

San Bernardino City Unified School District

Minutes of a Regular Meeting of the Board of Education

**MINUTES
ADOPTED
5/5/09**

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

April 7, 2009

5:30 p.m.

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

Absent: Board Member Louise Ayala and Chief Business and Financial Officer Mohammad Islam

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 - Recognition of Symphony Guild Docent Volunteers

For over 20 years the San Bernardino Symphony Association has sponsored volunteer docents, most from the Symphony Guild, to actively engage students in the musical experience and encourage participation in school music programs. Docents visit every third grade classroom in the District and describe the various instruments of the orchestra and the role of each instrument section. The program culminates with an invitation for the third grade students to attend a special concert. Board members recognized and thanked the docents for their dedication to the art of music and to bringing music to the students of San Bernardino City Unified School District.

2.2 - Outstanding Student Awards

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

Richardson PREP HI

Cassandra Albiso, Pablo Barrios, and Macarena Blando

San Gorgonio High School

Jorge Andrade, Rubelio Berganza, and Grant Burger-White

Sierra High School

Andrew Arce, Carrie Bailey, and Richard Infante

2.3 - Academic Decathlon Special Recognition

The Board of Education recognized the District students who competed in the San Bernardino County Academic Decathlon, as well as their coaches. Students from Arroyo Valley, Pacific, San Bernardino, and San Gorgonio High Schools participated. Arroyo Valley's varsity team came in fifth place, and their JV team came in second place.

2.4 - Recognition of National Volunteer Week

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

WHEREAS the Board of Education of the San Bernardino City Unified School District wishes to acknowledge the role played by volunteers in our schools and joins school districts in California and the U.S. in recognition of National Volunteer Week; and

WHEREAS the Board of Education appreciates and gratefully accepts the contributions and conscientious efforts made by volunteers to bring strong and constructive guidance to the learning environment of schools in the District; and

WHEREAS school volunteers have become an integral part of school campuses, handling countless responsibilities from assisting students in classrooms and libraries to mentoring young people who desperately need positive role models; and

WHEREAS school volunteers also form an essential link with the community and help to show our youth that the greater community cares for their welfare and supports them in their efforts to grow and become hard-working, thoughtful, and responsible adults; and

WHEREAS the role of school volunteers and their contributions to students deserve recognition and celebration by students, teachers, and staff members throughout the District;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to join others in the state and nation in declaring April 17-25, 2009, as National Volunteer Week.

2.5 - Recognition of Public Schools Month

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

WHEREAS the Board of Education of the San Bernardino City Unified School District joins the Free and Accepted Masons of California in declaring April as Public Schools Month and recognizing the value of public education in the lives of our citizens; and

WHEREAS the theme chosen for Public Schools Month for 2009 is “Education is Building for a Better Tomorrow,” and

WHEREAS concern for the common good and well-being of all citizens is one of the highest virtues of American democracy, and generations ago our ancestors recognized the importance of this virtue by creating the public school system; and

WHEREAS public schools are responsible, not only for sound instructional programs that prepare and equip our youth to have productive lives as adults, but also for instilling in our children a love of freedom and appreciation for the benefits of living in a democratic society; and

WHEREAS with community support throughout California, public schools can bring a variety of educational opportunities into the classrooms to benefit all children;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does declare the month of April to be Public Schools Month and does acknowledge the role of public education in developing students educationally and socially.

SESSION THREE - School Showcase

3.0 - School Showcase

3.1 - San Bernardino High School

Irene Banuelos, Student Board Representative from San Bernardino High School, presented a report of activities taking place at the District high schools during the month of April. Students performed an original skit they wrote and choreographed.

SESSION FOUR - Public Hearing

4.0 - Public Hearing

4.1 - Resolution of Necessity to Acquire Property by Eminent Domain for the Alessandro II Elementary School Project

Properties:

1442 West 11th St., San Bernardino, CA (APN 0139-061-31)
1152 North Pico Ave., San Bernardino, CA (APN 0139-061-29)

WHEREAS, the San Bernardino City Unified School District (“District”) is a “unified school district” as defined in Section 83 of the California Education Code and is a “public entity” as defined in Section 1235.190 of the California Code of Civil Procedure; and

WHEREAS, the District has considered the advisability of acquiring property within the District for the purpose of constructing and operating a new elementary school in the vicinity of the District’s existing Alessandro School (the site acquisition, construction, and operation of which is referred to by the District as the “Alessandro II ES Project”) and has considered the limited localities within the District in which such a project would appropriately be located; and

WHEREAS, the Alessandro II ES Project is to be located in the City of San Bernardino, California, on land which consists of 40 parcels and comprises approximately 601,128 square feet, or 13.8 acres (the “Proposed Project Area”); the Proposed Project Area is bordered by Base Line Street on the North, Western Avenue on the West, 11th Street on the South, and Herrington Avenue on the East; the Proposed Project Area is located within the District’s boundaries and is considered the most suitable site for the Alessandro II ES Project; and

WHEREAS, included within the Proposed Project Area are the following improved and unimproved properties (sometimes referred to herein individually as a “Property” and collectively as the “Properties”):

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- Property commonly known as 1442 West 11th Street, having an Assessor's Parcel Number of 0139-061-31 (the "11th Street Property"); and
- Property commonly known as 1152 North Pico Avenue, having an Assessor's Parcel Number of 0139-061-29 (the "Pico Avenue Property"); and

WHEREAS, a map depicting the locations of the Properties is attached hereto as Exhibit "A" and the legal descriptions of the Properties are attached hereto as Exhibit "B"; and

WHEREAS, the District has undertaken significant due diligence to determine the suitability of the Properties for future development and use by the District as a school; and

WHEREAS, at a public meeting of the District's Board of Education ("Board"), the Board identified the Proposed Project Area, including the Properties, as a suitable school site; and

WHEREAS, the Board has commissioned separate appraisals of each of the Properties ("Appraisals") and has determined that the full fair market value of each Property as established by said Appraisals constitutes "just compensation" for each respective Property; and

WHEREAS, the District has apprised owners of the 11th Street Property of the District's interest in, and desire to acquire, the 11th Street Property for use as school; and

WHEREAS, representatives of the District have conveyed in writing to the owners of the 11th Street Property the District's desire and offer to purchase the 11th Street Property for the full, fair market value thereof as established by the corresponding Appraisals (the "Offer"); and

WHEREAS, the owners of the 11th Street Property have failed to accept the Offers; and

WHEREAS, the District is not required to give such an offer to the owners of the Pico Avenue Property, as the owners thereof shown on the public records of San Bernardino County are deceased and therefore "cannot be located with reasonable diligence" pursuant to applicable law; and

WHEREAS, the District is authorized to exercise the power of eminent domain for purposes of acquiring real property within the District's boundaries by virtue of Section 35270.5 of the California Education Code; and

WHEREAS, notice has been properly given as required by the provisions of Section 1245.235 of the California Code of Civil Procedure; and

WHEREAS, the hearing has been regularly held and conducted in the manner provided by law at which all persons whose property is to be acquired by eminent domain have been given a reasonable opportunity to appear and be heard before the Board on the following matters:

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- a. the public interest and necessity require the Alessandro II ES Project and the acquisition of the Properties in connection therewith in accordance with the requirements of law;
- b. the Alessandro II ES Project (including the acquisition of the Properties comprising a portion of the site of that project) is planned and located in the manner that will be most compatible with the greatest public good and least private injury;
- c. the Properties to be acquired are necessary for the Alessandro II ES Project;
- d. to the extent applicable, the written offer required by Section 7267.2 of the Government Code has been made to each of the owners of record of the Properties; and
- e. any matters addressing a challenge to the authority of the District to engage in such a project and as to its right to acquire such property.

WHEREAS, the Board has previously certified and approved a Mitigated Negative Declaration pursuant to the terms and requirements of the California Environmental Quality act addressing the Alessandro II ES Project as of ~~March 7, 2008~~, September 20, 2005, and has filed the required Notice of Determination as required by law; and

WHEREAS, pursuant to California Code of Civil Procedure Section 1240.040, a condition to the District's acquiring the Properties by the power of eminent domain is the adoption of this Resolution of Necessity.

This public hearing is being held to enable additional input by the public or property owners regarding this eminent domain resolution for the Alessandro II Elementary School Project.

President Parra opened the public hearing and asked if anyone wished to comment. Craig Hardwick, attorney with Adorno, Yoss, Alvarado & Smith, stated that the purpose of the hearing is not to discuss or negotiate purchase prices. Mr. Hardwick added that five affirmative votes are needed to adopt the resolution. Dr. Delgado amended the date that the Board previously certified and approved a Mitigated Negative Declaration. Hearing no further comment, Ms. Parra closed the public hearing.

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

THEREFORE, BE IT RESOLVED that the Board declares and resolves as follows: the public interest and necessity require the proposed Alessandro II ES Project; the proposed Alessandro II ES Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury; the Properties are necessary for the proposed Alessandro II ES Project; to the extent required, the offers required by Section 7267.2 of the Government Code have been made to the owners of record of the Properties; the provisions of the California Environmental Quality Act regarding environmental review of the Alessandro II ES Project have been complied with; Adorno, Yoss, Alvarado & Smith (the law firm which is special counsel to the District for matters pertaining to the acquisition of real property) is directed and authorized to

commence proceedings in eminent domain in the Superior Court of the State of California, and to conduct such actions to conclusion, to acquire the Properties, including obtaining one or more court orders for prejudgment possession based upon a deposit of probable just compensation supported by the District's approved Appraisals.

EXHIBIT "A"

SITE PLAN SHOWING LOCATION OF PROPERTY

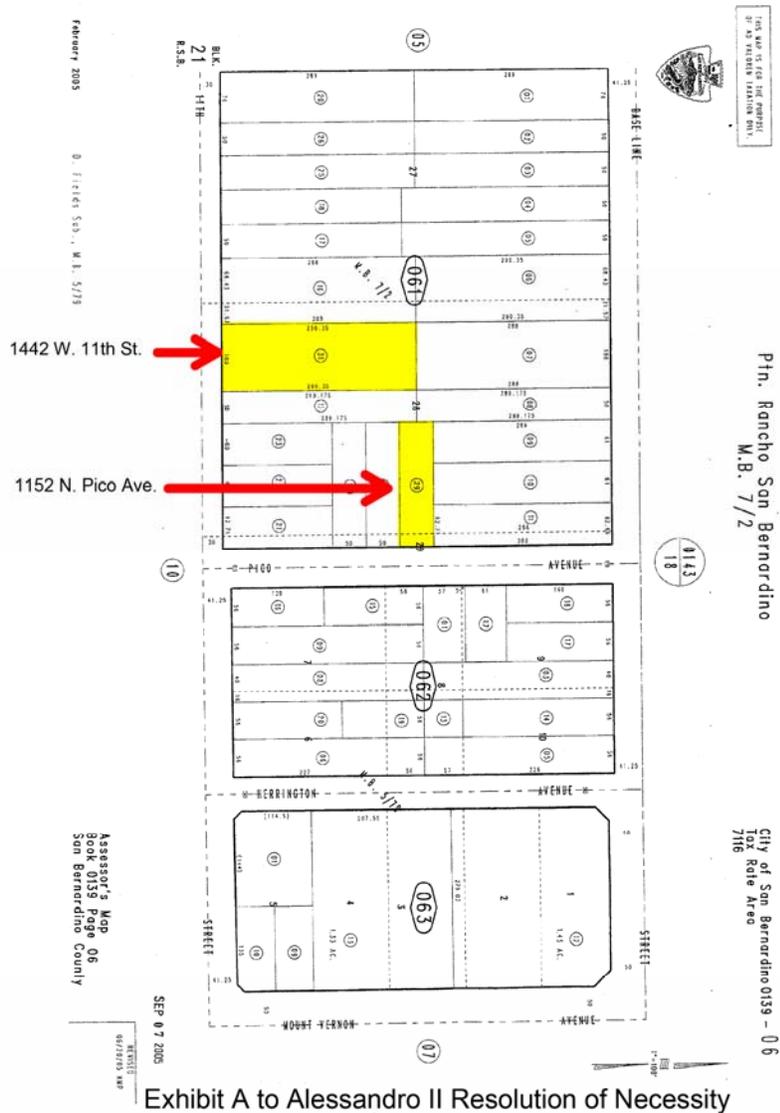


EXHIBIT "B"

LEGAL DESCRIPTION OF PROPERTY

Legal Description of Assessor's Parcel No. 0139-061-31

Parcel 1:

That portion of Lot 28, Block 21, Rancho San Bernardino, as per plat recorded in Book 7 of Maps, Page(s) 2, records of San Bernardino County, described as follows:

Beginning at a point 31.57 feet East and 288 feet South of the Northwest corner of said Lot 28;

Thence East to a point 264 feet West of the East line of said Lot 28;

Thence South 290.35 feet, more or less, to the North line of 11th Street;

Thence West to a point 31.57 feet East of the Southwest corner of said Lot 28;

Thence North to the point of beginning.

Parcel 2:

That portion of Lot 28, Block 21, Rancho San Bernardino, as per Plat recorded in Book 7 of Maps, Page 2, records of San Bernardino County, described as follows:

Beginning at a point 81.57 feet East and 288 feet South of the Northwest corner of said Lot 28;

Thence East 50 feet, more or less, to a point 214 feet West of the Northeast corner of said Lot 28;

Thence South 290.35 feet, more or less, to the North line of 11th Street; thence West 50 feet along said North line of 11th Street;

Thence North 290.35 feet, more or less, to the true point of beginning.

Assessor's Parcel Number: 0139-061-31

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Legal Description of Assessor's Parcel No. 0139-061-29

Portions of Lots 28 and 29, Block 21, Rancho San Bernardino, as per plat recorded in Book 7 of Maps, Page 2, records of San Bernardino County, described as follows:

Beginning at a point on the West line of Pico Avenue at a point 266 feet South of the South line of Base Line;

Thence, continuing along the West line of Pico Avenue, South 52 feet, more or less, to a point 260 feet North of the North line of Eleventh Street;

Thence West to a point 164 feet West of the East line of Lot 28;

Thence North, 52 feet, more or less, to a point 266 feet South of the South line of Base Line;

Thence East along said line, 266 feet South of Base Line, to the point of beginning.

Assessor's Parcel Number: 0139-061-29

4.2 - Resolution of Necessity to Acquire Properties by Eminent Domain for the Roosevelt II Elementary School Project

Properties:

1545 N. Mt. Vernon Ave. & Adjacent Vacant Land on Turrill Ave. and Mt. Vernon Ave., San Bernardino, CA (APN 0144-141-07, 08, 24, 25 & 33)

1551 N. Mt. Vernon Ave., San Bernardino, CA (APN 0144-141-35 & 36)

1557 N. Mt. Vernon Ave., San Bernardino, CA (APN 0144-141-37)

WHEREAS, the San Bernardino City Unified School District ("District") is a "unified school district" as defined in Section 83 of the California Education Code and is a "public entity" as defined in Section 1235.190 of the California Code of Civil Procedure; and

WHEREAS, the District has considered the advisability of acquiring property within the District for the purpose of constructing and operating a new elementary school in the vicinity of the District's existing Roosevelt School (the site acquisition, construction and operation of which is referred to by the District as the "Roosevelt II ES Project") and has considered the limited localities within the District in which such a project would appropriately be located; and

WHEREAS, the Roosevelt II ES Project is to be located in the City of San Bernardino, California, on approximately 13 acres of land (the "Proposed Project Area"); the Proposed Project Area (which includes the District's existing Roosevelt Elementary School) is bordered by

16th Street on the North, Garner Avenue on the East, 14th Street on the South, and North Mount Vernon on the West; the Proposed Project Area is located within the District's boundaries and is considered the most suitable site for the Roosevelt II Project; and

WHEREAS, included within the Proposed Project Area are the following improved and unimproved properties (sometimes referred to herein individually as a "Property" and collectively as the "Properties"):

- Property commonly known as 1545 North Mount Vernon Avenue, having Assessor's Parcel Numbers of 0144-141-24, 0144-141-25, together with adjacent property on Turrill Avenue having Assessor's Parcel Numbers of 0144-141-07 and 0144-141-08 and adjacent property on Mt. Vernon Avenue having Assessor's Parcel Number of 0144-141-33; and
- Property commonly known as 1551 North Mount Vernon Avenue, having Assessor's Parcel Numbers of 0144-141-35 and 0144-141-36; and
- Property commonly known as 1557 North Mount Vernon Avenue, having an Assessor's Parcel Number of 0144-141-37; and

WHEREAS, a map depicting the locations of the Properties is attached hereto as Exhibit "A" and the legal descriptions of the Properties are attached hereto as Exhibit "B"; and

WHEREAS, the District has undertaken significant due diligence to determine the suitability of the Properties for future development and use by the District as a school; and

WHEREAS, at a public meeting of the District's Board of Education ("Board"), the Board identified the Proposed Project Area, including the Properties, as a suitable school site; and

WHEREAS, the District has apprised the Properties' owners of the District's interest in, and desire to acquire, the Properties for use as school; and

WHEREAS, the Board has commissioned separate appraisals of each of the Properties ("Appraisals") and has determined that the full fair market value of each Property as established by said Appraisals constitutes "just compensation" for each respective Property; and

WHEREAS, representatives of the District have conveyed in writing to the owners of each of the Properties the District's desire and offer to purchase the respective Properties for the full, fair market value thereof as established by the corresponding Appraisals (the "Offers"); and

WHEREAS, the owners of the Properties have all failed to accept the Offers; and

WHEREAS, the District is authorized to exercise the power of eminent domain for purposes of acquiring real property within the District's boundaries by virtue of Section 35270.5 of the California Education Code; and

WHEREAS, notice has been properly given as required by the provisions of Section 1245.235 of the California Code of Civil Procedure; and

WHEREAS, the hearing has been regularly held and conducted in the manner provided by law at which all persons whose property is to be acquired by eminent domain have been given a reasonable opportunity to appear and be heard before the Board on the following matters:

- a. the public interest and necessity require the Roosevelt II Project and the acquisition of the Properties in connection therewith in accordance with the requirements of law;
- b. the Roosevelt II Project (including the acquisition of the Properties comprising a portion of the site of that project) is planned and located in the manner that will be most compatible with the greatest public good and least private injury;
- c. the Properties to be acquired are necessary for the Roosevelt II Project;
- d. the written offer required by Section 7267.2 of the Government Code has been made to each of the owners of record of the Properties; and
- e. any matters addressing a challenge to the authority of the District to engage in such a project and as to its right to acquire such property.

WHEREAS, the Board has previously certified and approved a Mitigated Negative Declaration pursuant to the terms and requirements of the California Environmental Quality act addressing the Roosevelt II Project as of ~~March 7, 2008~~, March 4, 2008, and has filed the required Notice of Determination as required by law; and

WHEREAS, pursuant to California Code of Civil Procedure Section 1240.040, a condition to the District's acquiring the Properties by the power of eminent domain is the adoption of this Resolution of Necessity.

This public hearing is being held to enable additional input by the public or property owners regarding this eminent domain resolution for the Roosevelt II Elementary School Project.

President Parra opened the public hearing and asked if anyone wished to comment. Ms. Parra stated that the information Mr. Hardwick presented at the prior public hearing pertained to this public hearing. Karyn McCreary of Sullivan, Workman & Dee, stated she is representing Bestway, Inc., owner of a commercial building located at 1557 N. Mt. Vernon. Ms. McCreary stated that the project could be done without this property and asked that the owner be allowed to maintain a portion of the property. Ms. Parra amended the date that the Board previously certified and approved a Mitigated Negative Declaration. Hearing no further comment, Ms. Parra closed the public hearing.

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

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THEREFORE, BE IT RESOLVED that the Board declares and resolves as follows: the public interest and necessity require the proposed Roosevelt II ES Project; the proposed Roosevelt II ES Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury; the Properties are necessary for the proposed Roosevelt II ES Project; the Offers required by Section 7267.2 of the Government Code have been made to the owners of record of the Properties; the provisions of the California Environmental Quality Act regarding environmental review of the Roosevelt II ES Project have been complied with; Adorno, Yoss, Alvarado & Smith (the law firm which is special counsel to the District for matters pertaining to the acquisition of real property) is directed and authorized to commence proceedings in eminent domain in the Superior Court of the State of California, and to conduct such actions to conclusion, to acquire the Properties, including obtaining one or more court orders for prejudgment possession based upon a deposit of probable just compensation supported by the District's approved Appraisals.

EXHIBIT "A"

SITE PLAN SHOWING LOCATION OF PROPERTY

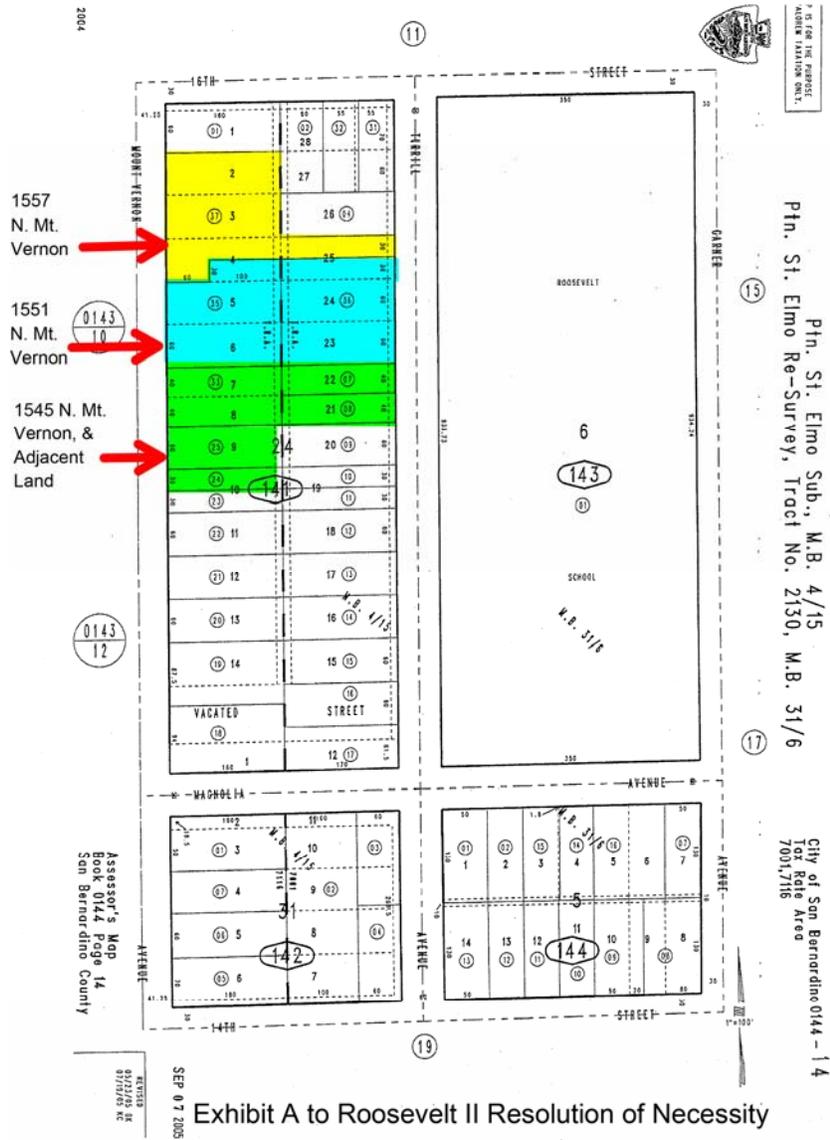


EXHIBIT "B"

LEGAL DESCRIPTION OF PROPERTY

Legal Description of Assessor's Parcel Nos. 1044-141-25 & 24

Parcel 1:

Lot 9, Block 24, Elmo Addition, in the City of San Bernardino, County of San Bernardino, State of California, as per Map recorded in Book 4, Page(s) 15 of Maps, in the office of the County Recorder of said County.

Together with the West 1/ of the alley adjoining said land on the East as vacated by Resolution of the City of San Bernardino, as certified copy of which was recorded December 4, 1946 in Book 1977, Page 147, which would pass by operation of law.

Assessor's Parcel Number: 0144-141-25

Parcel 2:

The North 1/2 of Lot 10, Block 24, St. Elmo Addition, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 4, Page 15 of Maps, in the Office of the County Recorder of said County.

Together with the West 1/2 of the alley adjoining said land on the East, as vacated by Resolution of the City of San Bernardino, a certified copy of which was recorded December 4, 1946 in Book 1977, Page 147, which would pass by operation of law.

Assessor's Parcel Number: 0144-141-24

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Legal Description of Assessor's Parcel Nos. 1044-141- 07, 08 & 33

Parcel 1:

Lot 22, Block 24, of St. Elmo Addition, in the City of San Bernardino, County of San Bernardino, State of California, as per map recorded in Book 4, Page 15 of Maps, in the Office of the County Recorder of said County.

Together with the vacated East half of the alley adjoining the property herein on the West, vacated by Resolution recorded December 4, 1946 in Book 1977, Page 147, Official Records, and the vacated West 10 feet of Turrill Avenue, formerly known as Alice Avenue, adjoining the herein property on the East, as described by Ordinance No. 1303 recorded August 19, 1926 in Book 133, Page 180 of Official Records.

Assessor's Parcel Number: 0144-141-07

Parcel 2:

Lot 21, Block 24, of St. Elmo Addition, in the City of San Bernardino, County of San Bernardino, State of California, as per Map recorded in Book 4, Page(s) 15, of Maps, in the office of the County Recorder of said County.

Together with the vacated East half of the alley adjoining the property herein on the West and the vacated West 10 feet of Turrell Avenue formerly known as Alice Avenue adjoining the herein property on the East as described by Ordinance No. 1303 recorded August 19, 1926 in Book 133, Page 180 of Official Records.

Assessor's Parcel Number: 0144-141-08

Parcel 3:

Lots 7 and 8, Block 24, of St. Elmo Addition, in the City of San Bernardino, County of San Bernardino, State of California, as per Map recorded in Book 4, Page 15, of Maps, in the office of the County Recorder of said County.

Together with the vacated West half of the alley adjoining the property herein on the East.

Assessor's Parcel Number: 0144-141-33

Assessor's Parcel No: 0144-141-07

Legal Description of Assessor's Parcel Nos. 1044-141-35 & 36

All of Lots 5, 6, 23 and 24, and portions of Lots 4 and 25, and of the alley now closed and the West 10 feet of Alice Avenue, now closed, in Block 24 of St. Elmo Addition, in the County of San Bernardino, State of California, as per Map recorded in Book 4 of Maps, Page(s) 15, in the office of the County Recorder of said County, described as follows:

Commencing at the Southwest corner of said Lot 6; thence North along the West line of said Lots 6 and 5, 120 feet to the Northwest corner of said Lot 5; thence East along the North line of said Lot 5, 60 feet; thence North parallel to the West line of said Lot 4, 30 feet; thence East parallel to the South line of said Lots 4 and 25 and said line extended 270 feet to a point 10 feet East of the East line of said Lot 25; thence South parallel to the East line of said Lots 25, 24 and 23, 150 feet to a point 10 feet East of the Southeast corner of said Lot 23; thence West along the South line of Lots 23 and 6, and said lines extended 330 feet to the point of beginning.

Assessor's Parcel Number: 0144-141-35, 0144-141-36

Legal Description of Assessor's Parcel Nos. 1044-141-37

Parcel No. A:

Lot 2, Block 24, St. Elmo Addition, in the City of San Bernardino, County of San Bernardino, State of California, as per plat recorded in Book 4 of Maps, Page 15, Records of said County.

Together with the West 10 feet of the Alley adjoining said Lot on the East, which was vacated and abandoned by Order of the Mayor and Common Council of the City of San Bernardino, dated June 3, 1946, which would pass by operation of law with a conveyance of said property and that portion of Lots 4 and 25 and the alley now closed and of the West 10 feet of Alice Avenue, now closed in Block 24 of St. Elmo Addition, in the County of San Bernardino, State of California, as per Map recorded in Book 4, Page(s) 15, in the office of the County Recorder of San Bernardino County, described as follows:

Commencing at the Southwest corner of said Lot 4; thence East along the South line of said Lot 4, 60 feet; thence North parallel to the West line of said Lot 4, 30 feet; thence East parallel to the South line of said Lots 4 and 25 and said line extended, 270 feet to a point 10 feet East of the East line of said Lot 25; thence North parallel to the East line of said Lot 25, to 30 feet to a point 10 feet East of the Northeast corner of said Lot 25; thence West along the North line of said Lots 25 and 4, and said line extended 330 feet to the Northwest corner of said Lot 4; thence South along the West line of said Lot 4, 60 feet to the point of beginning.

Said legal was made pursuant to Certificate of Compliance for Lot Merger No. ENG 2004-035 recorded January 20, 2005 as Instrument No. 46228.

Assessor's Parcel Number: 0144-141-37

4.3 - Approval of General Waiver Request to the CDE for Principal's Exchange to Remain as the SAIT Provider for Parkside Elementary School

The Curriculum/Instruction and Accountability Division and Parkside Elementary School are requesting Board of Education approval to submit a General Waiver Request to the California

Department of Education to continue with Principal's Exchange as the School Assistance and Intervention Team (SAIT) Provider for Parkside Elementary School.

Parkside has been a SAIT school since 2005-2006. Since being identified as a SAIT school, Parkside has improved its overall API by 52 points. Five out of six subgroups scored over 700 on the API in 2007-2008. Parkside has implemented the steps outlined on the nine Essential Program Components, engaging in collaborative planning, teaching, assessing, reflecting, and curriculum alignment. The school is just beginning to see the results of its hard work and considers Principal's Exchange to be a vital partner in its success. At this point, it would be detrimental to the school's progress to change SAIT providers. This waiver request will be submitted under the general waiver authority of Education Code 33050-33053.

President Parra opened the public hearing and asked if anyone wished to comment. Barbara Flores asked how much money Principal's Exchange would receive as the SAIT provider. Dr. Delgado reported that the fee is set by the state. Dr. White stated they will receive \$75,000.00 per year. Hearing no further comment, Ms. Parra closed the public hearing.

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

BE IT RESOLVED that the Board of Education approves the submission of a General Waiver Request to the CDE for Principal's Exchange to remain as the SAIT Provider for Parkside Elementary School.

BE IT FURTHER RESOLVED that Judy D. White, Deputy Superintendent, be authorized to sign all required documents relating to the General Waiver Request.

4.4 - Review of the Charter Petition Amendments for New Vision Middle School

District staff recommended to the Board of Education on March 17, 2009, that the charter petition for New Vision Middle School did not meet all the element requirements stipulated in California Education Code sections 47605-47608. The Board of Education gave the New Vision Middle School petitioner time to amend the petition and resubmit within 30 days for approval consideration. The petitioner submitted the amendments for District review of the following charter school elements.

Required Element 1: The original petition did not contain the minimum number of minutes (40 minutes per day) for physical education as prescribed by Education Code section 51222. The petitioner amended the physical education schedule to reflect 205 minutes per week or slightly more than the required 40 minutes per day. This change did not compromise the required number of minutes for the other course requirements.

This amendment meets this element requirement.

Required Element 4: The petition provided an appendix of the governance structure that described the composition of the Board of Trustees, the board qualifications, and terms of office. The petitioner amended this element by stating that the Board of Trustees will be 11 members and that members shall hold office for a term of two years. The petition also states that the qualifications for trustees are generally to support and promote the REAL Journey Academies and ability to attend board meetings. The proposed charter would be one of the REAL Journey Academies.

This amendment meets this element requirement.

Requirement Element 9: The original petition overstated the revenue component for the three years mentioned in the petition. The petitioner resubmitted an amended the budget to show that the charter school would meet its fiscal obligations for the operation of the school for the three years: 2009-2010, 2010-2011, and 2011-2012.

This amendment meets this element requirement.

Required Element 11: The original petition did not clearly list the retirement plans for each staff position. The amendment states that all employees will participate in the federal Social Security system and a 403B plan will be available for all employees. The petition states that the teachers will participate in the STRS system and they will contract with the San Bernardino County Office of Education to transmit data to STRS.

This amendment meets this element requirement.

Requirement Element 13: The original petition did not mention the Education Code on return rights of teachers leaving the District to work in the charter school. The amended petition did not mention the Education Code on return rights, but referred to the provisions stipulated in the SBCUSD policies and collective bargaining agreements with both certificated and classified employees. The SBCUSD policies and collective bargaining agreements respond to the Education Code on return rights of employees.

This amendment meets this element requirement.

Required Element 14: The original petition provided a lengthy timeframe to address disputes between the District and the proposed charter school. The amendment indicates that both parties would agree to a timeframe to conference to resolve the dispute within 15 business days. A written response as to the outcome of this conference will be submitted by the District to the charter school soon after the conference. The District and the charter school may agree to include mediation or legal counsel in any dispute that cannot be resolved by mutual agreement.

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If mediation is not successful, the parties shall agree to settle the controversy, claim, or dispute by arbitration. Each party shall bear its own costs and expenses.

This amendment meets this element requirement.

Requirement Element 15: The original petition did not provide the language to reference the rights of employees to organize for collective bargaining. The amendment states that the charter school will recognize all employee rights in the event that they are represented under the Education Employment Relations Act (EERA).

The amendment meets this element requirement.

Conclusion:

The amendments to the charter school petition meet the element requirements in California Education Code sections 47605-47608.

President Parra opened the public hearing and asked if anyone wished to comment.

Danny Tillman asked who will determine employees' wages. Alex Lucero, Executive Director, stated that their Board will. Narciso Cardona reported that all elements have been met. Barbara Flores asked how much ADA the District could lose. Dr. Delgado reported that if all 375 students were from our district, it would result in a loss of \$2 million. Mr. Lucero reported that the charter school would not have boundaries and he has received some interest from parents whose children are currently home schooled. Danny Tillman asked if the charter would hire any of our teachers. Mr. Lucero stated that they would interview them if they applied.

Mr. Tillman stated that the Board needs to decide how to work with charter schools in a positive way if they are going to continue to approve charter schools. Perhaps they could hire the teachers that our district may have to lay off. Mr. Tillman stated that the Board should have a special meeting to discuss charter schools and the criteria to approve them. Dr. Delgado reported that staff is working on the criteria and the implications of student and teacher transfers. A presentation on charter schools has been scheduled.

Judi Penman stated that some charter schools have been successful. This group has fulfilled their requirement and it is the Board's responsibility to follow through with this.

Hearing no further comments, Ms. Parra closed the public hearing.

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

BE IT RESOLVED that the Board of Education adopts the findings regarding the charter petition submitted by the New Vision Middle School.

BE IT FURTHER RESOLVED that the Board of Education approves the charter petition submitted by the New Vision Middle School.

4.5 - Review of the Charter Petition Amendments for Crown Ridge Academy

District staff recommended to the Board of Education on January 27, 2009, that the charter school petition for Crown Ridge Academy did not meet all the element requirements stipulated in California Education Code sections 47605-47608 and Education Code section 47605: Teacher Endorsements. The Board of Education gave the petitioner 30 days to amend those elements and resubmit the petition for approval consideration. The petitioner submitted the amendments for District review of the following charter school amendments.

Findings of Education Code Section 47605: Teacher Endorsement: The original petition contained the names of teachers who are interested in teaching at the proposed charter school. The petitioner did not provide evidence that these interested teachers are credentialed. The amendment shows copies of the current credentials of the interested teachers.

This amendment meets this Education Code requirement.

Required Element 1: The original petition stated that the school would offer the “a through g” requirements established by the University of California and California State systems for post secondary admission. However, the two-year math requirement and the lack of a specific foreign language requirement fall short of the college admission criteria.

The original petition did not define a plan to show how the school would offer academic support to students who are at risk of failing.

The petitioner did not amend this element requirement.

Required Element 2: The original petition stated that every student will demonstrate a year of academic growth for each year of school. This goal will not help underperforming students close the achievement gap and move toward proficiency. The amendment to this element states that, given sufficient time and support, each student can meet grade level standards as defined by the California Content Standards. This strategy is not coherent particularly in regards to low attendance expectations of 80 percent or better; 90 percent or more of students attending Crown Ridge with at least 90 percent attendance for at least three years will pass CAHSEE (merely attending will not guarantee that students will pass the CAHSEE); and 90 percent of Project Lead the Way students with at least 90 percent attendance for one year will graduate (one year of acceptable attendance will not increase graduation rates).

The amendment does not meet this element requirement.

Required Element 3: The original petition indicated that the school would use multiple accountability measures. The petition did not show how the data will drive instruction to improve student achievement. The amendment states that teachers will use multiple data to influence instruction continuously throughout the year and the analysis of data will drive teacher professional development. It is difficult to discern how the data will drive instruction in light of the multiple measures: ASAM, STAR, CELDT, portfolios, etc.

This amendment does not meet this element requirement.

Required Element 4: The original petition did not list the terms of office and selection of the board of directors. The amendment states the board members will serve a term of three years. The amendment also states that the Crown Ridge Academy, Inc. will have the authority to determine who sits on the Crown Ridge Academy board of directors and also states that Crown Ridge Academy, Inc. will not exert any direct management or control over the charter school. Rather Crown Ridge Academy will be controlled by its board of directors and senior management. This proposed arrangement may cause a conflict of interest.

This amendment does not meet this element requirement.

Required Element 5: The revision states that “all core and college prep teachers will be highly qualified as defined by NCLB.”

This amendment meets this element requirement.

Required Element 7: The revision states that the charter school will mirror the District’s racial and ethnic demographics. The original petition stated that it would mirror the state’s demographics.

This amendment meets this element requirement.

Required Element 10: The original petition stated that the charter school would suspend students up to 10 days. This action would contradict Education Code section 48900. The amendment states that the school will suspend students who violate Education Code section 48900 up to 5 days.

This amendment meets this element requirement.

Required Element 13: The original petition did not mention Education Code on return rights of employees leaving the District to work at the charter school. The amendment simply states that District employees who work at the charter school will have return rights to the School District based on consent by SBCUSD. The SBCUSD has to abide by Education Code on return rights.

This amendment does not meet this element requirement.

Required Element 14: The original petition did not address the entire process for dispute resolution and did not address what would happen if a dispute is not resolved at the initial stage. The amendment provides a comprehensive process for dispute resolution.

The amendment meets this element requirement.

Required Element 15: The original petition did not indicate understanding of employee rights and the charter school's responsibilities in the event the employees are represented under the Educational Employment Relations Act (EERA). The amendment states that the charter school will adhere to all applicable provisions of EERA.

The amendment meets this element requirement.

Required Element 16: The original petition did not respond to this element. The amendment provides a comprehensive process in the event that the Crown Ridge Academy board wishes to close the charter school.

This amendment meets this element requirement.

Conclusion:

The amended petition did not meet all the element requirements stipulated in Education Code section 47605-47608. The District does not recommend to the Board of Education to approve this charter petition submitted by the Crown Ridge Academy.

President Parra opened the public hearing and asked if anyone wished to comment.

Dr. Florante Parrenas stated that the application did not meet all the element requirements and they are prepared to satisfy their shortcomings. Dr. Parrenas asked the Board to give them the consideration and approve their application. Margaret Hill stated that their intent is to reclaim dropout students. They are looking at this proposal to provide an education to gang members. Mrs. Hill asked the Board to let them know what they need to correct the elements. Because they aren't going to solicit any District students, this charter school won't cost the District any ADA. Dr. Steve Bielinski reported that there is an active community involved in this charter and asked the Board to give them the opportunity.

Danny Tillman asked what the process is to allow them to make changes. Narciso Cardona reported that the Board and petitioner can agree to allow up to 90 days to make amendments.

Mr. Tillman asked who will set the wages. Dr. Parrenas reported that the governing board is the board of directors, not of the corporation. The board of directors will take over control of the charter.

Elsa Valdez recommended that the petitioners have someone look at the elements to give them some advice. Perhaps the California Charter School Association could help them.

Judi Penman stated that this isn't the first time Dr. Parrenas has been here with a charter school petition. It isn't Mr. Cardona's responsibility to complete their application. This is the last time Dr. Parrenas can come to the Board. Dr. Parrenas has to follow the rules and do his part.

Lynda Savage stated that she has to be sure the District isn't writing this for them. Mrs. Savage said to give them only one more chance.

Barbara Flores stated that their goals are noble, but we have to adhere to the rules. Dr. Flores recommended they find a consultant.

Narciso Cardona stated that their targeted group of students is not only dropouts.

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: None), the following was adopted:

BE IT RESOLVED that the Board of Education approves giving Crown Ridge Academy 90 days to make changes to their charter petition.

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

SESSION SEVEN – Other Matters Brought By Citizens

7.0 - Other Matters Brought by Citizens

Christina Hale-Nardi, CAPS Director, gave an update on the services offered to students through the CAPS Program. The program receives \$10.3 million from state and federal funding. It employs approximately 450 people, with 80 programs at 50 sites, and 8,000 students participating. Ms. Hale-Nardi invited Board members to visit.

Mainor Bojorguez, representative for the developer of the Arco AM/PM project on I Street, reported that the project includes retail and restaurant buildings. Mr. Bojorguez has met with Wael Elatar, Facilities Administrator; Pat King, Urbita Elementary School Principal; and Valley College officials who support the project. This project will bring synergy to the area. The developer has offered 31 self-imposed conditions. John Peukert stated that historically, the District has opposed any facility that sells alcohol within 500 feet of a school. Mr. Bojorguez reported that the project is 450 feet from the back of the school property.

Teresa Parra moved Action Item 10.3 forward on the agenda.

11.3 - Arco-AM/PM Project

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

BE IT RESOLVED that the Board of Education approves moving forward with the construction of an Arco gas station with an AM/PM on the east side of I Street.

SESSION FIVE - Administrative Presentation

5.0 - Administrative Presentation

5.1 - Special Education Overview

Special Education students in the San Bernardino City Unified School District receive services through our own Special Education Local Plan Area (SELPA). Dayton Gilleland, Assistant Superintendent, Scott Kerby, Director, and Shelly Walsh, Coordinator, presented an overview of the SBCUSD SELPA (see page ____).

Teresa Parra stated that some principals don't follow the matrix. Dr. Gilleland stated that establishing a model is a place to begin. Dr. Delgado stated that we are aware of some inconsistencies and this requires constant review. Judi Penman stated that unless the parent is persistent, a special need isn't always detected.

Barbara Flores requested the actual numbers on the Student Ethnicity chart. Dr. Flores asked how many speech learning impairment students are English learners and how many speech therapists speak Spanish. Dr. Flores also asked what indirect costs are. Dr. Gilleland stated Mohammad Islam will provide information on the indirect costs.

Danny Tillman asked if the District is actually using General Fund money to pay for the special education program. Dr. Delgado stated that Mr. Islam will give them a breakdown and make sure the \$10 million deficit is not misleading.

SESSION SIX - Administrative Reports

6.0 - Administrative Reports

6.1 - Peer Assistance and Review (PAR) Report of Participation

The Peer Assistance and Review (PAR) program was initiated as one of the Governor's reform measures in 2000. The Peer Assistance and Review program was successfully implemented in the District during the 2000-2001 school year and has continued with strong success to date. The Memorandum of Understanding between the San Bernardino City Unified School District and

the San Bernardino Teachers Association, requires that by April 15, the Joint Panel must review all peer assistance reports and forward the names of participants who, after assistance, are not able to demonstrate satisfactory improvement.

During the 2008-2009 school year, the Peer Assistance and Review Program has served 121 teachers. The breakdown of service is listed below:

Emergency Permit Teachers:	17 (10 High School/ 7 Middle School)
Tenured Teachers (Unsatisfactory):	8 (1 High School/2 Middle School/ 5 Elementary School)
Tenured Teachers (Self-Referral):	65 (4 High School/10 Middle School/ 51 Elementary Schools)
P2 Teachers (Self-Referral):	12 (1 High School/ 3 Middle School/ 8 Elementary School)
P1 Teachers (Self-Referral):	12 (1 High School/ 3 Middle School/ 8 Elementary School)
Intern (Self-Referral):	7 (2 High School/ 3 Middle School/ 2 Elementary School)
Emergency (Self-Referral):	1 (1 Middle School)

Of the 121 teachers served, it was the conclusion of the Joint Panel that 115 benefited satisfactorily and that 6 did not.

The Board of Education received specific names of those teachers who participated in the Peer Assistance and Review (PAR) Program during the 2008-2009 school year, as well as those who did not benefit from sustained assistance in Board Correspondence.

6.2 - Amendments to BB 9250 Remuneration, Reimbursement and Other Benefits (Second 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.

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*

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[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

Danny Tillman asked that the report not be deleted to keep a sense of transparency. Only the text “ for presentation to the Board and the public” will be deleted from that paragraph.

SESSION EIGHT - Reports and Comments

8.0 - Report by Board Members

Danny Tillman requested that the District maintain the vacant sites that are purchased for future schools so it doesn't give the appearance of blight. John Peukert stated that contractors are scheduled to begin work next week.

Barbara Flores reported that a study has shown that core reading programs are flawed. Dr. Flores recommended that the District look at the research when we adopt new textbooks in two years. Dr. Flores stated that too many skills are being offered instead of concentrating on comprehension.

Teresa Parra stated that some reorganization changes have been made without the Board being informed. Dr. Delgado stated that some changes were made due to retirements.

Teresa Parra announced that the Headdress Ball will be held on Saturday, April 18. Danny Tillman invited Board members to attend the Links Breakfast Ball, on Saturday, May 9.

8.1 - Legislative Update

None.

9.0 - Report by Superintendent and Staff Members

Dr. Delgado congratulated the Odyssey of the Mind teams from Belvedere Elementary and San Geronio High Schools. They are going on to the World Finals in Ames, Iowa to compete.

Dr. Delgado reported that the District hosted a statewide P-16 Council meeting on March 27, to discuss areas of equity.

Dr. Delgado announced that Richardson PREP HI has been selected as a California Distinguished School for the fifth time.

Dr. Delgado reported that two San Geronio High School students will receive a US Presidential Award at the Kayos Kidz dinner on April 28.

SESSION NINE - Legislation and Action

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

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

Consent items 10.28 and 10.34 were held for later consideration.

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

10.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on March 3, 2009, be approved as presented.

10.2 - 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 Fall 2008, as provided for in the Agreement with the University of Redlands, as follows:

SANDY HOLZBERGER	\$100.00	LINDA MOORE	\$100.00
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10.3 - 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.

10.4 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$750.00, Coca Cola Bottling Company; \$100.00, Tracy Kang; \$250.00, Kelle & Harold Vollkommer; \$200.00, George and Pauline Murillo; \$250.00, Wilson Towing, LLC; \$750.00, Coca Cola Bottling Company; \$130.00, AT&T; \$203.68, WaMoola for Schools; \$102.24, WaMoola for Schools Program; \$500.00, William Scott; \$200.00, Ted Waitish; \$150.00, RC Chavez, State Farm Insurance Agent; \$3,000.00, San Manuel Band of Mission Indians; \$178.34, WaMoola for Schools Program; \$800.00, Target Field Trip Grants Program; \$85.58, WaMoola for Schools Programs; \$86.68, Target; \$100.00, Charlene Davis Long; \$141.38, Target – Take Charge of Education; \$203.68, WaMoola for Schools; \$750.00, Coca – Cola Enterprise; \$250.00, Wal-Mart Foundation; \$300.00, Dorothy Thomas; \$300.00, Jordan Price; \$300.00, Leopold Chichocki: and \$300.00, Sharon Kruse.

10.5 - Business and Inservice Meetings

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

Arevalo, Elva
Cordero, Alma
Covarrubias, Elidia
Diaz, Ana
Famutimi, Odunola
Garcia, Blanca
Garcia, Maria
Garcia, Rosalia
Gonzalez, Henry
Hermosillo, Maria
Leigue, Maria
Lepe, Martha
Martinez, Celina
Munoz, Rosa
Niebla, Leticia
Rodriguez, Herminia
Rosa, Gloria

(Parents/Board Representatives)

To attend the California Association for Bilingual Education (CABE) – Parents and Para-Educators: Connecting Cultures – Building Communities, Region IV, on May 14, 2009. Total cost, not exceed \$2,160.00, will be paid from Accountability Department Account No. 501.

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Alba, Teresa
Benitez, Celia
Flores, Lucia
Gaeta, Maria
Gomez, Maria
Gutierrez, Josefina
Lamas, Liliana
Lopez-Calvillo, Marina
Mendez, Maribel
Moreno, Martha
Ochoa, Dolores
Oliver, Latasha
Perez, Petra
Glenda, Rice
Gloria, Rosa
Sanabria, Ana
Vences, Araceli
(DELAC Parents/Board Representatives)

To attend the 2009 California Association for Bilingual Education (CABE) Conference, Riverside Convention Center, Riverside, California, May 14, 2009, as Board Representatives. Total cost, not to exceed \$2,160.00, will be paid from English Learner Programs Account No. 744.

Luz Araiza
Marina Calderilla
Rosa Cerrillo
Tina Chase
Gail Clark
Shareena Clark
Bobbie Derr
Felicia Duncan
Henry Duran
Julee Ferrero
Irene Garcia
Yesenia Garcia
Omar Gonzalez
Patricia Macias
Huda Mageed
Elizabeth Musial
Elaine Perez
Desiree Rainbolt
Roberta Rickman
Elaine Rodríguez
Clemencia Urzua
Sarrine Seda Uy
Cecilia Valencia
Noemí Valenzuela

To attend the BOOST – Best Of Out-Of-School Time Conference, Palm Springs Convention Center, Palm Springs, California, April 23 – 25, 2009. Total cost, not to exceed \$27,063.00, will be paid from the CAPS ASES Account No. 459.

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Nadifa Warren
Mary Whited
Laura Wright
(Board Representatives,
YMCA East Valley)

Brian Williams
(Board Representative, Ecclesia
Christian Fellowship)

Alice Parks
(Board Representative, Provisional
Accelerated Learning Center)

David Ledesma
Ryan Ulibarri
(Board Representatives,
Project Life Impact)

10.6 - Commercial Warrant Registers for Period from March 1, through March 15, 2009

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

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

10.7 - Payment for Course of Study Activities

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

Live Oakes Educational Theater for two performances by artist Michael Oakes, on April 16, 2009, at Kimbark Elementary School. The cost, not to exceed \$945.00, will be paid from Kimbark Elementary School ASB Account.

Dream Shapers for a performance by artist Dave Kinnoin, on April 22, 2009. The cost, not to exceed \$500.00, will be paid from Ramona-Alessandro Elementary School Account No. 501.

Scott Land Marionettes for two assemblies, on May 22, 2009. The cost, not to exceed \$525.00, will be paid from Ramona-Alessandro Elementary School Account No. 501.

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Adriana Plakio and Terrance Stone from Young Visionaries Youth Leadership Academy for various presentations at San Andreas High School, commencing April 24, 2009, through the remainder of the 2008-09 school year. The presentations will be made at no cost.

Adriana Plakio and Terrance Stone from Young Visionaries Youth Leadership Academy for various presentations at Sierra High School, commencing April 24, 2009, through the remainder of the 2008-09 school year. The presentations will be made at no cost.

Victor Leano from American Career College for various presentations at San Andreas High School, commencing April 24, 2009, through the remainder of the 2008-09 school year. The presentations will be made at no cost.

Victor Leano from American Career College for various presentations at Sierra High School, commencing April 24, 2009, through the remainder of the 2008-09 school year. The presentations will be made at no cost.

Tracy Thompson from California Conservation Corps., for various presentations at San Andreas High School, commencing April 24, 2009, through the remainder of the 2008-09 school year. The presentations will be made at no cost.

Tracy Thompson from California Conservation Corps., for various presentations at Sierra High School, commencing April 24, 2009, through the remainder of the 2008-09 school year. The presentations will be made at no cost.

Rejoice Chavira, Julio Vazquez, and Diva MacSing from Crafton Hills College for various presentations at San Andreas High School, commencing April 24, 2009, through the remainder of the 2008-09 school year. The presentations will be made at no cost.

Rejoice Chavira, Julio Vazquez, and Diva MacSing from Crafton Hills College for various presentations at Sierra High School, commencing April 24, 2009 through the remainder of the 2008-09 school year. The presentations will be made at no cost.

Joseph Perkins from Job Corps, for various presentations at San Andreas High School, commencing April 24, 2009, through the remainder of the 2008-09 school year. The presentations will be made at no cost.

Joseph Perkins from Job Corps, for various presentations at Sierra High School, commencing April 24, 2009, through the remainder of the 2008-09 school year. The presentations will be made at no cost.

Brian Bacon, SSgt., and Joshua Arevalo, Sgt., of the U.S. Army for various presentations at San Andreas High School, commencing April 24, 2009, through the remainder of the 2008-09 school year. The presentations will be made at no cost.

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Brian Bacon, SSgt., and Joshua Arevalo, Sgt., of the U.S. Army for various presentations at Sierra High School, commencing April 24, 2009, through the remainder of the 2008-09 school year. The presentations will be made at no cost.

San Bernardino Valley College for various presentations at San Andreas High School, through the remainder of the 2008-09 school year. The presentations will be made at no cost.

San Bernardino Valley College for various presentations at Sierra High School, through the remainder of the 2008-09 school year. The presentations will be made at no cost.

10.8 - 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:

Sandra Kaplan, Northridge, CA, to provide a four-day training workshop for District GATE teachers to provide the competencies to differentiate curriculum and instruction for gifted and high ability learners, April 27-30, 2009. The cost, not to exceed \$3,810.00, will be paid from Restricted General Fund—Gifted and Talented Education, Account No. 430.

Paige McGinty, Los Angeles, CA, to provide a four-day training workshop for District GATE teachers to provide the competencies to differentiate curriculum and instruction for gifted and high ability learners, April 27-30, 2009. The cost, not to exceed \$3,810.00, will be paid from Restricted General Fund—Gifted and Talented Education, Account No. 430.

Scholastic, Inc., Jefferson City, MO, to provide a one-day training workshop for District staff, May 7, through June 30, 2009. The cost, not to exceed \$2,500.00, will be paid from Restricted General Fund—Title II Educational Services, Account No. 538.

Sopris West Educational Services to present two two-day professional development workshops, “Step Up to Writing,” to District teachers and staff, April 21-22, and May 26-27, 2009. The cost, not to exceed \$10,000.00, will be paid from the Restricted General Fund—Title III LEP Student Sub grant, Account No. 544.

Amend the Board resolution approved July 1, 2008, Agenda Item 8.5 to hire Digital Edge Learning for teacher professional development in curricular and instructional areas for math and language arts teachers. The amendment is necessary to add \$2,710.00 to the original fee of \$30,000.00 for an aggregate total not to exceed \$32,710.00 due to additional necessary training. The additional fee, not to exceed \$2,710.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 501.

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

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Sopris West Educational Services to present a two-day professional development workshop, "Step Up to Writing," to District teachers and staff, March 19-20, 2009, at Jones Elementary School. The cost, not to exceed \$10,000.00, will be paid from the Restricted General Fund—Title III LEP Student Sub grant, Account No. 544.

Bob Higgins of Art by Higgins to provide suspect sketches as needed, March 20, 2009, through June 30, 2009. The fee, not to exceed \$400.00, and paid at a rate of \$75.00 per hour, will be paid from the Unrestricted General Fund—School Police, Account No. 079.

Ron Simmons to serve as an assignor for the middle schools Softball Program, scheduled from February 23, 2009, through April 16, 2009. The cost, not to exceed \$500.00, will be paid from Restricted General Fund—Intermediate Sports Program, Account No. 209B.

The persons listed below as officials for the middle schools Softball Program, scheduled from February 23, through April 16, 2009. The cost, \$30.00 per game, will be paid from Restricted General Fund—Intermediate Sports Program, Account No. 209B.

Dave Farmer, Stan Wilson, Robert Huckleby, Michael Johnson, Robert Murphy, Ron Simmons, Larry Clark, Larry Olsen, Ray Reyes, Richard Simmons, Benet Benfield, and Mark Hannah.

10.9 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the reduction of \$282,963.00 in the budgeting of revenues and expenditures for the restricted program, Middle and High School Supplemental Counseling Program (402).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$486,798.00 in the budgeting of revenues and expenditures for the restricted program, California High School Exit Examination (403).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$311,950.00 in the budgeting of revenues and expenditures for the restricted program, Certificated Staff Mentoring Program (410).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$75,186.00 in the budgeting of revenues and expenditures for the restricted program, Gifted and Talented Education Program (430).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$4,669.00 in the budgeting of revenues and expenditures for the restricted program, Tobacco-Use Prevention Education (471).

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BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$242,766.00 in the budgeting of revenues and expenditures for the restricted program, High Priority Schools Grant Program (473).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$3,850.00 in the budgeting of revenues and expenditures for the restricted program, California Partnership Academies: Mentor Initiative (491).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$25,000.00 in the budgeting of revenues and expenditures for the restricted program, California Partnership Academies Mentor Grant (492).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$59,327.00 in the budgeting of revenues and expenditures for the restricted program, Carl Washington School Safety and Violence Prevention Program (494).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$473,050.00 in the budgeting of revenues and expenditures for the restricted program, High Priority Schools Grant Program/School Assistance and Intervention Team Corrective Actions (499).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$91,000.00 in the budgeting of revenues and expenditures for the restricted program, Reading First (506).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$22,857.00 in the budgeting of revenues and expenditures for the restricted program, Carl D. Perkins Career and Technical Education Improvement Act of 2006 (512).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$12,938.00 in the budgeting of revenues and expenditures for the restricted program, Title II, Part A, Teacher and Principal Training and Recruiting Fund (536-538, 541-542).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$226,630.00 in the budgeting of revenues and expenditures for the restricted program, Fresh Fruit and Vegetable Program (575).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$2,691.00 in the budgeting of revenues and expenditures for the restricted program, Preschool Local Entitlements (589).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$11.00 in the budgeting of revenues and expenditures for the restricted program, Special Education Preschool Grant – Pre-Kindergarten Staff Development (594).

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BE IT ALSO RESOLVED that the Board of Education approves the addition of \$2,000.00 in the budgeting of revenues and expenditures for the restricted program, Fund 12-CCDF School Age Resource.

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$5,206.00 in the budgeting of revenue and expenditures for the restricted program, Fund 12-Prekindergarten and Family Literacy Program, Contract CPKF (103).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$8,965.00 in the budgeting of revenues and expenditures for the restricted program, Fund 12-CCAP Infant Toddler Resource (114).

10.10 - Extended Field Trip, Burbank Elementary School, Outdoor Science School, Green Valley Lake, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 43 Burbank Elementary School students and 3 District employees to attend Outdoor Science School, in Green Valley Lake, California, April 21-24, 2009. The cost of the trip, not to exceed \$14,260.00, including meals and lodging for 43 Burbank Elementary School students and 3 District employees, will be paid through sponsorship from Orange County Department of Education. Transportation provided by First Student, not to exceed \$533.96, will be paid from Burbank Elementary School Account No. 419. Names of the students are on file in the Business Services office.

10.11 - Extended Field Trip, E. Neal Roberts Elementary School, Outdoor Science School, Angelus Oaks, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 118 E. Neal Roberts Elementary School students and 6 District employees to attend Outdoor Science School, in Angelus Oaks, California, June 8-12, 2009. The cost of the trip, not to exceed \$40,710.00, including meals and lodging for 118 E. Neal Roberts Elementary School students and 6 District employees, will be paid through sponsorship from Orange County Department of Education. Transportation provided by JC Tours chartered coach, not to exceed \$2,700.00, will be paid from E. Neal Roberts Elementary School Account No. 501. Names of the students are on file in the Business Services office.

10.12 - Extended Field Trip, Urbita Elementary School, 29th Annual NEED Youth Awards for Energy Achievement, Washington, D.C.

BE IT RESOLVED that the Board of Education approves the extended field trip for nine Urbita Elementary School students, four parent chaperones, and four District employees to attend 29th Annual NEED Youth Awards for Energy Achievement, in Washington, D.C., June 25-30, 2009. The cost of the trip, not to exceed \$11,150.00, including meals and lodging for nine Urbita Elementary School students, four parent chaperones, and four District employees, will be paid

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from Urbita Elementary School ASB Account. Transportation, to and from Ontario International Airport, will be provided at no charge by private vehicles driven by teachers and students' parents. Names of the students are on file in the Business Services office.

10.13 - Extended Field Trip, Cajon High School, 2009 Best of the West Softball Tournament, Santa Maria, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 17 Cajon High School students, 2 adult chaperones, and 3 District employees to attend 2009 Best of the West Softball Tournament, in Santa Maria, California, April 11-13, 2009. The cost of the trip, not to exceed \$3,615.00, including meals and lodging for 17 Cajon High School students, 2 adult chaperones, and 3 District employees, will be paid from Cajon High School ASB Account. Transportation provided by Express Rental, not to exceed \$989.00, will be paid from Cajon High School Account No. 202. Names of the students are on file in the Business Services office.

10.14 - Extended Field Trip, San Geronio High School, Odyssey of the Mind Tournament, Brentwood, California

BE IT RESOLVED that the Board of Education ratifies the extended field trip for 18 San Geronio High School students, 1 adult chaperone, and 1 District employee to attend Odyssey of the Mind Tournament, in Brentwood, California, April 3-5, 2009. The cost of the trip, not to exceed \$3,359.00, including meals and lodging for 18 San Geronio High School students, 1 adult chaperone, and 1 District employee, will be paid from San Geronio High School's ASB Account. Transportation provided by Xpress America Van Rental, not to exceed \$600.00, will be paid from San Geronio High School's NTE funds. Names of the students are on file in the Business Services office.

10.15 - Extended Field Trip, San Geronio High School, Penn Relay Carnival, Philadelphia, Pennsylvania

BE IT RESOLVED that the Board of Education approves the extended field trip for 13 San Geronio High School students and 2 District employees to attend Penn Relay Carnival, in Philadelphia, Pennsylvania, April 22-26, 2009. The cost of the trip, not to exceed \$9,280.00, including meals and lodging for 13 San Geronio High School students and 2 District employees, will be paid from San Geronio High School ASB Account. Transportation to and from Ontario International Airport will be provided by students' parents, at no charge. Names of the students are on file in the Business Services office.

10.16 - Extended Field Trip, California Cadet Corps Program, Camp Tahquitz, Angelus Oaks, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 250 California Cadet Corps Program students, 16 adult chaperones, and 7 District employees to attend Camp Tahquitz, in Angelus Oaks, California, on April 24, 2009 through April 26, 2009.

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The cost of the trip, not to exceed \$8,500.00, including meals and lodging for 250 California Cadet Corps Program students, 16 adult chaperones, and 7 District employees, will be paid from Alternative Programs Account No. 030. Transportation by First Student Bus Lines, not to exceed \$6,300.00, will be paid from Curtis Middle School Account No. 419; Chavez Middle School Account No. 419; Shandin Hills Middle School Account No. 419; Cajon High School Account No. 202; San Geronio High School Account No. 203; Del Vallejo Middle School Account No. 419; Serrano Middle School Account No. 501; Arrowview Middle School Account No. 501; and Pacific High School Account No. 202. Names of the students are on file in the Business Services office.

10.17 - Agreement with Life Long Learning to Provide Staff Development to District Schools

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Life Long Learning & Associates to facilitate development of a strategic plan so teachers can develop common assessments in each department of the school. The fee, not to exceed \$8,400.00, will be paid from the Restricted General Fund—School Based Coordinated Program, Account No. 419.

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

10.18 - Agreement with Microsoft Corporation to Provide Active Directory Migration

BE IT RESOLVED that the Board of Education approves entering into an agreement with Microsoft Corporation, Bellevue, WA, on behalf of Microsoft Consulting Services, to assess, review, and provide design and migration guidance for a centralized Active Directory forest environment, April 8, 2009, through June 30, 2009. The cost, not to exceed \$91,000.00, will be paid from Unrestricted General Fund – Microsoft Settlement Voucher Program, Account No. 287.

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

10.19 - Agreement with MLB Consulting Service to Provide Assessment and Implementation Plans for District High Schools Participating in the Creative After School Program for Success (CAPS)

BE IT RESOLVED that the Board of Education approves entering into an agreement with MLB Consulting Service, Monrovia, CA, to provide assessments and implementation plans for high schools participating in the CAPS program, effective April 8, 2009, through June 30, 2009. The fee, not to exceed \$48,000.00, will be paid from the Restricted General Fund—NCLB CAPS CCLC CORE 3A.

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

10.20 - Agreement with the City of San Bernardino Police Department to Provide Security for District High School Graduations

BE IT RESOLVED that the Board of Education approves entering into an agreement with the City of San Bernardino Police Department to provide security personnel for District High School graduations, if needed, effective June 1, 2009, continuing through June 30, 2009. The cost, not to exceed \$10,000.00, will be paid from the Unrestricted General Fund—INAP High Schools, Account No. 203.

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

10.21 - Agreement with the County of San Bernardino to Provide Oral Health Services through a Grant from Kaiser Foundation Hospitals, Inc.

BE IT RESOLVED that the Board of Education approves entering into an agreement with the County of San Bernardino, CA, to provide oral screening, fluoride varnish applications, education, and, as necessary, case management services for preschool children who attend San Bernardino City Unified School District, effective May 1, 2009, continuing through June 30, 2010. Funding for this service is provided through a grant from Kaiser Foundation Hospitals, Inc. 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.

10.22 - Agreement with San Bernardino County to Provide Funding for Catering Services from the San Bernardino Sheriff's Department to the Vermont Parent University

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with San Bernardino County to provide funding for catering services from the San Bernardino County Sheriff's Department to Vermont Parent University Workshops, December 1, 2008, through June 30, 2009. The fee, not to exceed \$5,000.00, will be paid by San Bernardino County. 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.

10.23 - Agreement with the Parent Institute for Quality Education to Provide Training for Parents of District Students Enrolled at Serrano Middle School

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Parent Institute for Quality Education, El Monte, CA, to provide training for approximately 80 parents of students enrolled at Serrano Middle School, effective April 23, 2009, continuing

through June 18, 2009. The Parent Institute will recruit parents by phone, provide a needs assessment session, and provide a series of weekly training sessions. This will culminate in a graduation with certificates given to parents who attend four classes. The training will provide the skills and techniques that will enable parents to address the educational needs of their school-aged children. The cost, not to exceed \$6,600.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act, Account No. 501.

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

10.24 - Facilities Use Agreements with National University

BE IT RESOLVED that the Board of Education approves entering into facilities use agreements with National University, San Bernardino, CA, for rental of conference rooms at \$150.00 per conference room per day plus equipment rental costs, effective April 13, 2009, continuing through June 26, 2009, for Step Up to Writing training and for English Learner Professional Development Training. The cost, not to exceed \$4,800.00, 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 agreements.

10.25 - Amendment of the Agreement with Project Life Impact to Provide After-School Activities to Students at San Bernardino High School

BE IT RESOLVED that the Board of Education approves amending the agreement with Project Life Impact, San Bernardino, CA, approved by the Board on June 17, 2008, Agenda Item 10.64. The amendment is necessary to add \$36,000.00 to the original fee of \$100,000.00 for an aggregate total not to exceed \$136,000.00. The additional fee will be paid from the Restricted General Fund-- After School Safety and Enrichment for Teens, Account No. 566. 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.

10.26 - Amendment to the Agreement with RISE ASL Interpreters to Provide Interpreter Services to Deaf/Hearing Impaired Individuals

BE IT RESOLVED that the Board of Education approves amending the agreement with RISE ASL Interpreters, Hemet, CA, approved by the Board on June 3, 2008, Agenda Item 9.11. The amendment is necessary to add \$5,000.00 to the original fee of \$19,000.00 for an aggregate total not to exceed \$24,000.00 due to increased use of the vendor's services. The cost of services will be paid as follows: \$1,000.00 from the Restricted General Fund—Special Education Central,

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Account No. 827; and \$4,000.00 from the Restricted General Fund—ADA Equipment and Section 504, Account No. 175.

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

10.27 - Amendment No. 1 to the On-Call Agreements for Architectural and Engineering Services for Small to Medium-Sized Construction Projects

BE IT RESOLVED that the Board of Education approves amending the on-call agreements with certain providers of architectural and engineering services for small to medium-sized construction projects. This amendment is to include Fund 14 as an additional funding source. All other terms and conditions remain the same.

10.29 - Amendment No. 2 to the Agreement with Arriba Education to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Arriba Education, Palmdale, CA, approved by the Board on October 7, 2008, Agenda Item 11.29. This amendment is necessary to increase the fee paid due to increased student utilization from \$25,997.08 to an aggregate total not to exceed \$38,231.00. 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 amendment.

10.30 - Amendment No. 2 to the Agreement with Professional Tutors of America to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Professional Tutors of America, Brea, CA, approved by the Board on October 7, 2008, Agenda Item 11.71. This amendment is necessary to increase the fee due to increased student utilization from \$24,467.84 to \$29,055.56. 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 amendment.

10.31 - Amendment No. 2 to the Agreement with the Total Education Solutions for Title I Supplementary Educational Services

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Total Education Solutions Organization, South Pasadena, CA, approved by the Board on October 8, 2008, Agenda Item 11.79. The amendment is necessary to increase the fee due to increased

student participation from \$6,116.96 to \$9,175.44. 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.

10.32 - Amendment No. 2 to the Agreement with UROK Learning Institute to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with UROK Learning Institute, San Diego, CA, approved by the Board on October 7, 2008, Agenda Item 11.80. This amendment is necessary to increase the fee due to increased student utilization from \$70,345.04 to \$81,049.72. 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 amendment.

10.33 - Amendment No. 2 to the Local Agreement for Child Development Services with the California Department of Education, Contract Number CPRE-8292, for Use in Accordance with the Program Requirements for the State Preschool Program

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 CPRE-8292, as approved by the Board of Education on July 1, 2008, Agenda Item No. 8.27, and amended on January 27, 2009, Agenda Item No. 10.29. This amendment is necessary to increase the Maximum Reimbursable Amount of \$4,374,343.00 by \$99,254.00 to a new Maximum Reimbursable Amount of \$4,473,597.00. The monies shall be deposited into Fund 12 - Child Development: Children's Center, Account No. 252.

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

10.35 - Renewal of the Agreement with Bowie, Arneson, Wiles & Giannone Law Firm to Provide General Legal Services

BE IT RESOLVED that the Board of Education approves renewing the agreement with Bowie, Arneson, Wiles & Giannone Law Firm, Newport Beach, CA, to provide general legal services. This renewal will be effective April 21, 2009, through June 30, 2014. The cost for the services, based on the current legal fees and rates being charged by the firm, will be paid from Funds 21, 25, and 35.

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

10.36 - Renewal of Intern Agreement with California State University, Dominguez Hills

BE IT RESOLVED that the Board of Education approves renewing the teacher intern agreement with California State University, Dominguez Hills, effective July 1, 2009, continuing through June 30, 2014. The University shall provide interns for active participation in the duties and functions of classroom teaching under the direct supervision and instruction of employees of the District holding a valid teaching credential issued by the Commission on Teaching Credentialing. The interns' salaries will be in accordance with the Internship Act of 1997.

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

10.37 - Renewal of the Agreement with California State University, San Bernardino for Educational Field Experience

BE IT RESOLVED that the Board of Education approves renewing the agreement with California State University, San Bernardino for educational field experience to provide students the opportunity to participate in planned, structured observation, and educational field practice experience, effective July 1, 2009, continuing through June 30, 2014. The District will provide educational field experience opportunities in schools, classes, or other appropriate sites, under the supervision and instruction of selected certificated classroom teachers who hold at least a preliminary teaching credential. 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.

10.38 - Renewal of the University of Phoenix Internship Program Agreement

BE IT RESOLVED that the Board of Education approves renewing the agreement with the University of Phoenix for an internship program, effective July 1, 2009, continuing through June 30, 2014. The University will provide interns for active participation in the duties and functions of classroom teaching under the direct supervision and instruction of employees of the District holding valid teaching credentials issued by the Commission on Teacher Credentialing. The interns' salaries will be in accordance with the Internship Act of 1997.

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

10.39 - Renewal of the Agreement with the University of Redlands Liberal Studies Program for Educational Field Experience

BE IT RESOLVED that the Board of Education approves renewing the agreement with the University of Redlands Liberal Studies Program for educational field experience to provide students the opportunity to participate in planned, structured observation, and educational field

practice experience, effective July 1, 2009, and continuing through June 30, 2014. The District will provide educational field experience opportunities in schools, classes, and other appropriate sites, under the supervision and instruction of selected certificated classroom teachers who hold at least a preliminary teaching credential. 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.

10.40 - Renewal of the Agreement to Provide Physician Consultant Services with Faculty, Physicians and Surgeons of Loma Linda University School of Medicine

BE IT RESOLVED that the Board of Education approves renewing the agreement with Faculty, Physicians and Surgeons (Group) of Loma Linda University School of Medicine, effective July 1, 2009, continuing through June 30, 2010, to provide physician consultant services to District health services staff. The Group will provide consultation services for health services nursing staff, as well as health education, counseling and assistance, and referrals for District students and parents. The Group will also provide biannual in-service training to the nursing staff, and furnish written protocols for standardized care. The cost, not to exceed \$12,000.00, will be paid from the Unrestricted General Fund—Health Services, Account 063.

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

10.41 - Extension of the Agreement With BB& T- John Burnham Insurance Services to Provide Consulting and Broker Services

BE IT RESOLVED that the Board of Education approves extending the agreement with BB & T -John Burnham Insurance Services to provide consulting and broker services for Employee Benefits, through December 31, 2009, with an option through December 31, 2010. The services to be provided include the entire benefit management process – design, administration, and acting as an information resource. 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.

10.42 - Bid No. F08-25, Energy Management Systems for the Severe Special Day Class Buildings at Eight Elementary Schools Sites

BE IT RESOLVED that the contracts for Bid No. F08-25, Energy Management Systems for the Severe Special Day Class Buildings at Eight (8) Elementary School Sites: Bradley, Cypress, Highland-Pacific, Hillside, Hunt, North Verdemont, Rio Vista and Roosevelt Elementary Schools, be awarded to the lowest responsible bidder meeting the specifications for the Bid Category, based on Base Bid as follows.

CONTRACTOR

BASE BID

Air Conditioning Solutions, Inc.
 2223 El Sol Avenue
 Altadena, CA 91001

\$ 62,530.00

BE IT ALSO RESOLVED that the cost will be paid from School Facility Program Fund 35.

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

10.43 - RFP 03-05, Sale of Covered Electronic Waste (CEW) and Non-CEW Equipment for Recycling

BE IT RESOLVED that RFP 03-05, Sale of Covered Electronic Waste (CEW) and Non-CEW Equipment for Recycling be awarded to Greenview Resources Management, Whittier, CA, the highest responsible bidder for the per pound price as follows:

<u>BIDDER</u>	<u>TOTAL BID AWARD CEW PER POUND</u>	<u>TOTAL AWARD NON-CEW PER POUND</u>	<u>TERMS</u>
eWaste Center, Inc., Commerce, CA	\$.20	\$.05	Net 10
Greenview Resource Mgmt. Whittier, CA	.22	.01	Net 10
e-Recycling of CA Paramount, CA	.16	.02	Net 10
TRI Products Arcadia, CA	.12	.03	Net 10

BE IT ALSO RESOLVED that the District reserves the right to give the successful bidder the option to extend the purchase of additional surplus CEW/Non-CEW equipment under the same RFP terms and conditions for the one-year term from Board award date. If extended, the District will present additional CEW/Non-CEW surplus lists for additional sale during the term of the award.

BE IT FURTHER 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 CEW/Non-CEW equipment dated April 7, 2009.

10.44 - Request for Retention Reduction – Bid No. F05-04, Cajon High School Modernization Project

BE IT RESOLVED that the Board of Education approves reducing the retention amount for West-Tech Mechanical, Inc., Montclair, CA, contractor for the Cajon High School Modernization Project, by 5 percent. All other terms and conditions remain the same.

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

10.45 - Notice of Completion, Bid No. F07-15, Site Work for the Two Relocatable Locker Rooms and One Restroom at Col. Joseph C. Rodriguez PREP Academy

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F07-15, Site Work for the Two Relocatable Locker Rooms and One Restroom at Col. Joseph C. Rodriguez PREP Academy, for the work awarded to the General Contractor listed below:

Silver Creek Industries, Inc.
Perris, CA

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

10.46 - Physical Education Exemptions

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

3-21-90	5-14-90	5-17-90	12-7-90	8-16-92	11-17-92
6-25-93	7-22-93	1-10-94	1-11-94	11-22-94	

10.47 - 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)04/03/1995 *(S)12/10/1994 *(S)04/06/1994 *(S)10/06/1992 08/19/1993 *(S)12/28/1991
**S08/16/1995 *(S)07/21/1992 *(S)02/17/1992 *(S)04/15/1994 *(S)11/07/1993 **12/15/1993
*(S)04/29/1994 *(S)08/26/1992 *(S)02/06/1992 **09/16/1991 **S03/04/1992 **S08/26/1992
**S04/19/1993 *(S)12/27/1992 **S01/31/1994 *(S)07/16/1991 *(S)02/20/1992 *(S)02/26/1994

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

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

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

10.48 - 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.

10.49 - Student(s) Recommended for Expulsion, but Remanded Back to the School Sites Due to Errors of Due Process, Lack of Evidence and/or Availability of Other Means of Correction

BE IT RESOLVED that the following student(s) were recommended for expulsion, but expulsion is deemed inappropriate based on due process errors, insufficient evidence, and/or the availability of other means of correction in compliance with the Education Code section 48900. Therefore, although they were recommended for expulsion, the expulsion is not granted:

04/01/1996 04/12/1992 03/19/1991

10.50 - 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:

10.51 - 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:

12/07/1993

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.

10.52 - 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:

10/12/1994 06/14/1993 06/16/1991 11/22/1992 01/06/1993

10.53 - 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:

10.54 - 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.

10.55 - 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.

President Parra left the dais.

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

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

BE IT RESOLVED that the Board of Education approves amending the agreement with STV Inc., Rancho Cucamonga, CA, for the design of fourteen additional portable buildings to provide interim housing for the San Bernardino High School Modernization Project. The cost, not to exceed \$28,000.00, plus approved reimbursables and any additional services to address any supplementary DSA requirements, will be paid from Fund 21, 35, or 40.

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

10.34 - Amendment No. 3 to the Agreement with ATI Architects and Engineers for Architectural and Engineering Services for Little Mountain Elementary School and Middle College High School Projects

BE IT RESOLVED that the Board of Education approves amending the agreement with ATI Architects and Engineers, Highland, CA, to provide additional services for preparation of traffic signal design at the intersection of 48th Street and Little Mountain Drive, per the requirements by the City of San Bernardino for the Little Mountain Elementary School project. The not-to-exceed cost for these additional services, \$19,160.00, plus approved reimbursable expenses, will be paid from Funds 21, 25, 35, and 40. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Chief Business and Financial Officer, to sign said Amendment No. 3.

President Parra returned.

11.0 - Action Items

11.1 - Amendments to BB 9250 Remuneration, Reimbursement and Other Benefits (Second Reading)

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

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BE IT RESOLVED that the Board of Education adopts the amendments to BB 9250 Remuneration, Reimbursement and Other Benefits as amended.

11.2 - Personnel Report #19, dated April 7, 2009

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

BE IT RESOLVED that the Personnel Report #19, dated April 7, 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.

11.4 - In Recognition of Deceased Employee

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

ESTHER C. SMITH

WHEREAS Esther Smith was a dedicated member of the certificated staff for the San Bernardino City Unified School District from 1933, until 1936; and

WHEREAS before joining the District, Esther Smith was in one of the first classes at what was then the brand new San Bernardino Valley College, and later graduated from the University of Redlands;

WHEREAS throughout her career with the District, Esther Smith was known as a devoted teacher; and

WHEREAS on March 4, 2009, Esther Smith died, bringing deep sorrow to her loving family and friends; and

WHEREAS Esther Smith is survived by a daughter, Merleen Gholdston of Newbury Park; a son, Roger of Altadena; and three grandchildren;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District does take this opportunity to express its gratitude for Esther Smith's fine years of service to the District and does extend its deepest sympathy to her family.

SESSION TEN - Closed Session

12.0 - Closed Session

Canceled.

SESSION ELEVEN – Open Session

13.0 - Action Reported from Closed Session

None.

SESSION TWELVE - Closing

14.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 8:50 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 21, 2009, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.