participants each for elementary and secondary teachers plus \$3,500.00 for two instructors (one for elementary and one for secondary) for a total cost not to exceed \$11,000.00 and will be paid from the Restricted General Fund—Title III LEP Student Subgrant, Account 544.

Jody Guarino, San Clemente, CA, to provide a one-day training workshop, “Differentiation Professional Development,” for District administrators and staff, March 10, 2009. The cost, not to exceed \$1,200.00, will be paid from Restricted General Fund—Elementary Secondary Education Act, Account No. 501.

The California Physical Education Health Project at San Jose State University Research Foundation, San Jose, CA, to present five two-day professional development sessions focused on setting performance standards and assessment tools, from May 1, 2008, through April 30, 2009. The fee, not to exceed \$12,000.00, will be paid from the Restricted General Fund-Title II Educational Services, Account No. 538.

Turn Around Consulting, LLC, to present a one-day professional development workshop to District teachers and staff on April 25, 2009. The workshop will create an impassioned culture of universal achievement. The cost, not to exceed \$3,300.00, will be paid from the Restricted General Fund—Quality Education Investment Act, Account No. 436.

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Turn Around Consulting, LLC, Ramona, CA, to provide a one-day training workshop, “Proven Systems that Empower Teachers and Enable Change,” for District staff, April 25, 2009. The cost, not to exceed \$3,300.00, will be paid from Restricted General Fund—Quality Education Investment Act, Account No. 436.

9.15 - Extended Field Trip, Del Rosa Elementary School, Outdoor Science School, Alpine Meadows, Angelus Oaks, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 140 Del Rosa Elementary School students and 5 District employees to attend the Outdoor Science School, in Angelus Oaks, California, June 8-12, 2009. The cost of the trip, not to exceed \$48,300.00, including meals and lodging for 140 Del Rosa Elementary School students and five District employees, will be paid through sponsorship from Orange County Department of Education. Transportation provided by First Student, not to exceed \$1,755.00, will be paid through sponsorship from Mr. Ed Monoe. Names of the students are on file in the Business Services office.

9.16 - Extended Field Trip, Newmark Elementary School, Outdoor Science School, Creekside Camp, Forest Falls, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 70 Newmark Elementary School students and 2 District employees to attend the Outdoor Science School, in Forest Falls, California, May 4-8, 2009. The cost of the trip, not to exceed \$24,840.00, including meals and lodging for 70 Newmark Elementary School students and two District employees, will be paid through sponsorship from Orange County Department of Education. Transportation provided by First Student, not to exceed \$997.08, will be paid from Newmark Elementary School Account No. 419. 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 28 Cajon High School students, 2 parent chaperones, and 2 District employees to attend the Heritage Music Festival, in San Diego, California, March 26-29, 2009. The cost of the trip, not to exceed, \$8,301.00, including meals and lodging for 28 Cajon High School students, two parent chaperones and two District employees, 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, Cajon High School, San Diego Basketball Tournament, San Diego, California

BE IT RESOLVED that the Board of Education approves the extended field trip for eight Cajon High School students and two District employees to attend the San Diego Basketball

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Tournament, in San Diego, California, July 16-19, 2009. The cost of the trip, not to exceed \$1,500.00, including meals and lodging for eight Cajon High School students and two District employees, will be paid from Cajon High School Girls Basketball ASB funds. Transportation provided by Xpress Rental Vans, not to exceed \$500.00, will be paid from Cajon High School Girls Basketball ASB funds. Names of the students are on file in the Business Services office.

9.19 - Extended Field Trip, San Gorgonio High School, State Wrestling Tournament, Rabobank Arena, Bakersfield, California

BE IT RESOLVED that the Board of Education approves the extended field trip for four San Gorgonio High School students and four District employees to attend the State Wrestling Tournament, in Bakersfield, California, March 5-8, 2009. The cost of the trip, not to exceed \$911.94, including meals and lodging for four San Gorgonio High School students and four District employees, will be paid from San Gorgonio High School's Wrestling Club funds. Transportation provided by Xpress Rental Vans, not to exceed \$420.00, will be paid from San Gorgonio High School INAP funds. Names of the students are on file in the Business Services office.

9.20 - Agreement with San Bernardino County Regional Parks Department to Receive a Grant for Physical Education Equipment at Inghram Elementary School

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with the San Bernardino County Regional Parks Department to receive a grant in the amount of \$5,000.00 to be used for physical education equipment at Inghram Elementary School, effective July 1, 2008, through June 30, 2009. The money will be deposited into the Unrestricted General Fund, Account No. 148.

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

9.21 - Agreement with Keenan & Associates as the Contract Administrator to Assist District in Implementation and Administration of a Supplemental Early Retirement Plan (SERP)

BE IT RESOLVED that the Board of Education approves the agreement with Keenan & Associates, Torrance, CA, to be the contract administrator to assist the District in the implementation and administration of the Supplemental Early Retirement Plan, effective July 1, 2009. Keenan & Associates shall be paid from the commissions of the insurance products as per the agreed upon fee schedule. 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.

9.22 - 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 four conference rooms at \$600.00 per day plus equipment rental costs, effective March 16-20, 2009, for SB472 English Learner Professional Development Training. The cost, not to exceed \$3,000.00, 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.

9.23 - Amendment to the Agreement with the Parent Institute for Quality Education to Provide Training for Parents of District Students Enrolled at Martin Luther King, Jr., Middle School

BE IT RESOLVED that the Board of Education approves amending the agreement with the Parent Institute for Quality Education, El Monte, CA, approved by the Board on July 1, 2008, Agenda Item 8.14. The amendment is necessary due to greater response than planned to add \$1,200.00 to the previous fee of \$4,200.00 for an aggregate total not to exceed \$5,400.00. The fee will be paid from the Restricted General Fund—School Based Coordinated Program, Account No. 419. 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.

9.24 - Amendments to the Agreements with Multiple Contractors, Bid F06-01, Severe Special Day Class Buildings – Additions at Barton and Palm Elementary Schools – Request for Retention Reduction

BE IT RESOLVED that the Board of Education approves amending the agreements for the multiple contractors listed for Bid F06-01, Severe Special Day Class Buildings – Additions at Barton and Palm Elementary Schools, to reduce the retention amount to 5 percent. All other terms and conditions remain the same.

Category 03 - Concrete
ASR Constructors, Inc. Riverside, CA
Category 06 - Rough Carpentry
GSF Enterprises, Inc. dba Golden State Framers Placentia, CA
Category 07 - Gypsum & Plaster
Caston Plastering & Drywall, Inc. San Bernardino, CA
Category 16 - Specialties

RVH Constructors, Inc. Ontario, CA
Category 17 - HVAC
West-Tech Mechanical, Inc. Montclair, CA
Category 18 – Plumbing
JPI Development Group, Inc. Murrieta, CA
Category 19 – Electrical
RDM Electric Company, Inc. Chino, CA

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

9.25 - Amendment No. 5 to the Agreement with Edward V. Regan for DSA Inspection Services for Modernization Projects at Various Sites

BE IT RESOLVED that the Board of Education approves amending the agreement with Edward V. Regan, San Clemente, CA, for DSA inspection services for modernization projects at Kimbark, Muscoy, and Vermont Elementary Schools and King Middle School. This amendment is for additional inspection services on the fire alarm upgrades and closeout activities on these sites. The cost for the additional inspection services, \$42,015.00, for a new total cost not to exceed \$110,100.00, will be paid from Funds 21, 35, and 40. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 5.

9.27 - Bid No. F08-21 San Gorgonio High School Public Address System

Deleted.

9.28 - Bid No. F08-21 San Gorgonio High School Public Address System

Deleted.

9.29 - Notice of Completion, Bid No. F05-09, Categories E-04 and E-14, Col. Joseph C. Rodriguez PREP Academy - New Construction Project

BE IT RESOLVED that the Board of Education authorizes filing Notices of Completion for Bid No. F05-09, new construction of Col. Joseph E. Rodriguez PREP Academy, for the portion of the work awarded to the Prime Contractors listed below:

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Category E-04 – Landscape and Irrigation

ASR Constructors, Inc.
Riverside, CA

Category E-14 – Plumbing

ASR/Duke Constructors, Inc.
Riverside, CA

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

9.30 - 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:

*S09/15/1993	*S10/13/1996	*S08/30/1995	*S04/19/1991	*S12/11/1991	**S11/22/1997
**09/23/1995	*S07/16/1993	*S05/15/1992	**S04/05/1994	*S03/12/1992	*S10/19/1992
*S11/18/1992	06/18/1993	*S03/17/1999	*S02/26/1995	*S08/13/1993	*02/17/1994
*S09/17/1995	**S07/16/1992	*10/25/1990	**03/15/1994	*S09/01/1992	*S06/22/1992
*S09/19/1991	*12/30/1992	**S04/25/1994	*S09/27/1993	*S02/15/1996	**S02/17/1994
**S11/08/1995	*S11/14/1992				

*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.

9.31 - 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.

9.32 - 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:

07/19/1992

9.33 - 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:

9.34 - 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.

9.35 - 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:

08/19/1994 11/10/1993 01/05/1992 10/27/1991 11/17/1992 10/25/1993

9.36 - 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:

9.37 - 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.

9.38 - 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.

9.26 - Bid No. F08-21 San Gorgonio High School Public Address System

Danny Tillman asked why only one bid was submitted. John Peukert stated that the bid was advertised in newspapers, trade ads, and the Chamber of Commerce.

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:

BE IT RESOLVED that the contract for F08-21, San Gorgonio High School – Public Address System be awarded to the lowest responsible bidder meeting the specifications, based on Base Bid as follows:

Category 01 – Low Voltage	Base Bid
The Mike Cox Electric, Inc. 160 N. Rancho Ave. San Bernardino, CA	\$ 347,000.00

Award Total \$ 347,000.00

BE IT ALSO RESOLVED that the cost will be paid from Funds 01, 21, 35, and 40.

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

10.0 - Action Items

10.1 - Presentation of the San Bernardino Teachers Association (SBTA) Initial Contract Proposal to the District

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 Board of Education adopts SBTA's initial contract proposal to the District.

10.2 - Governor's Final Budget Fiscal Year 2009-10

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

BE IT RESOLVED that the San Bernardino County Superintendent of Schools requires that the Board of Education approve the total cumulative budget cuts of an estimated \$82 million (Plan A) be implemented beginning Fiscal Year 2008-09 through Fiscal Year 2010-11. Budget cuts will be required in order to sustain the fiscal solvency of the District for the current Fiscal Year and subsequent two fiscal years.

10.3 - Personnel Report #17, dated January March 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 #17, dated March 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.

10.4 - In Recognition of Deceased Employees

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

RICHARD C. GUISA

WHEREAS Richard Guisa was a dedicated member of the classified service for the San Bernardino City Unified School District from 1988, until his retirement in 2001; and

WHEREAS Richard Guisa dutifully served the District as a custodian and groundsworker, and in his personal life he was an active member of the Gents Organization; and

WHEREAS on February 13, 2009, Richard Guisa died, bringing deep sorrow to his loving family and friends; and

WHEREAS Richard Guisa is survived by his loving wife of 50 years, Connie; four daughters Cindy Tamayo, Lenore Trujillo, Livvy Guzman, and Patti Lopez; a son, Rick; 19 grandchildren; 21 great-grandchildren; three brothers, Manuel, Isabel, and Augustine; two sisters, Nonie Jimenez and Jessie Lopez; and his tia Mercy Sanchez;

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

SESSION NINE - Closed Session

11.0 - Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

District Negotiator: Yolanda Ortega
Employee Organization: California School Employees Association

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

Public Employee Discipline/Dismissal/Release

Non Re-election of Certificated Employee(s)

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 8:00 p.m.

There will be a special meeting of the Board of Education of the San Bernardino City Unified School District on Tuesday, March 10, 2009, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, March 17, 2009, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.