

San Bernardino City Unified School District

Minutes of a Regular Meeting of the Board of Education

**MINUTES
ADOPTED
8/5/08**

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

July 1, 2008

5:30 p.m.

Present: President Teresa Parra; Vice President Danny Tillman; Board Members Louise Ayala, Marlin Brown, Judi Penman, Lynda Savage, and Elsa Valdez; Superintendent Arturo Delgado; Deputy Superintendent Judy White; Assistant Superintendents Mel Albiso, 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: Assistant Superintendents Narciso Cardona and 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 Independence Day

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

WHEREAS on July 4, 1776, the United States of America claimed its independence from England and democracy was born; and

WHEREAS every day thousands leave their homeland to come to the "land of the free and the home of the brave" so they can begin their American Dream; and

WHEREAS we invite all people in the San Bernardino City Unified School District to reflect on the famous words found in the Declaration of Independence; “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness”; and

WHEREAS the San Bernardino City Unified School District has a responsibility in promoting the knowledge and understanding that can be gained by all, regardless of race, through appropriate ceremonies and activities celebrating the birth of our great nation;

THEREFORE, BE IT RESOLVED that the Board of Education encourages all the schools of the District to undertake educational activities that commemorate the history of our great nation.

SESSION THREE - Administrative Presentation

3.0 - Administrative Presentation

3.1 - Secondary Literacy Initiative

Dr. Delgado reported that the Curriculum Management Audit referred to equitable remediation for students and we are looking to help students pass the California High School Exit Exam and graduate. The District intends to implement an intensive intervention program and extra support for secondary students who are falling behind in their grade level literacy skill development. Dayton Gilleland, Barbara Richardson, and Daniel Arellano presented a plan, for the Board’s consideration, that will target seventh and ninth grade students in 2008-09 and refine systems of intervention for Grades K-8 so that ninth graders are better positioned for success in high school. An essential element to the plan is the provision of a double-blocked course for full program implementation (see page ____).

To accommodate necessary scheduling, the plan includes the recommendation for a Board waiver of one year of English credit for students enrolled in the intervention class in ninth grade. The proposed amendments to the policy addressing high school graduation requirements (Board Policy 6146.1), are included for the Board’s first reading.

Board members expressed their concern with waiving the fourth year of English, which could prevent students from being accepted into colleges that require four years of English. Board members asked that parents of students enrolled in the program be made aware of the impact and be given a choice. Also recommended was a program for those students making gains to get back on track and an additional option in the policy that students could test out.

Gil Navarro, education advocate, stated that undocumented students have to pay out-of-state fees at Valley College if they don’t have a diploma. Mr. Navarro stated that tracking is illegal in the state and our numbers are incorrect.

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

SESSION FIVE – Other Matters Brought By Citizens

5.0 - Other Matters Brought by Citizens

Gil Navarro, education advocate, reported that the City's finances are strained. The City is losing tax revenue because not all vendors have business licenses. Mr. Navarro reported that he will seek out illegal vendors that are doing business with the school district.

SESSION FOUR - Administrative Reports

4.0 - Administrative Reports

4.1 - Acknowledge Receipt of Initial Contract Proposal From Chapter 183 of the California School Employees Association (CSEA)

Section 3547 of the Government Code requires that all initial proposals of exclusive representatives must be presented at a public meeting of the public school employer. At that meeting, any interested parties shall have the opportunity to comment on the proposal. Now is the time for such public comment from any interested person or persons.

Article XXIV, Section 3, of the Collective Bargaining Agreement between the District and the California School Employees Association (CSEA), provides that no sooner than June 1 and no later than July 1, the CSEA may submit an initial proposal for renegotiation.

On June 24, 2008, the Employee Relations Division received the initial proposal from CSEA, Chapter 183, as follows:

Article II – NON-DISCRIMINATION

- Change language to best fit the needs of classified employees

Article IV – ASSOCIATION RIGHTS

- Add language to meet the changes in technology
- Increase the number of contracts provided by the District
- Change language to meet with California Education Code

Article VI – WAGES

- Provide reasonable across-the-board salary increase; amount to be determined during the negotiations process
- Remove language that is not in the best interest of classified employees

Article VIII – RETIREE HEALTH INSURANCE

- Change language to increase number of eligible to participate

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Article IX – HOURS

- Change language to reflect California Education Code requirements
- Add language to define work year

Article X – HOLIDAYS

- Add Cesar Chavez Day as a full paid holiday (March 31).

Article XI – EMPLOYEE EVALUATION PROCEDURES

- Change language to make more efficient

Article XIII – TRANSFER

- Change language to update and clarify

Article XIV – LEAVES

- Change language to improve and clarify intent

Article XVI – SAFETY

- Change language to improve and clarify intent

Article XVII – LAYOFF AND REEMPLOYMENT

- Change language to match California Education Code

Article XXII – EFFECTS OF AGREEMENT

- Remove waiver of rights

Article XXIV – TERM OF AGREEMENT

- Change language to meet negotiated agreement

It is recommended that the Board of Education receives the Initial Contract Proposal from Chapter 183 of the California School Employees Association.

Jason Terkeurst reported that the District will present its proposal to CSEA on July 15. Mr. Terkeurst stated that they have set six dates to negotiate and everything is on track.

4.2 - Amendments to BP 6146.1 High School Graduation Requirements (First Reading)

San Bernardino City USD

Board Policy

BP 6146.1

Instruction

High School Graduation Requirements

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The Board of Education desires to prepare each student to obtain a diploma of high school graduation in order to provide students with opportunities for postsecondary education and/or employment.

(cf. 5127 - Graduation Ceremonies and Activities)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)
(cf. 6143 - Courses of Study)
(cf. 6146.3 - Reciprocity of Academic Credit)
(cf. 6146.5 – Elementary/ Middle School Graduation Requirements)
(cf. 6164.2 – Guidance/ Counseling Services)

Course Requirements

To obtain a diploma of graduation from high school, students shall complete at least the following courses in grades 9-12, with each course being one year unless otherwise specified:

Students must complete 230 credits for graduation

Four courses in English (Education Code 51225.3)

Education Code 51225.3 stipulates that “no student shall receive a diploma of graduation from high school, while in grades 9 to 12, inclusive, has not completed all of the following: Three courses in English.

Beginning in the 2008-2009 school year, ninth grade students in need of intervention for literacy development may be excused from their ninth grade English course requirement if they are enrolled in an intervention class that requires a two-period block. The Board recognizes that students who are performing Below Basic or Far Below Basic in annual Standardized Tests in English/Language Arts while in secondary grades (7 through 12) and who are reading two or more years below their grade level are likely to not pass courses necessary for graduation nor pass the California High School Exit Exam (CAHSEE). In that these students represent those most likely to drop out of high school, the Board authorizes this English credit waiver as a means of providing necessary support for students.

(cf. 6142.91 – Reading / Language Arts Instruction)

Three courses in mathematics (Education Code 51225.3)

Beginning in the 2003-04 school year, at least one mathematics course, or a combination of the two mathematics courses required for completion in grades 9-12, shall meet or exceed state academic content standards for Algebra I. (Education Code 51224.5)

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Completion, prior to grade 9, of algebra coursework that meets or exceeds state academic content standards shall not exempt a student from the requirement to complete three mathematics courses in grades 9-12. (Education Code 51224.5)

(cf. 6011 – Academic Standards)
(cf. 6142.92 – Mathematics Instruction)

Three courses in science, including one year of biological science and one year of physical science, (Education Code 51225.3) plus one additional laboratory science (UC/CSU) or another science course of the students choice.

(cf. 6142.93 – Science Instruction)

Four courses in social studies, including United States history and geography; world history, culture, and geography; a one-semester course in American government and civics; and a one-semester course in economics (Education Code 51225.3) plus one course in World Geography.

One course in visual or performing arts, foreign language, or American Sign Language (Education Code 51225.3)

(cf. 6142.6 - Visual and Performing Arts Education)

Two courses in physical education, unless the student has been exempted pursuant to Education Code 51241. Ninth grade students must enroll in Physical Education. The second course may be taken in 10th, 11th, or 12th grade. (Education Code 51225.3)

(cf. 6142.7- Physical Education)

Twenty credits in Career Development: career / technical courses, Cadet Corps, JROTC, ROP or advanced academic courses leading to future career interests.

Forty units from any combination of selected courses of interest.

Because the prescribed course of study may not accommodate the needs of some students, the Board shall provide alternative means for the completion of prescribed courses in accordance with law.

(cf. 6146.11 – Alternative Credits Toward Graduation)
(cf. 6146.2 – Certificate of Proficiency / High School Equivalency)

Exit Exam for the Classes of 2006 and Later

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Beginning in the 2005-06 school year, each student-completing grade 12 shall have successfully passed the state examination in language arts and mathematics as a condition of high school graduation to receive a diploma. (Education Code 60851, 60859)

(cf. 6146.4 – Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6159 – Individualized Education Program)
(cf. 6162.52 - High School Exit Examination)

Supplemental instruction shall be offered to any student who does not demonstrate “sufficient progress,” as defined in Board policy, toward passing the exit examination. (Education Code 37252, 60851)

(cf. 6176 - Weekend/ Saturday Classes)
(cf. 6177 – Summer School)
(cf. 6179 – Supplemental Instruction)

Certificates of Completion

Students who have passed all the district’s course requirements by the end of their senior year but are unable to pass the high school exit examination shall receive a certificate of completion in place of a diploma. Students who are to be awarded a certificate of completion may participate in all graduation activities and ceremonies. Graduation programs and the graduation ceremonies will make no distinction between those students awarded a high school diploma or a certificate of completion.

The Superintendent or designee shall regularly report to the Board regarding the number of students receiving a certificate of completion and the resources that have been offered to such students.

Retroactive Diplomas

The district may retroactively grant a high school diploma to a former student who was interned by the federal government during World War II or who is an honorably discharged veteran of World War II, the Korean War, or the Vietnam War, provided that he/she was enrolled in a district school immediately preceding the internment or military service and he/she did not receive a diploma because his/her education was interrupted due to internment or military service. (Education Code 51430)

In addition, the Board may retroactively grant a diploma to a deceased former student who satisfies the above conditions. The diploma shall be received by the deceased student’s next of kin. (Education Code 51430)

Adult School Graduation Requirements

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Effective September 1, 2004, the requirements for graduation from San Bernardino Adult School are specified as follows:

Students must complete 180 credits to earn a high school diploma at Adult School.

Subject area requirements

English:

Same as for Grades 9-12 requirements 4 years, 40 credits

Mathematics:

Same as for Grades 9-12 requirements 3 years, 30 credits

Science:

Same as for Grades 9-12 requirements 3 years, 30 credits

Social Studies:

The World Geography A and B sequence is not required for the Adult School diploma. The state geography requirement is met through social science classes offered at San Bernardino Adult School.

All other requirements remain the same as for Grade 9-12 4 years, 40 credits

Career Development:

Computer Literacy/ Competency course is included within this category 2 years, 20 credits

Visual/Performing Arts or Foreign Language: 1 year, 10 credits

Due to the statutory restrictions preventing adult education programs from providing foreign language classes for high school credit, only Art Appreciation A and B are available for the students at San Bernardino Adult School. Students who have completed Foreign Language class(es) prior to enrolling at San Bernardino Adult School will be granted credit toward meeting this requirement.

Electives

Electives include subjects from the curricular areas available at San Bernardino Adult School.

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Students must also pass the California High School Exit Exam as enforced by the State Board of Education.

Adult education students who fulfill the district's graduation requirements shall receive a diploma of high school graduation.

(cf. 6146.1 High School Graduation Requirements)

Legal Reference:

EDUCATION CODE

37252 Supplemental instructional programs

37254 Eligible student rate of funding

37254.1 Required student participation in supplemental instruction

47612 Enrollment in charter school

48200 Compulsory attendance

48412 Certificate of proficiency

48430 Continuation education schools and classes

48645.5 Acceptance of coursework

48980 Notification of parent/guardian

51224 Skills and knowledge required for adult life

51224.5 Algebra instruction

51225.3 Requirements for graduation

51225.5 Honorary diplomas; foreign exchange students

51228 Graduation requirements

51240-51246 Exemptions from requirements

51250-51251 Assistance to military dependents

51410-51412 Diplomas

51420-51427 High school equivalency certificates

51450-51455 Golden State Seal Merit Diploma

51745 Independent study restrictions

56390-56392 Recognition for educational achievement, special education

60850-60859 High school exit examination

66204 Certification of high school courses as meeting university admissions criteria

CODE OF REGULATIONS, TITLE 5

1600-1651 Graduation of pupils from grade 12 and credit toward graduation

COURT DECISIONS

O'Connell v. Superior Court (Valenzuela), (2006) 141 Cal.App.4th 1452

Management Resources:

CSBA POLICY ADVISORIES

Preparing for the High Stakes of the High School Exit Exam: An Examination of Certificates of Completion, September 2005

Algebra I Requirement: Eligibility for High School Diplomas, March 2004

WEB SITES

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

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California Department of Education, California High School Exit Examination:
<http://www.cde.ca.gov/ta/tg/hs>
Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT
adopted: October 16, 2007 San Bernardino, California

Revised: Date To Be Determined

4.3 - Amendments to BP 4030 Nondiscrimination in Employment (Second Reading)

Purpose

To prevent discriminatory harassment in the work place and educational environment.

Policy Statement

The San Bernardino City Unified School District is committed to providing all employees and students a working and learning environment that is free of discrimination in accordance with applicable state and federal laws. This nondiscriminatory working and learning environment is for the benefit of all district employees (non-supervisory, supervisors and management) and students. All employees are expected to fully comply with this policy. Additionally, non-employees who have contact with the district's employees or students during working or educational hours are expected to conduct themselves in accordance with this policy. Absolutely no one is authorized to engage in conduct prohibited by this policy.

In keeping with this commitment to a nondiscriminatory working environment, the district maintains a strict policy prohibiting sexual harassment, discrimination or harassment based on age over forty, race, ethnic group identification, color, **actual or perceived sex**, ~~religious-creed~~ **religion**, national origin, ancestry, medical condition (**cancer and genetic characteristics**)*, marital status, physical or mental disability, sexual orientation, gender**, **personal or family genetic information**, or family care and medical leave entitlement in accordance with applicable state and federal laws. **It is also prohibited to discriminate on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics.** This policy prohibits all forms of discriminatory harassment through any means, including nonverbal, verbal (including derogatory comments, slurs, propositions, teasing, jokes or taunts), physical (including gestures, touching, obstructing or otherwise interfering with a person's movement) or visual (including leering, cartoons, drawings, magazines, notes, letters or posters).

This policy prohibits all conduct by which an employee or student because of race, ethnic group identification ~~religious-creed~~ **religion**, color, national origin, ancestry, physical disability, mental disability, medical condition (**cancer or genetic characteristics**)*, marital status, age (40 and above), sex, sexual orientation, gender** , **personal or family genetic information, on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics** or family care and medical leave entitlement, is subjected to

unwelcome, offensive, intimidating, oppressive or otherwise interfering harassment or is subject to any discrimination, thereof on district property or district/school related activities. Students and employees will not be excluded on the basis of **actual or perceived** sex, sexual orientation, gender, **age**, ethnic group identification, race, ancestry, national origin, religion, color, ~~and~~ mental or physical disability, **personal or family genetic information, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics** issues from participation in any educational program, curricular or extracurricular, including all sports and other activities, denied the benefits of participation, or subjected to harassment or other forms of discrimination in such programs **or employment**.

* Medical Condition is defined, in accordance with the California Fair Employment and Housing Act, as any health impairment related to or associated with a diagnosis of cancer **or a record or history of cancer or genetic characteristics**, ~~for which a person has been rehabilitated or cured, based on competent medical evidence.~~

** Gender is defined as the person's actual sex, or the perception of the person's sex, and includes the perception of the person's identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated **or stereo typically** with that person's **assigned** sex at birth. The district may require persons to comply with reasonable workplace appearance, grooming, and dress standards consistent with state and federal law, provided that persons are allowed to appear or dress consistently with their gender identity.

Sexual Harassment

All of the foregoing apply to complaints of sexual harassment. For the purpose of clarification, prohibited sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, visual or physical conduct of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, ~~or education~~ **academic status or progress**; (2) submission to, or rejection of, such conduct by an individual is used as the basis ~~for~~ **of** employment or educational decisions ~~affecting such the individual; or~~ (3) such conduct has the purpose or effect of ~~substantially interfering~~ **having a negative impact upon the individual's work or academic performance** ~~with work or educational performance~~ or creating an intimidating, hostile, or offensive working or ~~educational learning~~ environment; **or (4) submission to, or rejection of the conduct by the individual regarding benefits and services, honors, programs, or activities available at or through the District or its sites.**

Examples of prohibited harassing acts:

- Unwelcome sexual advances or sexual propositions
- Kidding, teasing, or joking of a sexual nature or of other protected bases delineated above

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- Graphic commentary about an individual's body, sexual prowess or sexual deficiencies
- Derogatory or demeaning comments about anyone's gender in general or gender identity or expression, epithets, slurs or jokes about one's race, color, national origin, religious creed, physical or mental disability, age (40 and over), sex, gender identity or expression, sexual orientation, or marital status
- Leering or staring at someone
- Unwelcome suggestive or insulting sounds such as whistles, kissing sounds, howling, or sucking noises
- Touching, patting, pinching, stroking, squeezing, tickling or brushing against another's body
- Displaying offensive objects, pictures, calendars, cartoons, magazines, videotapes, audio recordings or literature which are sexual in nature
- Unwelcome use of sexually degrading language or innuendoes
- Obscene gestures
- Consensual sexual relationships:

Romantic or sexual relationship of any employee with elementary or secondary students is clearly prohibited pursuant to state molestation laws concerning adults and children. Romantic or sexual relations between an adult student and faculty member or between a subordinate employee and his/her superior can raise "serious concerns" where there may be a conflict of interest and abuse of power. Such relations may lead to favoritism of a student or subordinate employee with whom the teacher of superior is sexually involved and where such favoritism adversely affects other students and/or employees

- Unwanted neck or shoulder massage
- Spreading rumors about a person's sexuality
- Graffiti about a person's sexuality
- Letters, notes, telephone calls, e-mail or materials of a sexual nature
- Stalking a person
- Attempted or actual sexual assault
- Making or threatening reprisals after a negative response to sexual advances

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- Impeding or blocking of one's movement
- Repeatedly asking out a person who is not interested

Enforcement

Disciplinary action up to and including termination will be promptly taken against any employee (non-supervisory, supervisor or manager) if it becomes known to management that such person has engaged in conduct prohibited by this policy.

No Retaliation

No employee or students shall be retaliated against, in any manner, for reporting conduct which he/she believes to be a violation of this policy, for participating in an investigation of a possible violation of this policy, or for using the district's Complaint Procedure.

Retaliation against anyone reporting or perceived to have reported sexual harassment behavior is prohibited. Any retaliatory conduct shall be considered a serious violation of this policy and shall be independent of whether a complaint of sexual harassment is substantiated. Moreover, encouraging others to engage in retaliatory conduct also violates this policy.

Examples of prohibited retaliation:

- Unfair grading
- Unfair evaluation
- Unfair assignment
- Public or private ridicule
- Oral or written threats
- Intimidation
- Destruction of property
- Further harassment

Complaints

Individuals who have been subjected to discriminatory harassment have an obligation to immediately report the incident or incidents to their immediate supervisor or the district's Affirmative Action Director, who is also the district's Title IX Coordinator. ~~The complaint~~

Complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination will be processed in accordance with the district's Uniform Complaint Policy and Procedure **and in accordance with the procedures set out in section 4600-4687 of the Title 5 Regulations. Copies of the district's complaint procedures shall be available free of charge. The district's Affirmative Action Office shall have available information on the rules and procedures for reporting charges of sexual harassment and pursuing available remedies.**

The procedure set forth pursuant to the district's Uniform Complaint Policy and Procedure does not deny the right of any individual to pursue other avenues of remedy under the jurisdiction of any state or federal law.

The confidentiality of the reporting or complaining party will be observed provided it does not interfere with the district's ability to investigate or take corrective action.

Notifications

Pursuant to Educational Code ~~212-6~~ **231.5**, a copy of this policy will be displayed in a prominent location in the main administrative building or other areas of the school site **or campus**. A prominent location is a location **or those locations in the main administrative building or other areas** where notices regarding the district's rules, regulations, procedures, and standards of conduct are posted.

Also, a copy of this policy will be provided to each person employed by the school district at the beginning of the first quarter or semester of the school year, or at the time that a new employee is hired. **A copy of the District's written policy on sexual harassment shall appear in any publication of the District that sets forth the comprehensive rules, regulations, procedures and standards of conduct for the District.**

Site administrators or immediate supervisors who receive a sexual harassment incident report from any employee, non-employee or the public are required to submit a report to the Affirmative Action Office in order for the Affirmative Action Office to maintain a record of complaints.

Training

By January 1, 2006, and every two years thereafter, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state statutory law on the

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prohibition against and the prevention and correction of sexual harassment and the remedies available to the victims of sexual harassment in employment. The training shall also include practical examples aimed at instructing supervisors in the prevention of harassment discrimination, and retaliation. (Government Code 12950.1)

Legal Reference:

CIVIL CODE

51.7 Freedom from violence or intimidation

EDUCATION CODE:

200-262.4 Prohibition of discrimination, including sex discrimination

GOVERNMENT CODE

11135 Unlawful discrimination

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

7287.6 Terms, conditions and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Discrimination based on sex or blindness, Title IX

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.101-35.190 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 34

100.6 Compliance information

104.8 Notice

106.8 Designation of responsible employee and adoption of grievance procedures

106.9 Dissemination of policy

COURT DECISIONS

Carter v. California Department of Veterans Affairs (2003) 2003 Cal.LEXIS 5694

Shephard v. Loyola Marymount (2002) 102 CalApp.4th 837

Management Resources:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999

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Enforcement Guidance: Reasonable Accommodation and Undue Hardship under the Americans with Disabilities Act, March, 1999

U.S. DEPARTMENT OF EDUCATION, OFFICE OF CIVIL RIGHTS

Notice of Non-Discrimination, January, 1999

WEB SITES

EEOC: <http://www.eeoc.gov>

OCR: <http://www.ed.gov/offices/OCR>

DFEH: <http://www.dfeh.ca.gov>

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

SESSION SIX - Reports and Comments

6.0 - Report by Board Members

Board members reported on school-related activities they have attended during the past few weeks and announced upcoming events they believe will be of interest to their fellow Board members.

Elsa Valdez asked the Superintendent if he had met with the Mayor to discuss funding for crossing guards. Dr. Delgado stated that any meeting would be premature until the City Council meets on Monday to discuss their budget.

Teresa Parra stated that she will continue to lobby for trade tech programs for Pacific High School, but doesn't feel she is getting support. Pacific High School needs to be revamped and this could be a good option. Mrs. Parra asked for a report on how the San Diego high school with a construction trade program is doing.

Judi Penman stated that unless there is a major change, the perception of Pacific won't change. Mrs. Penman stated that a special trade should be offered at Pacific.

Marlin Brown congratulated Linda Bardere and her staff. The Communications Department received the Award of Merit for their community newsletter and Award of Excellence for multi-media communication from the California School Public Relations Association.

6.1 - Legislative Update

Teresa Parra reported on her lobbying efforts in Washington, DC., on June 24, with Jim Davenport from Alcalde & Fay. Recent topics of discussions included mandatory preschool, NCLB reauthorization, and Latino student higher education.

7.0 - Report by Superintendent and Staff Members

Dr. Delgado reported that teachers at Pacific High School have coalesced. One of the schools at Pacific has a trades and construction component. Dr. Delgado announced that he met with the Mayor and consultants from the Staubach Company to discuss the Education Park. At this point, County Schools and City Schools are the only viable partners. Our ideas are compatible with the consultants. Dr. Delgado reported that John Peukert is putting together a group to gauge community interest in a new general obligation bond.

SESSION SEVEN - Legislation and Action

8.0 - 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, Penman, Savage, Tillman, and Valdez (Noes: None), the following were adopted:

8.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on May 20, and June 3, 2008, be approved as presented.

8.2 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$25.00, Stater Bros.; \$400.00, Maat Distribution; \$50.00, Aten Construction, Inc.; \$1,500.00, Pacific Coast Steel; \$800.00, Gladys's Lyman; \$382.00, Life Touch; \$682.00, Life Touch; \$829.00, Life Touch; \$7,500, Superior Super Warehouse; \$225.00, Edison Employee Contributions; \$225.00, Edison Annual Campaign Match; \$250.00, Orange County Teachers-Federal Credit Union; \$250.00, Orange County Teachers-Federal Credit Union.

8.3 - Cafeteria Warrant Register, Ending May 31, 2008

BE IT RESOLVED that the Cafeteria Warrant Register, ending May 31, 2008, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes Gene Fortajada, Accounting Services Director; John A. Peukert, Assistant Superintendent, Facilities/Operations;

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Adriane Robles, Nutrition Services Director; or Dalia Gadelmawla, Nutrition Services Business Manager, to sign disbursements. Two signatures are required on all cafeteria warrants.

8.4 - Commercial Warrant Registers for Period from June 1, through June 15, 2008

BE IT RESOLVED that the Commercial Warrant Register for period from June 1, 2008, through June 15, 2008, be approved.

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

8.5 - 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:

San Bernardino County Superintendent of Schools to provide SB 472 state-approved professional development institutes to prepare teachers to successfully implement the District-adopted Prentice Hall language arts instructional program, for a maximum of 20 days from July 1, 2008, through June 30, 2009. The cost is \$750.00 per participant with 40 participants for a total cost not to exceed \$30,000.00 and will be paid from the Restricted General Fund—Title II Elementary Math/Science, Account No. 541.

San Diego County Office of Education to provide SB 472 state-approved professional development institutes to prepare teachers to successfully implement the District-adopted language arts instructional program, for no more than 20 days from July 1, 2008, through June 30, 2009. The cost is \$750.00 per participant with 40 participants for a total cost not to exceed \$30,000.00 and will be paid from the Restricted General Fund—Title II Elementary Math/Science, Account No. 541.

Applied Behavior Consultants, Inc., Sacramento, CA, to provide three sets of three-day intensive training workshops for District Moderate/Severe program staff members, July 1, 2008, through June 30, 2009. The cost, not to exceed \$27,000.00, will be paid from Restricted General Fund—Special Education-Central, Account No. 827.

Digital Edge Learning for 50 days (10 teachers x five trainings) of teacher professional development in curricular and instructional areas for math and language arts teachers, 10 days of teacher coaching and five days of administrator coaching July 1, 2008, through June 30, 2009. The fee, not to exceed \$30,000.00, will be paid from the Restricted General Fund—School Based Coordinated Program, Account No. 419.

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8.6 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$11,660.00 in the budgeting of revenues and expenditures for the restricted program, Fund 11-Adult Education-First 5 Program (365), Contract DS137A1.

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$99,991.00 in the budgeting of revenues and expenditures for the restricted program, Fund 12-(5035) Facilities Renovation and Repairs, Contract CRPM-7046.

BE IT ALSO RESOLVED that the Board of Education approves the increase of \$199,892.25 in the budgeted expenditures for the unrestricted programs Redevelopment Agency (020-027).

BE IT FURTHER RESOLVED that the Board of Education approves the increase of \$9,600.00 in the budgeted expenditures for the unrestricted program San Bernardino Associated Governments (218).

8.7 - Reimbursement for District General Fund

BE IT RESOLVED that the Board of Education authorizes the write-off of uncollectible General Revolving Cash Fund payments in the amount of \$2,573.01.

BE IT FURTHER RESOLVED that the Board of Education approves warrants in the amount of \$2,573.01 be issued from the Unrestricted General Fund Account No. 068 to replenish the General Revolving Cash Fund.

8.8 - Reimbursement of WASC Visiting Committee Expenditures

BE IT RESOLVED that the Board of Education authorizes reimbursement of WASC Visiting Committee members' expenses not to exceed \$7,748.00 for visits to San Geronio High School; \$4,760.00 for visits to San Andreas High School; and \$4,760.00 for visits to Sierra High School for 2008-09. Reimbursements will be paid from the Alternative Program Department Accreditation Unrestricted General Fund Account No. 195.

8.9 - Extended Field Trip, Arrowview Middle School, Youth to Youth Western States Regional Conference, Claremont, CA

BE IT RESOLVED that the Board of Education approves the extended field trip for ten Arrowview Middle School students and three District employees, to attend the Youth to Youth Western States Regional Conference, Claremont CA, July 9-12, 2008. The cost of the trip, not to exceed \$2,057.00, which includes registration, meals, and lodging for ten Arrowview Middle School students and three District employees, will be paid from Arrowview Middle School Account No. 422. Transportation will be by private vehicle. Names of the students are on file in the Business Services office.

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8.10 - Extended Field Trip, Arroyo Valley High School, Cross Country Team Endurance Camp, Mammoth Lakes, California

BE IT RESOLVED that the Board of Education approves the extended field trip for twenty-two Arroyo Valley High School students and four District employees to attend the Cross Country Team Endurance Camp, Mammoth Lakes, CA, August 9-16, 2008. The cost of the trip, not to exceed \$6,500.00, including meals and lodging for twenty-two Arroyo Valley High School students and four District employees, will be paid from fundraising and Arroyo Valley High School ASB funds. Transportation by Xpress Rentals, not to exceed \$1,914.36, will be paid from fundraising and Arroyo Valley High School funds. Names of the students are on file in the Business Services office.

8.11 - Extended Field Trip, Cajon High School, United Spirit Association Cheerleading Camp, UC Irvine, California

BE IT RESOLVED that the Board of Education approves the extended field trip for twenty-six students and three adult chaperones to attend the United Spirit Association Cheerleading Camp, UC Irvine CA, July 31- August 3, 2008. The cost of the trip, not to exceed \$8,606.00, including registration, meals, and lodging for twenty-six students and three adult chaperones, will be paid from Cajon High School Cheerleader Fundraisers. Transportation by First Student, not to exceed \$941.58, will be paid from Cajon High School ASB Funds. Names of the students are on file in the Business Services office.

8.12 - Extended Field Trip, San Bernardino High School, Cross Country Team Endurance Camp, Mammoth Lakes, California

BE IT RESOLVED that the Board of Education approves the extended field trip for twenty San Bernardino High School and five District employees to attend the Cross Country Team Endurance Camp, Mammoth Lakes, CA, August 9-16, 2008. The cost of the trip, not to exceed \$6,500.00, including meals and lodging for twenty San Bernardino High School students and five District employees, will be paid from fundraising. Transportation by Xpress Rentals, not to exceed \$1,500.00, will be paid from fundraising. Names of the students are on file in the Business Services office.

8.13 - Agreement with Orange County Performing Arts Center for the ArtsConnect Program

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Orange County Performing Arts Center, Costa Mesa, CA, for the 2008-2009 school year to present The Center's ArtsConnect Program at Palm Avenue Elementary School and Anton Elementary School. The objective of ArtsConnect is to integrate the visual and performing arts into core curriculum to assist in enhancing student academic achievement, with an emphasis on literacy skills, and increasing motivation to learn and gain competencies, as well as impacting social, cultural, and civic development. The Orange County Performing Arts Center will cover expenses for Grades 1 through 5 substitute teachers for the professional development sessions. There will be no cost to the District.

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

8.14 - Agreement with the Parent Institute for Quality Education to Provide Training for Parents of District Students Enrolled at King 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 60 parents of District students enrolled at King Middle School, effective August 20, 2008, through October 15, 2008. 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 for four times. 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 \$4,200.00, will be paid from the Restricted General Fund—Discretionary Block Grant-School Site, Account No. 431.

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

8.15 - Agreement with the Parent Institute for Quality Education to Provide Training for Parents of District Students Enrolled at Shandin Hills 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 170 parents of District students enrolled at Shandin Hills Middle School, effective August 13, 2008, through October 8, 2008. 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 for four times. 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 \$12,000.00, will be paid from the Restricted General Fund—Elementary Secondary Education Act Title I, Account No. 501.

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

8.16 - Agreement to Provide District-Wide Operational and Financial Audit Services and Financial Audit of Schools' Associated Student Body (ASB) Funds

BE IT RESOLVED that the Board of Education approves entering into an agreement with Vavrinek, Trine, Day & Co., LLP, Rancho Cucamonga, CA, to provide District-wide annual operational and financial audit, and operational and financial audit of schools' Associated Student Body (ASB) funds to the District for fiscal year 2008-09. The fee, not to exceed \$115,800.00 (\$82,800.00 for the District-wide operational and financial audit and \$33,000.00 for the ASB funds audit), will be paid from the Unrestricted General Fund—Business Services, Account No. 068.

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

8.17 - Agreement with Principal's Exchange, LLC to Promote Significantly Improved Academic Achievement and Accelerate Schools' Exit from Program Improvement Status

BE IT RESOLVED that the Board of Education approves entering into an agreement with Principal's Exchange, LLC, Whittier, CA, to promote significantly improved academic achievement to accelerate three schools' (Cypress, Mt. Vernon, and Rio Vista Elementary Schools) exit from Program Improvement status, effective July 2, 2008, continuing through June 30, 2009. The fee, not to exceed \$120,000.00, shall be paid from the Restricted General Fund—No Child Left Behind Title I Program Improvement School Support, Account No. 524.

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

8.18 - Agreement with Total School Solutions to Provide Technical Assistant for Grant Writing Services for Four District Schools for the School Improvement Fund (SIF) Grant

BE IT RESOLVED that the Board of Education approves entering into an agreement with Total School Solutions, Fairfield, CA, to provide technical assistance, grant writing services, implementation, monitoring, and reporting services for the District for the School Improvement Fund (SIF) for four District schools, effective July 2, 2008, continuing through June 30, 2009. The schools that will receive funding if the grant application is approved are Golden Valley, Serrano, and Shandin Hills Middle Schools and Cole Elementary School. The fee will amount to 20 percent of the grant amount, if funded. The grant amount, if funded, will provide \$200.00 per student per school and \$50,000.00 per school for technical support. There will be no cost to the District if the grant is not funded.

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

8.19 - Agreement with Total School Solutions to Provide Report of Findings and Corrective Action Plan in Conformance with the School Assistance and Intervention Team (SAIT) Requirements for Inghram Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Total School Solutions, Fairfield, CA, to provide a Report of Findings and Corrective Action Plan for Inghram Elementary School, effective July 2, 2008, continuing through June 30, 2009. The Report and Action Plan will conform to the School Assistance and Intervention Team Requirements. The fee, not to exceed \$40,000.00, shall be paid from the Restricted General Fund—No Child Left Behind Title I Program Improvement School Support, Account No. 524.

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

8.20 - Agreement with Total School Solutions to Provide Report of Findings and Corrective Action Plan in Conformance with the School Assistance and Intervention Team (SAIT) II, Phase II Requirements for E. Neal Roberts Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Total School Solutions, CA, to provide a Report of Findings and Corrective Action Plan in conformance with the SAIT II, Phase II Requirements for E. Neal Roberts Elementary School, effective July 2, 2008, continuing through June 30, 2009. The fee, not to exceed \$35,000.00, shall be paid from the Restricted General Fund—No Child Left Behind Title I Program Improvement School Support, Account No. 524.

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

8.21 - Agreements with San Bernardino Area Businesses That Will Provide Work Experience to A.S.T.E.R.I.S.K. (Accelerating Success Through Employment, Responsibility, Inspiration, Skills and Knowledge) Students

BE IT RESOLVED that the Board of Education approves entering into agreements with 21 San Bernardino, CA, businesses, agencies, and organizations (San Bernardino County Superintendent of Schools; City of San Bernardino Employment and Training Agency; City of San Bernardino Cable TV – Channel 3; Jose’s Mexican Restaurant; San Bernardino Public Library; Asian American Resource Center; Boys & Girls Club of San Bernardino; 1st Valley Credit Union; International Brotherhood of Electrical Workers; Wordnet Productions; Skyriver Wireless Communication; Three Sixty Income Tax and Insurance Services; San Bernardino School Employees Federal Credit Union; San Bernardino Chamber of Commerce; Minuteman Press; San Bernardino County Transitional Age Youth Center; San Bernardino County Department of Public Health; Young Visionaries; Civic Circle Child Care, Inc.; Top Flight: Johnson Hall; Operation Phoenix); Southern California Edison; Fiesta Village Family Fun Park, Colton, CA; and Holmes and Associates, Grand Terrace, CA, to provide work experience to 100 A.S.T.E.R.I.S.K. student interns, effective July 14, 2008, through August 15, 2008. The students will become employees of the District and will attend a one-week Professional Development Institute, at the end of which the students will be able to demonstrate their ability to be contributing employees. Students will be placed in a five-week paid Internship within the District, or at outside businesses, agencies, and organizations to demonstrate dependability, punctuality, cooperation in a work environment, and a hard work ethic. Each student will be monitored by an A.S.T.E.R.I.S.K. liaison. The total cost of the program will be \$144,000.00. Southern California Edison has agreed to sponsor and/or place student-employees at a value of \$54,000.00. San Bernardino Employment and Training has agreed to \$13,000.00. San Manuel Band of Mission Indians will sponsor in the amount of \$8,640.00. San Bernardino Employees Federal Credit Union will sponsor at the \$1,400.00 amount. The remaining amount, not to

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exceed \$66,960.00, will be paid from the Restricted General Fund 01 and other District programs.

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

8.22 - Food Service Agreement with the Lewis Center for Educational Research

BE IT RESOLVED that the Board of Education approves entering into a meal program food service agreement with the Lewis Center for Educational Research, High Desert Partnership in Academic Excellence—Norton Space and Aeronautics Academy, San Bernardino, CA, effective August 1, 2008, through June 30, 2009. This standardized agreement may be extended by mutual written consent one fiscal year at a time up to a total of three years, subject to the terms and conditions agreed upon by the parties by June 30 of each year. Written notice of changes to terms and conditions may include, but not be limited to, yearly price changes, location(s), and number/style of meals served. There is no cost to the District.

BE IT FURTHER RESOLVED that Mohammad Z. Islam, Assistant Superintendent, Business and Finance, be authorized to sign said agreement and any related documentation on behalf of the Board of Education.

8.23 - Facilities Use Agreement with YMCA of the East Valley

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with YMCA of the East Valley, San Bernardino, CA, for rental of the fitness room for use by summer school classes, effective July 14, 2008, through July 30, 2008. The cost, not to exceed \$600.00, will be paid from Restricted General Fund – After School Safety and Enrichment for Teens, Account No. 566.

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

8.24 - Facilities Use Agreement with Del Rosa Lanes

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with Del Rosa Lanes, San Bernardino, CA, for use by summer school classes, effective July 8, 2008, through July 31, 2008. The cost, not to exceed \$2,400.00, will be paid from Restricted General Fund – After School Safety and Enrichment for Teens, Account No. 566.

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

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8.25 - Renewal of the Agreement with Life Learned Lessons to Provide Mentoring and Motivational Workshops at San Bernardino High School

BE IT RESOLVED that the Board of Education approves renewing the agreement with Life Lessons Learned, San Bernardino, CA, to provide individual mentoring and group motivational sessions for at-risk students, August 19, 2008, through June 10, 2009. The fee, not to exceed \$32,000.00, will be paid from the Restricted General Fund—Quality Education Investment Act, Account No. 436.

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

8.26 - Renewal of the Agreement with the City of Highland (YMCA) for Joint Sponsorship and Use of Facilities for a Cooperative After-School Program

BE IT RESOLVED that the Board of Education approves renewing the agreement with the City of Highland (YMCA), Highland, CA, for joint sponsorship and use of facilities for a cooperative after-school child care program, effective July 1, 2008, through June 30, 2009. The City of Highland (YMCA) will use the cafeteria facilities at Thompson and Cypress Elementary Schools for the program. The cost for services, not to exceed \$10,000.00, will be paid as follows: \$5,000.00 by Cypress from the Restricted General Fund—School Based Coordinated Program, Account No. 419, and \$5,000.00 by Thompson from the Restricted General Fund—School and Library Improvement Block Grant, Account No. 422.

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

8.27 - Renewal of the Local Agreement for Child Development Services with the California Department of Education for Use in Accordance with the Program Requirements for the State Preschool Program

BE IT RESOLVED that the Board of Education approves renewing the Local Agreement for Child Development Services with the California Department of Education for the purpose of providing funding for the state preschool program, effective July 1, 2008, through June 30, 2009. The District will be reimbursed in accordance with the Determination of Reimbursable Amount Section of the Funding Terms and Conditions (FT&C) at a Maximum Reimbursable Amount (MRA) of \$4,337,621.00. 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, Assistant Superintendent, Business and Finance, to sign said agreement.

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8.28 - Amendment No. 1 to the Agreement with PCH Architects to Design a Lunch Shelter at Mt. Vernon Elementary School

BE IT RESOLVED that the Board of Education approves amending the agreement with PCH Architects, Redlands, CA, to design a lunch shelter at Mt. Vernon Elementary School. This amendment will extend the ending date through June 30, 2009. There is no additional cost. All other terms and conditions remain the same.

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

8.29 - Amendment No. 1 to Board Resolution for Bid No. 11-07, Re-Bid HVAC Equipment as Approved on November 20, 2007, Agenda Item 9.18

BE IT RESOLVED that the Board of Education approves amending Board Resolution for Bid No. 11-07, Re-Bid HVAC Equipment, as approved on January 8, 2008, Agenda Item No. 9.21, to include deferred maintenance which will be paid out of Restricted General Fund 14. All other terms and conditions to remain the same

8.30 - Amendment No. 1 to Board Resolution for Bid No. 24-07, Re-Bid HVAC Equipment II as Approved on January 8, 2008, Agenda Item 9.21

BE IT RESOLVED that the Board of Education approves amending Board Resolution for Bid No. 24-07, Re-Bid HVAC Equipment II, as approved on January 8, 2008, Agenda Item No. 9.21, to include deferred maintenance which will be paid out of Restricted General Fund 14. All other terms and conditions to remain the same

8.31 - Amendment No. 1 to the Agreement with Lindamood-Bell Learning Processes to Provide Compensatory Education Services to District Student

BE IT RESOLVED that the Board of Education approves entering into an agreement with Lindamood-Bell Learning Processes, San Luis Obispo, CA, approved by the Board on June 17, 2008, Agenda Item 10.31. The amendment is necessary to increase the fee by \$7,860.00 from \$3,665.00 to an amount not to exceed \$11,525.00, and to decrease the rate from \$94.00 per session to \$89.00 per session. All other terms and conditions will remain the same.

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

8.32 - Amendment No. 3 of the Agreement with Ja'sher L. Griffin to Assist in the Smaller Learning Community Program at Arroyo Valley High School

BE IT RESOLVED that the Board of Education approves amending the agreement with Ja'sher L. Griffin, Highland, CA, approved by the Board on May 20, 2008, Agenda Item 10.56. The

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amendment is necessary to add \$2,000.00 to the original fee of \$10,000.00 for a new total not to exceed \$12,000.00. All other terms and conditions will remain the same.

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

8.33 - Amendment No. 3 to the Agreement with Edward V. Regan for DSA Inspection Services for Multi-Use Rooms Project, Phase II

BE IT RESOLVED that the Board of Education approves amending the agreement with Edward V. Regan, San Clemente, CA, for inspection services for the Multi-Use Rooms Project Phase II, site work, and ADA improvements, effective July 1, 2008, through June 30, 2009, due to pending and closeout activities within the projects. There is no additional cost. All other terms and conditions remain the same.

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

8.34 - Amendment No. 4 to the Agreement with Anthony Paul Lucey to Provide Mentoring Program for Students of the Educators for Tomorrow Teaching Academy at Arroyo Valley High School

BE IT RESOLVED that the Board of Education approves amending the agreement with Anthony Paul Lucey, Highland, CA, approved by the Board May 20, 2008, Agenda Item 10.55. The amendment is necessary to increase the fee from \$17,000.00 to an amount not to exceed \$20,400.00. All other terms and conditions will remain the same.

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

8.35 - Amendment No. 4 to the Agreement with Provisional Educational Services, Inc., to Provide After-School Programs

BE IT RESOLVED that the Board of Education approves amending the agreement with Provisional Educational Services, Inc., San Bernardino, CA, approved by the Board on June 3, 2008, Agenda Item 9.22. The amendment is necessary to add \$7,032.00 to the original fee of \$78,702.00 for an aggregate total not to exceed \$85,734.00. All other terms and conditions will remain the same.

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

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8.36 - Amendment No. 4 to the Agreement with Vanir Construction Management for Construction Management Services for Phase I Modernizations

BE IT RESOLVED that the Board of Education approves amending the agreement with Vanir Construction Management, San Bernardino, CA, to provide construction management services for Phase I Modernizations. This amendment will extend the ending date through December 31, 2009, due to unforeseen changes and conditions relating to asbestos abatement and removal at different buildings identified during the Cajon High School modernization project. There is no additional cost. All other terms and conditions remain the same.

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

8.37 - Amendment No. 5 to the Agreement with Project Life Impact to Provide After-School Programs

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 3, 2008, Agenda Item 9.21. The amendment is necessary to add \$108,714.00 (\$101,683.00 for services to be provided to Highland-Pacific Elementary School and \$7,031.00 for services to be provided to E. Neal Roberts Elementary School) to the previous total of \$76,363.00 for a new total not to exceed \$185,097.00. The fee will be paid from the Restricted General Fund—After School Education and Safety Program, Account No. 459. All other terms and conditions will remain the same.

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

8.38 - Amendment No. 6 to the Agreement with HMC Group Architects to Provide Architectural and Engineering Services for the New High School No. 8 Construction

BE IT RESOLVED that the Board of Education approves amending the agreement with HMC Group Architects, Rancho Cucamonga, CA, to provide architectural and engineering services for the New High School No. 8 (former Curtis Middle School) construction. This amendment will extend the ending date from August 1, 2008, through June 30, 2012, due to ongoing construction. There is no additional cost. All other terms and conditions remain the same.

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

8.39 - Notice of Completion, Emergency Repairs of Two Chillers at San Gorgonio High School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the emergency repairs of two chillers at San Gorgonio High School, Purchase Order No. 601989, awarded to:

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Johnson Controls, Inc.
5757 N. Green Bay Avenue
Milwaukee, WI 53201-0591

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

8.40 - Notice of Completion, Bid No. 25-07 Adult School (SAGES) Restroom #204 & 205

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the Bid No. Bid No. 25-07 Adult School (SAGES) Restroom #204 & 205, Purchase Order No. 614213, awarded to:

Petersen Tile Co., Inc.
585 Maple Court
Colton, CA 9232

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

8.41 - Notice of Completion, Bid No. F05-19, Category 5, Serrano Middle School - Modernization Project

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

Category 5 – Electrical
R. Jensen Co.
Norco, CA

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

8.42 - Expulsion of Student(s)

BE IT RESOLVED that the Board of Education accepts and adopts the recommendation and findings of the Hearing Panel, based on a review of the Panel's finding of facts and recommendations, and orders the expulsion of the following student(s) with the birth date(s) as listed below in accordance with the Board rules and regulations and in compliance with Education Code Section 48900:

*(S)05/20/93	*(S)08/30/94	*(S)02/14/94	***(S)12/04/93	*08/06/93	*(S)04/09/91
*(S)08/16/93	**02/12/96	*(S)11/24/94	**03/31/91	***(S)10/11/96	***(S)04/25/94
*(S)05/03/96	*(S)08/10/95	**03/17/92	*(S)05/31/93		

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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.

8.43 - 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.

8.44 - 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:

08/16/92

8.45 - 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."

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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:

04/02/97

8.46 - 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.

8.47 - 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:

07/08/91	10/05/96	04/30/93	06/02/91	07/26/96	04/09/94
01/04/94	03/16/91	09/01/92	12/29/91	11/08/91	12/19/89
09/14/91	10/08/91	09/05/92	04/14/91	01/24/93	05/18/93
12/28/92	09/09/93	04/10/93	12/22/91	11/02/94	06/17/92
06/07/94	03/06/93	09/02/93	12/13/93	05/13/93	12/08/94
08/05/92	04/19/92	12/02/94	09/14/91	03/27/91	05/24/93

8.48 - Failure to Recommend Mandatory Expulsion 48915

BE IT RESOLVED that the following school(s) have failed to adhere to Education Code Section 48915. Principals are required by Education Code to report guns, brandishing a knife, sexual assault, possession of an explosive device, and/or the sale of an illegal substance. The following school(s) have not followed this Education Code requirement:

9.0 - Action Items

9.1 - Presentation of California School Employees Association, Chapter 183 (CSEA) Initial Contract proposal to the District

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

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BE IT RESOLVED that the Board of Education adopts the initial contract proposal to the District.

9.2 - Amendments to BP 6146.1 High School Graduation Requirements (First Reading)

Upon motion by Member Brown, seconded by Member Parra, and approved by the affirmative vote of Members Brown, Parra, Penman, Savage, Tillman, and Valdez (Noes: Ayala), the following was adopted with the understanding that Board members' concerns will be addressed in the second reading:

BE IT RESOLVED that the Board of Education receives the amendments to BP 6146.1 High School Graduation Requirements as a first reading.

9.3 - Amendments to BP 4030 Nondiscrimination in Employment (Second Reading)

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

BE IT RESOLVED that the Board of Education adopts the amendments to BP 4030 Nondiscrimination in Employment as presented.

9.4 - Agreement with The Counseling Team International to Provide Pre-Hire Psychological Testing Services for School Police Applicants

No action was taken. This item will be brought back on July 15.

9.5 - Personnel Report #1, dated July 1, 2008

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

BE IT RESOLVED that the Personnel Report #1, dated July 1, 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.

9.6 - In Recognition of Deceased Employees

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

ROBERT ANDREWS

- WHEREAS** Robert Andrews was a dedicated member of the classified staff for the San Bernardino City Unified School District from 2003, until 2006; and
- WHEREAS** before serving the District as a custodian, Robert Andrews also worked as a substitute for Nutrition Services; and
- WHEREAS** throughout his career with the District, Robert Andrews worked as a custodian at Cypress Elementary School; and
- WHEREAS** in June 2008, Robert Andrews died, bringing deep sorrow to his loving family and friends; and
- WHEREAS** Robert Andrews is survived by his parents, Elizabeth and Richard Andrews; two brothers, Scott and Richard; and a sister, Lisa;

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 Robert Andrews' fine years of service to the District and does extend its deepest sympathy to his family.

SESSION EIGHT - Closed Session

10.0 - Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

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

Public Employee Discipline/Dismissal/Release

Public Employee Appointment

Title: Middle School Vice Principal

Conference with Legal Counsel – Anticipated Litigation

(Government Code Section 54956.9(c))

Significant Exposure to Litigation: One case

SESSION NINE – Open Session

11.0 - Action Reported from Closed Session

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

BE IT RESOLVED that the Board of Education approves the appointment of the following employees:

BERZUNZA, GUADALUPE: Middle School Vice Principal, effective date, work year and salary, to be determined. General Fund 05D

LOPEZ, CESAR: Middle School Vice Principal, effective date, work year and salary, to be determined. General Fund 05D

MCKINNON, GARY: Middle School Vice Principal, effective date, work year and salary, to be determined. General Fund 05D

SESSION TEN - Closing

12.0 - 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, July 15, 2008, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.