

San Bernardino City Unified School District

Minutes of a Special Meeting of the Board of Education

**MINUTES
ADOPTED
2/5/08**

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

January 8, 2008

5:30 p.m.

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

Absent: Board Members Judi Penman and Elsa Valdez, and Assistant Superintendent Paul Shirk

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 Yellow Ribbon Week

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

WHEREAS the Board of Education of the San Bernardino City Unified School District, with its longstanding record of demonstrating its commitment to safe schools, welcomes the opportunity to join with others in our community and state in proclaiming that the present and future well-being of our students requires safe schools; and

WHEREAS the District continues to support ongoing efforts to prevent campus crime and violence, develop conflict-resolution skills, suppress gang activities, and eliminate weapons on campus; and

WHEREAS the District encourages employees, parents, students, and members of the community to wear yellow ribbons to demonstrate a commitment to safe schools;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District hereby declares January 13-19, 2008, as Yellow Ribbon Week and encourages all our employees and students to help rid our schools of violence.

SESSION THREE – Student Report/School Showcase

3.0 - Student Report/School Showcase

3.1 - Arroyo Valley High School

Danny Castro, Student Board Representative from Arroyo Valley High School, presented a report of activities taking place at the high schools during the month of January. Three students shared their experiences in the Teaching Academy. Sue Lucey, coordinator, stated that the number of students participating in the Academy has increased from 30 their first year to 180, and 75-80 percent of the 60 seniors will go on to be teachers. Dr. Delgado announced that Arroyo Valley has been approved to offer the International Baccalaureate program. Marlin Brown and Danny Tillman thanked the students for their presentation.

SESSION FOUR - Administrative Presentation

4.0 - Administrative Presentation

4.1 - Character Education

Narciso Cardona, Assistant Superintendent, Student Services; Michael Dickinson, Academy Chief, Public Safety Academy; Jean Snell, Director of Elementary Instruction; Gary Underwood, Director, School Police; and Janet Gutierrez, Coordinator, Student Support Services, presented an update on Character Education in the District (see page ____).

Danny Tillman stated that he didn't see how reading the book *Katy's Trunk* was going to help the troubled students. It is worse for the District to implement things that don't have an effect. Mr. Tillman asked what staff is doing to measure the success of these strategies. Jean Snell stated that the book allows the student to look at a child's point of view. Mrs. Snell reported that suspension rates are down at the elementary level. Mr. Tillman stated that you are going to lose some students if you tell them they can't say anything bad about someone.

Board of Education Minutes
January 8, 2008

Marlin Brown asked for data showing the success of using certain strategies to produce changes in behavior. Dr. Brown commended staff for their work and requested yearly reports on character education.

Lynda Savage stated that it is more effective putting character education into the entire curriculum. All of these strategies make it easier for the students. They will be more successful and these programs are improving our scores.

Danny Tillman reported that parents are requesting parenting training and the District should offer as many classes as possible. Mr. Tillman commended staff for doing a tremendous job. Mr. Tillman stated that schools shouldn't have to serve in this role. Some districts don't have to offer these programs.

Louise Ayala stated that staff is doing a great job. Ms. Ayala reported that she attended the GREAT Graduation ceremony at Arrowview Middle School. Ms. Ayala stated that character education used to be taught by parents. We need to meet the student where they are and bring them up and these programs need to continue.

Teresa Parra asked if the GREAT program was offered at the high school level. Chief Underwood stated that the curriculum isn't for the high school level and the program is offered at Arrowview through grant funds. Mrs. Parra asked if schools conduct student trials. Narciso Cardona answered that conflict resolution is used at all schools. Mrs. Parra asked if we offer help to parents. Mr. Cardona stated that during the expulsion process, a community service rehabilitation plan is discussed and they recommend that parents get counseling. Mrs. Parra reported that character education is everywhere at the Public Safety Academy, and character education has to be a priority in the District.

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

SESSION SIX – Other Matters Brought By Citizens

6.0 - Other Matters Brought by Citizens

Gil Navarro reported that the District will be targeted for sanctions on Friday because it is in Program Improvement and that this district has gone downhill. The District is going backward by reducing the time limit for public comments. It gives the impression that the Board doesn't want the public to be heard. Mr. Navarro stated that it is illegal for the Board to reach a consensus by voting and advised them to get a legal opinion before he files a complaint with the District Attorney. Danny Tillman stated that they have already received a legal opinion.

Jesse Valenzuela, representative for Congressman Joe Baca, thanked those that attended the Holiday Open House. Mr. Valenzuela reported that Congressman Baca will be looking at education issues and the reauthorization of No Child Left Behind. Mr. Valenzuela thanked Dr. Delgado for co-hosting an education summit.

Board of Education Minutes
January 8, 2008

Linda Whitaker, SBTA President, congratulated President Teresa Parra and Vice President Danny Tillman on their appointments. Mrs. Whitaker expressed her support of the PE conference in March for secondary PE teachers and asked the Board to allow one to two PE teachers from each middle and high school to attend. Marlin Brown replied that the Board has already agreed to this.

Nancy Sanchez-Spears, PE teacher at Emmerton Elementary School, distributed a copy of the 2008 California Association for Health, Physical Education, Recreation and Dance conference that will be held in Riverside in March.

Brittany Paris, Pacific High School student, reported that Gil Navarro is teaching her to be political. She will help register people to vote. While in middle school, she was ASB President and learned about using the gavel and Robert's Rules of Order.

Joe Baca, Jr., CEO and President of the Joe Baca Foundation, reported that they will give 20 \$1,000 scholarships. Dr. Delgado stated that Dayton Gilleland will be the District's contact person.

SESSION FIVE - Administrative Reports

5.0 - Administrative Reports

5.1 - Amendment to Agenda/Meeting Materials Policy BB 9322 (First Reading)

Board Bylaws

BB 9322

AGENDA/MEETING MATERIALS

Board of Education meeting agendas shall state the meeting time and place and shall briefly describe each business item to be transacted or discussed, including items to be discussed in closed session. (Government Code 54954.2)

(cf. 9320 - Meetings and Notices)

(cf. 9321- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also provide members of the public an opportunity to speak at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

The agenda shall specify that an individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee in writing.

Agenda Preparation

The Superintendent, as Secretary to the Board, in consultation with the Board President, shall prepare the agenda for each regular and special meeting.

Any Board member, with the consensus of the other Board members, may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. Whenever possible, such request should allow at least two weeks before the scheduled meeting date. Items submitted less than two weeks before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

Any member of the public may request that a matter within the jurisdiction of the Board be placed on the agenda of a regular meeting. The request must be in writing and be submitted to the Superintendent or designee with supporting documents and information, if any, at least two weeks before the scheduled meeting date. Items submitted less than two weeks before the scheduled meeting date may be postponed to a later meeting in order to allow sufficient time for consideration and research of the issue.

The Board President and Superintendent shall decide whether a request is within the subject matter jurisdiction of the Board. Items not within the subject matter jurisdiction of the Board may not be placed on the agenda. In addition, the Board President and Superintendent shall determine if the item is merely a request for information or whether the issue is covered by an existing policy or administrative regulation before placing the item on the agenda.

Public items submitted under this provision will be itemized as a subsection under *Other Matters Brought By Citizens*. Any accompanying materials will be provided to Board members. Placing an item on the agenda under this section in no way requires Board action or comment. The ~~five-minute~~ **three-minute** time limit applies. If the item is presented by a special interest group, the maximum time limit shall be a combined 10 minutes. At the discretion of the Board President the time limit for a special interest group may be extended beyond 10 minutes.

No more than ~~30~~ **20** minutes of each Board meeting will be allotted for input on any one subject matter under this section. If more items are on the agenda than there is time available, the President may move an item forward to the next meeting.

An individual's submission under this item will be considered their only input (~~five~~ **three** minutes) under *Other Matters Brought by Citizens*. Under no circumstances shall an individual have a combined total of ~~15~~ **nine** minutes on all agenda items during a Board meeting. The Board President may use his/her prerogative to combine public times on related topics to ensure the proper functioning of the governing board meetings.

Board of Education Minutes
January 8, 2008

All public communications with the Board are subject to requirements of relevant Board policies and administrative regulations.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Materials)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1340 - Access to District Records)
(cf. 3320 - Claims and Actions Against the District)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Consent Items

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

In accordance with law, the public has a right to comment on any consent item. At the request of any member of the Board, any item on the consent agenda shall be removed and given individual consideration for action as a regular agenda item.

Agenda Dissemination

A copy of the agenda shall be forwarded to each Board member at least three days before each regular meeting, together with the Superintendent or designee's report; minutes to be approved; copies of communications; reports from committees, staff, citizens and others; and other available documents pertinent to the meeting.

When special meetings are called, the Superintendent and president shall make every effort to distribute the agenda and supporting materials to Board members as soon as possible.

Board members shall review agenda materials before each meeting. Individual members may confer directly with the Superintendent or designee to request additional information on agenda items.

Upon request, the Superintendent or designee shall make the agenda and/or agenda packet available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. (Government Code 54954.1)

The Superintendent or designee shall mail a copy of the agenda, or a copy of all the documents constituting the agenda packet, to any person who requests the items. The materials shall be mailed at the time the agenda is posted or upon distribution of the agenda to a majority of the Board, whichever occurs first. (Government Code 54954.1)

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid

Board of Education Minutes
January 8, 2008

for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee as determined by the Superintendent or designee.

Legal Reference:

EDUCATION CODE
35144 *Special meetings*
35145 *Public meetings*
35145.5 *Right of public to place matters on agenda*
GOVERNMENT CODE
53635.7 *Separate item of business*
54954.1 *Mailed agenda of meeting*
54954.2 *Agenda posting requirements; board actions*
54954.3 *Opportunity for public to address legislative body*
54954.5 *Closed session item descriptions*
54956.5 *Emergency meetings*
54957.5 *Public records*
UNITED STATES CODE, TITLE 42
12101-12213 *Americans with Disabilities Act*
CODE OF FEDERAL REGULATIONS, TITLE 28
35.160 *Effective communications*
36.303 *Auxiliary aids and services*

Management Resources:

CSBA PUBLICATIONS
The Brown Act: School Boards and Open Meeting Laws, 1999
ATTORNEY GENERAL PUBLICATIONS
The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office, 2002
CALIFORNIA CITY ATTORNEY PUBLICATIONS
Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000
WEB SITES
CSBA: <http://www.csba.org>
California Attorney General's Office: <http://www.caag.state.ca.us>

Policy adopted: October 16, 2007

5.2 - Amendment to Meeting Conduct Policy BB 9323 (First Reading)

Board Bylaws

BB 9323

MEETING CONDUCT

Meeting Procedures

All Board of Education meetings shall begin on time and shall be guided by an agenda prepared in accordance with Board bylaws and posted and distributed in accordance the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

(cf. 9322 - Agenda/Meeting Materials)

Board of Education Minutes
January 8, 2008

The Board president shall conduct Board meetings in accordance with Board bylaws and procedures that enable the Board to efficiently consider issues and carry out the will of the majority.

(cf. 9121 - President)

The Board believes that late night meetings deter public participation, can affect the Board's decision-making ability, and can be a burden to staff. The Board may at its discretion postpone business on the agenda for a later date in the interest of public discussion and adequate time for good decision-making processes.

(cf. 9320 - Meetings and Notices)

Quorum and Abstentions

The Board shall act by majority vote of all of the membership constituting the Board. (Education Code 35164)

(cf. 9323.2 - Actions by the Board)

The Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall not be counted for purposes of determining whether a majority of the membership of the Board has taken action.

(cf. 9270 - Conflict of Interest)

If a Board consists of seven members and not more than two vacancies occur on the Board, the vacant position(s) shall not be counted for purposes of determining how many members of the Board constitute a majority. In addition, if a vacancy exists on the Board, whenever any provisions of the Education Code require unanimous action of all or a specific number of the members, the vacant position(s) shall be not be counted for purposes of determining the total membership constituting the Board. (Education Code 35165)

Public Participation

Members of the public are encouraged to attend Board meetings and to address the Board concerning any item on the agenda or within the Board's jurisdiction. So as not to inhibit public participation, persons attending Board meetings shall not be requested to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

In order to conduct district business in an orderly and efficient manner, the Board requires that public presentations to the Board comply with the following procedures:

1. The Board shall give members of the public an opportunity to address the Board on any item of interest to the public that is within the subject matter jurisdiction of the Board,

Board of Education Minutes
January 8, 2008

either before or during the Board's consideration of the item. (Education Code 35145.5, Government Code 54954.3)

2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the Board matters that are not listed on the agenda. The Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Education Code 35145.5, Government Code 54954.2)
3. Without taking action, Board members or district staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a Board or staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)

Furthermore, the Board or a Board member may provide a reference to staff or other resources for factual information, ask staff to report back to the Board at a subsequent meeting concerning any matter, or take action directing staff to place a matter of business on a future agenda. (Government Code 54954.2)

4. The Board need not allow the public to speak on any item that has already been considered by a committee composed exclusively of Board members at a public meeting where the public had the opportunity to address the committee on that item. However, if the Board determines that the item has been substantially changed since the committee heard the item, the Board shall provide an opportunity for the public to speak. (Government Code 54954.3)

(cf. 9130 - Board Committees)

5. A person wishing to be heard by the Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

Individual speakers shall be allowed ~~five~~ **three** minutes to address the Board on each agenda or nonagenda item. The Board shall limit the total time for public input on each item to ~~30~~ **20** minutes. With Board consent, the president may increase or decrease the time allowed for public presentation, depending on the topic and the number of persons wishing to be heard. The president may take a poll of speakers for or against a particular issue and may ask that additional persons speak only if they have something new to add.

6. The Board president may rule on the appropriateness of a topic. If the topic would be more suitably addressed at a later time, the president may indicate the time and place when it should be presented.

Board of Education Minutes
January 8, 2008

The Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3) In addition, the Board may not prohibit public criticism of district employees.

Whenever a member of the public initiates specific complaints or charges against an employee, the Board president shall inform the complainant that in order to protect the employee's right to adequate notice before a hearing of such complaints and charges, and also to preserve the ability of the Board to legally consider the complaints or charges in any subsequent evaluation of the employee, it is the policy of the Board to hear such complaints or charges in closed session unless otherwise requested by the employee pursuant to Government Code 54957. The Board president shall also encourage the complainant to file a complaint using the appropriate district complaint procedure.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 9321 - Closed Session Purposes and Agendas)

7. The Board president shall not permit any disturbance or willful interruption of Board meetings. Persistent disruption by an individual or group shall be grounds for the president to terminate the privilege of addressing the Board.

The Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the Board. When the room is ordered cleared due to a disturbance, further Board proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

When such disruptive conduct occurs, the Superintendent or designee shall contact local law enforcement.

Recording by the Public

The Superintendent or designee shall designate locations from which members of the public may broadcast, photograph, or tape record open meetings without causing a distraction.

(cf. 9324 - Board Minutes and Recordings)

If the Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the Board. (Government Code 54953.5, 54953.6)

Legal Reference:

EDUCATION CODE

5095 Powers of remaining board members and new appointees

32210 Willful disturbance of public school or meeting a misdemeanor

35010 Prescription and enforcement of rules

Board of Education Minutes
January 8, 2008

35145.5 *Agenda; public participation; regulations*
35163 *Official actions, minutes and journal*
35164 *Vote requirements*
35165 *Effect of vacancies upon majority and unanimous votes by seven member board*
GOVERNMENT CODE
54953.5 *Audio or video tape recording of proceedings*
54953.6 *Broadcasting of proceedings*
54954.2 *Agenda; posting; action on other matters*
54954.3 *Opportunity for public to address legislative body; regulations*
54957 *Closed sessions*
54957.9 *Disorderly conduct of general public during meeting; clearing of room*
PENAL CODE
403 *Disruption of assembly or meeting*
COURT DECISIONS
McMahon v. Albany Unified School District, (2002) 104 Cal.App.4th 1275
Rubin v. City of Burbank, (2002) 101 Cal.App.4th 1194
Baca v. Moreno Valley Unified School District, (1996) 936 F.Supp. 719
ATTORNEY GENERAL OPINIONS
76 *Ops. Cal. Atty. Gen. 281 (1993)*
66 *Ops. Cal. Atty. Gen. 336 (1983)*
63 *Ops. Cal. Atty. Gen. 215 (1980)*
61 *Ops. Cal. Atty. Gen. 243, 253 (1978)*
55 *Ops. Cal. Atty. Gen. 26 (1972)*
59 *Ops. Cal. Atty. Gen. 532 (1976)*

Management Resources:

CSBA PUBLICATIONS
The Brown Act: School Boards and Open Meeting Laws, rev. 2005
Board Presidents' Handbook, rev. 2002
Maximizing School Board Governance: Boardmanship
ATTORNEY GENERAL PUBLICATIONS
The Brown Act: Open Meetings for Legislative Bodies, 2003
WEB SITES
CSBA: <http://www.csba.org>
California Attorney General's Office: <http://www.caag.state.ca.us>

Bylaw adopted: October 16, 2007

Danny Tillman stated that he would support changing the time limit per person, but would prefer keeping the total time per topic at 30 minutes. Marlin Brown recommended changing the total time per topic to 20 minutes with the Board President having the discretion to extend the time. Mr. Tillman stated that this would reduce the number of issues raised. The 30-minute time limit would take the pressure off of the President. Louise Ayala stated that she approved of the three minute per person limit, 20 minute per topic limit, with the President having the discretion to extend the time. Dr. Delgado stated that the Board is being asked to receive this as a first reading tonight. Marlin Brown stated that there might be a full Board at the January 15 meeting and they could get additional input.

SESSION SEVEN - Reports and Comments

7.0 - Report by Board Members

Teresa Parra stated that she wants to make an effort to celebrate something at every Board meeting. Mrs. Parra announced that the District will receive \$243,000.00 for the English Learners Program from Congress' Consolidated Appropriations Act of 2008. Dr. Delgado reported that this was allocated to the District as a result of our lobbyist, Jim Davenport, working for it. Mrs. Parra reported that she has traveled to Washington, D.C., to work with Mr. Davenport.

Louise Ayala reported that she attended the Schools of Achievement Award ceremony at Marshall Elementary School last week with Dayton Gilleland. Ms. Ayala stated that it was important for Board and Staff members to be there. It is important for her to do this to support teachers. Teresa Parra added that she attended the ceremony at Highland-Pacific Elementary School today. Lynda Savage reported that she attended the ceremony at Palm Avenue Elementary School on Monday. Mrs. Savage stated that Board members can't say thank you to teachers enough.

7.1 - Legislative Update

None.

8.0 - Report by Superintendent and Staff Members

Dr. Delgado stated that he would like to comment on the remarks made earlier by Gil Navarro about the District going downhill. Most large urban districts are on that list. A problem with No Child Left Behind is that it puts all districts on the same level and it doesn't recognize gains. Poorer districts fall into that category. The bar will be raised every year, and other districts will experience the same phenomenon. The system needs to be changed to recognize gains. The Governor targeted education today. He would hope that education will continue to make gains, but the Governor is going to make cuts. We will continue to move forward with reforms. We will work with SBTA to lobby Sacramento to make education a priority.

Marlin Brown stated that it is confusing to him when Gil Navarro makes comments about the District. As a County School Board member, he should be out asking for more money. Dr. Brown stated that he was offended by Mr. Navarro's comments.

Dr. Delgado stated that the public begins to believe what they are hearing. Schools are working hard.

Dr. Delgado reported that the District is partnering with Cal State San Bernardino and their new athletic director, Dr. Kevin Hatcher. Cal State athletes will mentor our students. This is a very positive community step.

SESSION EIGHT - Legislation and Action

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

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

No items were held for later consideration.

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

9.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on December 4, 2007, be approved as presented.

9.2 - Payment of Master Teachers – California Baptist University

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during the summer session 2007, as provided for in the Agreement with California Baptist University, as follows:

Marsha Moyer \$37.50

9.3 - Payment of Master Teachers – California Baptist University

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during the summer session 2007, as provided for in the Agreement with California Baptist University, as follows:

Brenda Freshwater \$37.50

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

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during the Summer Session 2007, and the Fall Session 2007, as provided for in the Agreement with California State University San Bernardino, as follows:

Board of Education Minutes
January 8, 2008

Summer Session:

Veronica Hernandez	\$166.70	Yadira Rojas	\$166.70
Trisha Hanes	\$166.70	Janice Christian	\$166.70
Valerie Anderlik	\$166.70	Mary Masasso	\$166.70
Brigitte Patterson	\$166.70	Jennifer Steele	\$166.70
Debra Steed	\$166.70	Robyn Rivera	\$166.70
Megan Harper	\$166.70	Amanda Hernandez	\$166.70
Catrina Gallejos	\$166.70		

Fall Session:

Lori Garcia	\$166.70	Vanessa Fiacco	\$166.70
Cheryl Lannon	\$166.70	Marilyn Murad	\$166.70
Robert Servain	\$166.70	Erin Bigleman	\$166.70
Mable Gooden	\$166.70	Norma Saunders	\$166.70
Lily Motley	\$166.70	Barbara Bay	\$166.70
Cheryl Flores	\$166.70	Ana Perez	\$166.70
Dave Hunter	\$166.70		

9.5 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$100.00, Geraldine Sagasta; \$2,500.00, San Bernardino Community Scholarship Association; \$500.00, San Bernardino Community Scholarship Association; \$5,000.00, San Bernardino Community Scholarship Association; \$15,700.00, San Bernardino Community Scholarship Association; \$600.00, San Bernardino Community Scholarship Association; \$100.00, Christopher McKinney; \$525.00, Douglas Gates; \$200.00, Rufus Bonds; \$300.00, Jenco Productions Inc; \$100.00, Boni Corzine; \$100.00, Antoinette and Joseph Lorenz; \$100.00, Kristin Lorenz; \$100.00, Brian Manson; \$100.00, Anthony Gabaldon; \$100.00, Stephanie Vaughn; \$300.00, The Mug Restaurant; \$250.00, Alpha 1 Publishing; \$100.00, Ann Quinn; \$100.00, Randall and Nancy Heusterberg; \$200.00, CAPO Industries; \$525.00, Robert Manufacturing Company; \$225.00, Edison International Employee Contributions Campaign; \$225.00, Edison International Campaign Match; \$15,000.00, San Manuel Band of Mission Indians; and \$100.00, Michael and Diana Matteson.

9.6 - 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:

Board of Education Minutes
January 8, 2008

BARBARA MALOUF
LA RAE GASTEL
(Board Representatives,
St. Adelaide School)

To attend California Conference on DI for Middle and High School Educators, at Knott's Berry Farm Resort, Buena Park, California, January 28-29, 2008. The total cost, not to exceed \$751.09 per person, will be paid from Accountability Account No. 536.

9.7 - Commercial Warrant Registers for Period from December 1, Through December 15, 2007

BE IT RESOLVED that the Commercial Warrant Register for period from December 1, 2007, through December 15, 2007, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes David Moyes, Acting Accounts Payable Officer; Gene Fortajada, Accounting Services Director; or Mohammad Islam, Assistant Superintendent, to sign disbursements.

9.8 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$234,833.00 in the budgeting of revenues and expenditures for the restricted program, ROP program (338-399).

9.9 - 2007-08 Discretionary School Site Block Grant

BE IT RESOLVED that the Board of Education approves the following school's 2007-08 Discretionary School Site Block Grant Award, Expenditure Plans:

SCHOOL	AWARD	EXPENDITURES
Lytle Creek Elementary	\$46,636.00	Printers/Elmo visual presenters/interwrite pad/ presentation station /instructional materials and supplies.

9.10 - 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 2007-08 school year and approves payment to the following:

San Bernardino County Museum to present Star Lab on January 15, 2007. The cost, not to exceed \$428.19, will be paid from Kimbark Elementary School Account No. 138.

IM Inc. to present a student program about Dr. Martin Luther King Jr. on January 22, 2008. The cost, not to exceed \$1,150.00, will be paid from Rio Vista Elementary School Account No. 501.

BE IT FURTHER RESOLVED that the Board of Education considers the following activities to be a part of the regular course of study for the 2007-08 school year and ratifies payment to the following:

Board of Education Minutes
January 8, 2008

Natividad Rodriguez, Sr., Student Services Technician and Fermin Ramirez, Financial Aid Coordinator, as guest speakers on various dates through out the remainder of the 2007-2008 school year, beginning January 2, 2008. The presentations will be made at no cost to the District.

Natividad Rodriguez, Sr., Student Services Technician and Fermin Ramirez, Financial Aid Coordinator, as guest speakers on various dates through out the remainder of the 2007-2008 school year, beginning January 2, 2008. The presentations will be made at no cost to the District.

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

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

Resolution with the law firm of Fagen, Friedman & Fulfroost, LLP, as approved by the Board of Education on December 4, 2007, Agenda Item No. 9.10. Amendment No. 1 is necessary to add \$7,000.00 to the original fee of \$3,000.00, due to an additional workshop, for an aggregate total not to exceed \$10,000.00. All other terms and conditions to remain the same.

9.12 - Agreement with ATI Architects and Engineers Inc., for Architectural and Engineering Services for Middle College High School Project

BE IT RESOLVED that the Board of Education approves entering into a professional services agreement with ATI Architects and Engineers Inc., Highland, CA for architectural and engineering services for the design of the Middle College High School Project, effective January 17, 2008, through January 16, 2013. Fees will be a fixed fee of 5.25 percent of the estimated construction cost plus standard reimbursables and will be paid from Funds 01, 21, 25, 35, and 40.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to sign said agreement.

9.13 - Agreement with Golden Tiger Martial Arts to Provide Martial Arts Instruction at Marshall Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Golden Tiger Martial Arts, San Bernardino, CA, to provide martial arts instruction at Marshall Elementary School, effective January 9, 2008, through June 13, 2008. The cost, not to exceed \$7,200.00, will be paid from Restricted General Fund – No Child Left Behind, Creative After School Program for Success, 21st Century Community Learning Center, Account No. 565.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to sign said agreement.

Board of Education Minutes
January 8, 2008

9.14 - Affiliation Agreement with Redlands Community Hospital to Provide a Site for Practical Learning Experience for Adult School Pharmacy Students

BE IT RESOLVED that the Board of Education approves entering into an affiliation agreement with Redlands Community Hospital, Redlands, CA, to provide a work site for practical learning experience for the Adult School's pharmacy students, effective January 9, 2008, through January 8, 2010. There will be no cost to the District.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to sign said agreement.

9.15 - Facilities Use Agreement with the National Orange Show Events Center for a Drill Competition

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with the National Orange Show Events Center, San Bernardino, CA, for rental of the Carnival Lot, including tables, chairs, tent canopy, food, beverages, and security personnel, for the California Cadet Corps Drill Competition on January 12, 2008. The cost, estimated at \$1,305.81, will be paid from Unrestricted General Fund – Leadership Skills Academy, Account No. 030.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to sign said agreement.

9.16 - Practice Hours Program Agreement with California Baptist University

BE IT RESOLVED that the Board of Education approves entering into a practice hours program agreement with California Baptist University, Riverside, CA, effective January 9, 2008, continuing through January 8, 2013. The University will provide students who are studying for teaching credentials to the District to place in classrooms under the supervision of a master teacher. This program is beneficial to both the University and the District in that it is used to develop future teachers and provides teachers where there is a shortage of qualified teachers. This agreement will also provide students the opportunity to participate in planned, structured observation and educational experience 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, Assistant Superintendent, Business and Finance, to sign said agreement.

9.17 - Renewal of the Agreement with Highway Marquees and Monuments and Arrowhead Credit Union for Advertising on Arrowhead Credit Union's Electronic Message Center Freeway Sign at Arrowhead Credit Union Park

BE IT RESOLVED that the Board of Education approves renewing the agreement with Highway Marquees and Monuments, LLC, San Bernardino, CA, and Arrowhead Credit Union, San

Board of Education Minutes
January 8, 2008

Bernardino, CA, for advertising on Arrowhead Credit Union's Electronic Message Center Freeway Sign at Arrowhead Credit Union Park, effective February 8, 2008, through February 7, 2009. The cost, not to exceed \$6,000.00, will be paid from Unrestricted General Fund – Human Resources - Classified Personnel, Account No. 053.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to sign said agreement.

9.18 - Renewal of the Agreement with San Bernardino Community College District to Provide Cisco Sponsored Curriculum Academy Program at Cajon High School

BE IT RESOLVED that the Board of Education ratifies renewing the agreement with the San Bernardino Community College District (SBCCD), San Bernardino, CA, to provide the Cisco Sponsored Curriculum Academy Program at Cajon High School, effective July 1, 2007, continuing through June 30, 2008. The cost, not to exceed \$2,000.00, will be paid from Restricted General Fund – Vocational Education—Lottery, Account No. 729.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to sign said agreement.

9.19 - Amendment to the Board Resolution for Amendment No. 2 to the Agreement for Nonpublic, Nonsectarian School/Agency Services with Valley Star High School as Approved by the Board of Education on December 4, 2007

BE IT RESOLVED that the Board of Education approves amending the Board resolution for Amendment No. 2 to the Agreement for Nonpublic, Nonsectarian School/Agency Services with Valley Star High School as approved by the Board of Education on December 4, 2007, Agenda Item No. 9.22. The amendment is necessary to correct the amendment number from Amendment No. 2 to Amendment No. 1 due to a typographical error.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to sign said amendment.

9.20 - Approval to Rescind the Resolution of January 14, 2003, to Enter Into an Agreement with Garcia and Associates to Provide Architectural Services for the Middle College High School Project

BE IT RESOLVED that the Board of Education approves rescinding Item 7.14, approved on January 14, 2003, authorizing Garcia and Associates, Rancho Cucamonga, CA, to provide architectural services for the Middle College High School Project, per their letter dated December 11, 2007, stating they cannot meet required timelines or accept the fixed fee structure.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to execute all required and related rescission documents.

9.21 - Bid No. 24-07, Re-Bid HVAC Equipment II

BE IT RESOLVED that Bid No. 24-07, Re-Bid HVAC Equipment II be awarded to the lowest responsible bidder(s) by line item, based on the unit prices bid, meeting District specifications as follows. The cost for the materials will be charged to the General Fund Account No. 076.

<u>BIDDER</u>	<u>TOTAL BID AMOUNT TAX EXCLUDED</u>	<u>LINE ITEMS AWARDED</u>
Air Conditioning by Bird Refrigeration San Bernardino, CA	\$ 502,033.33	2, 4, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 22, 25, 26, 36, 37, and 38
Russell's Heating & Air Conditioning Yucaipa, CA	\$ 499,612.33	1, 3, 5, 12, 13, 21, 23, 24, 27, 28, and 29

BE IT ALSO RESOLVED that in accordance with Public Contract Code No. 20117 regarding receipt of identical bids, a coin toss was performed with heads representing Russell's Heating & Air Conditioning and tails representing Air Conditioning by Bird Refrigeration for Items No. 2, 4, 9, and 17, resulting award to Air Conditioning by Bird Refrigeration; and a coin toss was performed with heads representing Russell's Heating & Air Conditioning and tails representing Air Conditioning by Bird Refrigeration for Items No. 12, 13, and 27, resulting award to Russell's Heating & Air Conditioning.

BE IT ALSO RESOLVED that the District reserves the right to purchase more than or less than the quantity indicated on a line-item basis, as needed, throughout the initial one-year term of bid, and all extensions, not to exceed three years total.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to sign any agreements associated with this bid.

9.22 - Notice of Completion, Bid No. 13-05, Category 22A, for Cesar Chavez Middle School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. 13-05, at Cesar Chavez Middle School, for the portion of the work awarded to the Prime Contractor listed below:

Category 22A- Contractor-Electrical, Data, PA, Cameras and Cabling
Verizon Select Services, Inc.
Thousand Oaks, CA

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

Board of Education Minutes
January 8, 2008

9.23 - Notice of Completion, Bid No. 19-05, Category 23, for Cesar Chavez Middle School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. 19-05, at Cesar Chavez Middle School, for the portion of the work awarded to the Prime Contractor listed below:

Category 23- Food Services Equipment
Kitcor Corporation
Sun Valley, CA

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

9.24 - 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:

*08/18/90 *(S)02/27/92 *11/23/92 04/03/93 ***(S)05/28/91 *(S)09/09/92

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

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

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

9.25 - 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.

Board of Education Minutes
January 8, 2008

Therefore, although they were recommended for suspension, the suspension was reversed or modified.

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

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

08/22/94 03/23/91 10/09/90 05/16/94

9.27 - Student(s) Not Recommended for Expulsion as Specified Under Education Code Section 48915 (a)

Education Code Section 48915 (a) states, "Principal or the Superintendent of the schools shall recommend a pupil's expulsion...., unless the principal or superintendent finds and so reports in writing to the governing board that expulsion is inappropriate, due to the particular circumstance, which should be set out in the report of the incident."

The student(s) identified below were found to have committed a violation of Education Code Section 48900 for which a referral for expulsion is mandated; however, the principal found that due to particular circumstances, expulsion is inappropriate:

03/05/94 06/17/99

9.28 - Revocation of Suspension of Expulsion

FURTHER, in accordance with Education Code Section 48917, the Board does hereby order the expulsion of the student(s) with birth date(s) as listed:

This order revokes a previously suspended expulsion order and is recommended at this time because the student(s) violated the conditions of the suspension of the expulsion order.

9.29 - 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:

07/21/91 02/17/92

Board of Education Minutes
January 8, 2008

9.30 - 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:

10.0 - Action Items

10.1 - Amendment to Agenda/Meeting Materials Policy BB 9322 (First Reading)

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

BE IT RESOLVED that the Board of Education receives the amendment to Agenda/Meeting Materials Policy as a first reading.

10.2 - Amendment to Meeting Conduct Policy BB 9323 (First Reading)

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

BE IT RESOLVED that the Board of Education receives the amendment to Meeting Conduct Policy as a first reading.

10.3 - Personnel Report #13, dated January 8, 2008

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

BE IT RESOLVED that the Personnel Report #13, dated January 8, 2008, be approved as presented (see page ____). Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

SESSION NINE - Closed Session

11.0 - Closed Session

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

Student Matters/Discipline

Board of Education Minutes
January 8, 2008

Conference with Labor Negotiator

District Negotiator: Yolanda Ortega
Employee Organization: California School Employees Association
Communications Workers of America
San Bernardino Teachers Association

Public Employee Discipline/Dismissal/Release

Conference with Real Property Negotiator

Negotiating Parties

San Bernardino City Unified School District (buyer)
Property owners for various properties listed below (sellers)

Under Negotiation

Purchase price, terms, and conditions

Roosevelt II

Property bounded by Mt. Vernon on the West, Turrill/Garner on the East, 16th Street on the North, 14th Street on the South

Alessandro II

Property bounded by back line of properties facing Western on the West, Herrington Avenue on the East, Baseline on the North, 11th Street on the South

Wilson II

Property bounded by G Street on the West, F Street on the East, 26th Street on the North, Arrowview Middle School on the South

Lincoln II South

Property bounded by Mountain View on the West, Sierra Way on the East, 8th Street on the North, Victoria Street on the South

Burbank II

Property bounded by Allen on the West, back line of properties facing Waterman Avenue on the East, Rialto on the North, Valley on the South

Middle College High School

Property bounded by Mt. Vernon on the West, Eureka Avenue on the East, Huff Street on the North, Esperanza Street on the South

Little Mountain

Property bounded by 48th Street on the North, Little Mountain on the East, Devil's Canyon storm channel on the Southwest

Board of Education Minutes
January 8, 2008

SESSION TEN – Open Session

12.0 - Action Reported from Closed Session

None.

SESSION ELEVEN - Closing

13.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 8:45 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, January 15, 2008, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.