

**San Bernardino City Unified School District**

Minutes of a Regular Meeting of the Board of Education

**MINUTES  
ADOPTED  
12/16/08**

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

November 18, 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, Narciso Cardona, Dayton Gilleland, Mohammad Islam, Yolanda Ortega, John Peukert, Paul Shirk, and Harold Vollkommer; and Superintendent's Assistant Mary Beth Gosnell. Minutes recorded by Administrative Assistant Jennifer Owens.

**SESSION ONE - Opening**

**1.0 - Opening**

**1.1 - Call to Order**

President Parra called the meeting to order at 5:30 p.m.

**1.2 - Pledge of Allegiance to the Flag**

The meeting was opened with the Pledge of Allegiance to the Flag of the United States of America.

**SESSION TWO - Special Presentations**

**2.0 - Special Presentations**

**2.1 - Outstanding Student Awards**

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

***Mt. Vernon Elementary School***

Jon'Nae Dukes, Edward Sanchez, and Alexis Zarco

***Muscoy Elementary School***

Alejandro Hernandez, Jennifer Moreno, and Monica Moreno

***Newmark Elementary School***

Alejandro Figueroa, Noelle Mariano, and Zachary Meyer

2.2 - In Recognition of Substitute Educators Day

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

**WHEREAS** substitute educators, who work in a variety of roles from clerical to instructional, are a vital part of the education profession, providing a balanced education for all students; and

**WHEREAS** the Board of Education of the San Bernardino City Unified School District joins others around the nation in recognizing Friday, November 21, 2008, as Substitute Educators Day; and

**WHEREAS** substitute educators provide a critical link in the education of public school children by serving as a bridge to provide continued quality education to students in the temporary absence of regular classroom educators; and

**WHEREAS** every year, the San Bernardino City Unified School District employs hundreds of substitute employees whose assignments can range from brief to long term, but who nonetheless are essential partners in the education process;

**THEREFORE, BE IT RESOLVED** that the Board of Education of the San Bernardino City Unified School District encourages all schools in the District to set aside Friday, November 21, 2008, to acknowledge the great contributions substitute employees make to our students and our schools each day.

**SESSION THREE - School Showcase**

**3.0 - School Showcase**

**3.1 - Golden Valley Middle School**

Marguerite Williams, Golden Valley Middle School principal, discussed their Tiered Intervention Program. Victoria Flores, vice principal, and John Carranza, teacher, shared in the discussion. Elsa Valdez requested data on the students' progress since the program was implemented.

## SESSION FOUR - Administrative Presentation

### 4.0 - Administrative Presentation

#### 4.1 - Proposed Budget Update

Dr. Delgado reported that the Governor is talking about making mid-year budget cuts. We are trying to stay ahead of this and have been able to stay away from layoffs. Mohammad Z. Islam, Assistant Superintendent of Business and Finance, presented the Governor's proposed mid-year budget cuts for Fiscal Year 2008-2009. In addition, he presented potential operational budget deficit for Fiscal Years 2009-2010 and 2010-2011 (see page \_\_\_\_).

Danny Tillman stated that due to declining student enrollment, staff should be aligned to the number of students. Judi Penman requested another budget workshop in January. Dr. Valdez also requested another budget workshop so Board members can give their input. Lynda Savage suggested sending a resolution to the Governor describing the District's cuts by program. Teresa Parra requested a budget workshop in December and stated that our state lobbyists should be working on this.

Dr. Delgado reported that he will bring his organizational plan at a future Board meeting. Staffing levels could change, and cuts have to be made away from the classroom. Dr. Delgado stated that he does not support cutting M&O budgets and reserve requirements.

Danny Tillman stated that the Governor's proposal isn't going to happen and it's irresponsible to talk about cuts because it's not going to happen. The \$4 million reserve will pay for positions. Mr. Tillman recommended waiting before taking action. Teresa Parra stated that we need a contingency plan. Judi Penman stated that we have to be prepared and proactive. We can look at eliminating ineffective programs.

Dr. Delgado stated that our lobbyists are working for us. Because 89 percent of the budget is for personnel, we need to discuss positions. Our lobbyists believe the Governor may wait until the new legislature comes on board before acting. ACSA is lobbying against using categorical funding. The community needs to be outraged that education isn't a priority in California.

Upon motion by Member Savage, seconded by Member Tillman, 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 San Bernardino County Superintendent of Schools requires that the Board of Education acknowledge the Governor's proposed midyear budget cuts of an estimated **\$19.7 million** Unrestricted General Fund for Fiscal Year 2008-2009, potential operational budget deficit of an estimated **\$41.8 million** Unrestricted General Fund for Fiscal Year 2009-2010, and 2010-2011. Budget cuts will be required in order to sustain the fiscal solvency of the District for the current Fiscal Year and subsequent two years.

## SESSION FIVE - Administrative Reports

### 5.0 - Administrative Reports

#### 5.1 - Revisions to BP 1100 Communication with the Public (Second Reading)

#### Community Relations

BP 1100

#### COMMUNICATION WITH THE PUBLIC

The Board of Education appreciates the importance of community involvement and therefore shall strive to keep the community informed of developments within the school system in timely and understandable ways.

The Superintendent or designee shall use ~~all available means of communication~~ ***a variety of communications methods in order*** to keep the public aware of the goals, programs, achievements and needs of our schools. ~~Members of the community shall have opportunities to become involved in the schools and to express their interests and concerns.~~ ***Such methods may include, but not be limited to, district and school newsletters, mailings, the district and school web sites, direct email communications, recorded telephone messages for parent/guardian information, school accountability report cards, community forums and public events, notices sent home with students, and news releases and meetings with editorial boards.***

*(cf. 0510 - School Accountability Report Card)*

*(cf. 1113 - District and School Web Sites)*

*(cf. 5145.6 - Parental Notifications)*

***The Superintendent or designee shall provide multiple opportunities for members of the public to give input on district and school issues and operations. Community members are encouraged to participate on district and school committees, provide input at Board meetings, submit suggestions to district staff, use the district's complaint procedures as appropriate, and become involved in school activities.***

*(cf. 1220 - Citizen Advisory Committees)*

*(cf. 1230 - School-Connected Organizations)*

*(cf. 1240 - Volunteer Assistance)*

*(cf. 1260 - Educational Foundation)*

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.2 - Complaints Concerning Instructional Materials)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

*(cf. 6020 - Parent Involvement)*

*(cf. 9322 - Agenda/Meeting Materials)*

*(cf. 9323 - Meeting Conduct)*

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### Mass Mailings or Distributions

The Board recognizes that state law prohibits mass mailings or distributions at public expense which aggrandize elected officers. The name, signature or photograph of an elected district officer may be included in such materials only as permitted by 2 CCR 18901.

In order to promote open communication between Board members and the public, district newsletters and other mass mailings shall include a roster of all Board members' names in accordance with law.

#### Legal Reference:

EDUCATION CODE

35172 Promotional activities

GOVERNMENT CODE

82041.5 Mass mailing

89001 Newsletter or mass mailing

CODE OF REGULATIONS, TITLE 2

18901 Mass mailings sent at public expense

Policy SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

### 5.2 - Revisions to BP 1400 Relations Between Other Governmental Agencies and the Schools (Second Reading)

#### **Community Relations**

BP 1400

#### **RELATIONS BETWEEN OTHER GOVERNMENTAL AGENCIES AND THE SCHOOLS**

The ~~Governing~~ Board *of Education* recognizes that agencies at all levels of government share its concern and responsibility for the health, safety, and welfare of youth. The Board and Superintendent or designee shall initiate and maintain good working relationships with representatives of these agencies in order to help district schools and students make use of the resources which governmental agencies can provide.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 1020 - Youth Services)

(cf. 1330 - Use of School Facilities)

(cf. 3515.2 - Disruptions)

(cf. 3515.3 - District Police/Security Department)

(cf. 3515.5 - Sex Offender Notification)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

(cf. 5030 - Student Wellness)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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(cf. 5141.22 - Infectious Diseases)  
(cf. 5141.4 - Child Abuse Prevention and Reporting)  
(cf. 5145.11 - Questioning and Apprehension)  
(cf. 5145.12 - Search and Seizure)  
(cf. 7131 - Relations with Local Agencies)

The district may enter into agreements with other agencies which involve the exchange of funds or reciprocal services. Such agreements shall be approved by the Board and executed in writing.

### **Elections/Voter Registration**

If a city or county elections official specifically requests the use of a school building as a polling place, the Board shall allow its use for such purpose. The Board may authorize the use of school buildings as polling places on any election day, and may also authorize the use of school buildings, without cost, for the storage of voting machines and other vote-tabulating devices. If school ~~session will continue~~ **will be in session**, the Superintendent or designee shall identify to elections officials the specific areas of the school buildings not occupied by school activities that will be allowed for use as polling places. (Elections Code 12283)

(cf. 6111 - School Calendar)

When a school is used as a polling place, the Superintendent or designee shall provide the elections official a site with an adequate amount of space that will allow the precinct board to perform its duties in a manner that will not impede, interfere, or interrupt the normal process of voting and shall make a telephone line for Internet access available for use by local elections officials if so requested. He/she shall make a reasonable effort to ensure that the site is accessible to disabled persons. (Elections Code 12283)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

The Superintendent or designee shall designate a contact person at each high school for the Secretary of State to contact in order to facilitate the distribution of voter registration forms to eligible students. The Superintendent or designee shall provide the address, phone number, and email address of each contact person to the Secretary of State. (Elections Code 2148)

To encourage students to participate in the elections process when they are eligible, the Superintendent or designee shall determine the most effective means of distributing the voter registration forms provided by the Secretary of State including, but not limited to, distributing the forms at the start of the school year, with orientation materials, at central locations, and/or with graduation materials.

(cf. 6142.3 - Civic Education)

Legal Reference:

EDUCATION CODE

10900-10914.5 Cooperative community recreation programs

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- 12400 Authority to receive and expend federal funds
- 12405 Authority to participate in federal programs
- 17050 Joint use of library facilities
- 17051 Joint use of park and recreational facilities
- 32001 Fire alarms and drills
- 32288 Notice of safety plan
- 35160 Authority of governing boards
- 35160.1 Broad authority of school districts
- 48902 Notification of law enforcement agencies
- 48909 District attorney may give notice student drug use, sale or possession
- 49305 Cooperation of police and California Highway Patrol
- 49402 Contracts with city, county or local health departments
- 49403 Cooperation in control of communicable disease and immunization
- 51202 Instruction in personal and public health and safety
- ELECTIONS CODE
- 2145-2148 Distribution of voter registration forms
- 12283 Polling places: schools
- WELFARE AND INSTITUTIONS CODE
- 828 Disclosure of information minors by law enforcement agency
- 828.1 School district police department; disclosure of juvenile criminal records

Management Resources:

WEB SITES

- CSBA: <http://www.csba.org>
- California Secretary of State: <http://www.ss.ca.gov>
- California Voter Foundation: <http://www.calvoter.org>
- Cities, Counties, and Schools Partnership: <http://www.ccspartnership.org>

Policy  
adopted:

CSBA MANUAL MAINTENANCE SERVICE  
November 2007

5.3 - Revisions to BP 1700 Relations Between Private Industry and the Schools (Second Reading)

**Community Relations**

BP 1700

**RELATIONS BETWEEN PRIVATE INDUSTRY AND THE SCHOOLS**

The Board of Education encourages representatives of private industry to participate with the schools in preparing our students for challenges they will meet in the future. Working together as partners, business and the schools should seek to educate citizens who can contribute to the productive workforce on which our economy depends.

*(cf. 0000 - Vision)*

*(cf. 0200 - Goals for the School District)*

*(cf. 6142.3 - Civic Education)*

*(cf. 6142.4 - Service Learning/Community Service Classes)*

The Superintendent or designee shall invite local employers to serve on advisory committees, help design regular, vocational and technical programs, and provide needs assessments, program evaluations, and/or staff development for school managers and teachers. Businesses may also provide classroom assistance, individual tutoring, incentive and recognition programs, work experience opportunities, apprenticeship programs and employment opportunities. The Board recognizes that staff members need adequate time to plan these activities in cooperation with the business volunteers.

***Businesses and industry and/or their representatives may support district schools and programs by working with district staff to ensure the relevance and rigor of the district's career technical education program and providing work opportunities for students enrolled in these programs***

*(cf. 5113.2 - Work Permits)*  
*(cf. 6178 - Career Technical Education)*  
*(cf. 6178.1 - Work Experience Education)*

The Board urges employers to further support the schools by recognizing their employees' needs as parents/guardians, accommodating their needs for child care, and supporting their involvement with their children's schools.

*(cf. 5020 - Parent Rights and Responsibilities)*  
*(cf. 6020 - Parent Involvement)*

The Superintendent or designee may publicly acknowledge the support of a business partner in district communications and/or by allowing the use of the business name or logo on donated products or materials, but shall not unduly promote or endorse any commercial activity or products. He/she also may recommend Board commendation to those individuals and/or businesses that have made extraordinary contributions to the district.

*(cf. 1150 - Commendation and Awards)*

***The Superintendent or designee shall regularly report to the Board regarding the district's progress in establishing and sustaining business partnerships and the ways in which businesses have supported district programs.***

*(cf. 0500 - Accountability)*  
*Legal Reference:*

EDUCATION CODE  
8070 Career technical education advisory committee  
35160 Authority of governing boards  
35160.1 Broad authority of school districts  
41030-41037 Gifts and bequests  
51760-51769.5 Work experience education  
52300-52499.66 Career technical education  
UNITED STATES CODE, TITLE 20

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*2301-2414 Carl D. Perkins Career and Technical Education Act of 2006, especially:  
2354 Local plan for career technical education, business involvement*

*Management Resources:*

CSBA PUBLICATIONS

*School-Based Marketing of Foods and Beverages: Policy Implications for School Boards, Policy Brief, March 2006*

*Maximizing School Board Governance: Community Leadership, 1996*

COUNCIL FOR CORPORATE AND SCHOOL PARTNERSHIPS PUBLICATIONS

*A How-To Guide for School-Business Partnerships*

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

*Building Business Support for School Health Programs, 1999*

WEB SITES

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

California Consortium of Education Foundations: <http://www.cceflink.org>

California Department of Education, Parents/Family and Community: <http://www.cde.ca.gov/ls/pf>

Council for Corporate and School Partnerships: <http://www.corpschoolpartners.org>

National Association of State Boards of Education: <http://www.nasbe.org>

(10/85 9/91) 3/08

**Policy Reference**

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5.4 - Revisions to BB 9005 Governance Standard and Censure Policy and Procedure (First Reading)

**BB 9005(a)**

Bylaws of the Board

Governance Standard and Censure Policy and Procedure

The Board of Education believes that its primary responsibility is to act in the best interests of every student in the District. The Board also has major commitments to parents/guardians, all members of the community, employees, the state of California, laws pertaining to public education, and established policies of the District. To maximize Board effectiveness and public confidence in District governance, Board members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus
2. Value, support and advocate for public education

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3. Recognize and respect differences of perspective and style on the Board and among staff, students, parents and the community
4. Act with dignity, and understand the implications of demeanor and behavior
5. Keep confidential matters confidential
6. Participate in professional development and commit the time and energy necessary to be an informed and effective leader
7. Understand the distinctions between Board and staff roles, and refrain from performing management functions that are the responsibility of the Superintendent and staff
8. Understand that authority rests with the Board as a whole and not with individuals

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

1. Keep the District focused on learning and achievement for all students
2. Communicate a common vision
3. Operate openly, with trust and integrity
4. Govern in a dignified and professional manner, treating everyone with civility and respect
5. Govern within Board-adopted policies and procedures
6. Take collective responsibility for the Board's performance
7. Periodically evaluate the Board's effectiveness
8. Ensure opportunities for the diverse range of views in the community to inform Board deliberations
9. Consistent with Board authority resting with the Board as a whole, members of the Board shall not use District or Board stationery to communicate on any issue that has not been approved and/or authorized by the Board. The sole exception to this restriction shall be limited to letters of recommendation on behalf of current or former employees or students of the District.

## CENSURE POLICY AND PROCEDURE

### Background

The Board of Education of the San Bernardino City Unified School District has a strong commitment to ethics. The public expects and must receive the highest standards of ethics from all of those in public service. In order to be able to enforce conformance to its ethical policies, the Board of Education must have a procedure by which it can censure its own members for violation of its policies or bylaws of the Board of Education.

### Purpose

This Policy and Procedure is intended to provide the mechanism by which the Board of Education, acting as a whole, can discipline and punish any of its members who violate state or federal laws applicable to the District or for violation of the Board Policies or Bylaws of the Board of Education.

### Policy

It is the Policy of the Board of Education that all of its members shall abide by federal and state law that are applicable to members of the Board of Education, as well as to Board Policies or Bylaws. Violation of such laws, policies, or bylaws tends to injure the good name of the District and undermine the effectiveness of the Board of Education as a whole. Such conduct is deemed to be a dereliction of duty.

Censure is a formal resolution of the Board of Education officially reprimanding one of its members. Censure is an appropriate punitive measure when the violation of law or policy is deemed by the Board of Education to be a serious offense.

In order to protect the overriding principle of freedom of speech, the Board of Education shall not impose "censure" on any of its members for the exercise of his or her First Amendment rights no matter how distasteful the expression was to the District and Board of Education.

In order to ensure the right to a fair jury trial, the Board of Education shall not impose "censure" on any of its members for the violation of any law while criminal charges are pending. However, when the criminal proceedings are final, the Board of Education need not be bound by the conclusions of the Court and may hold a "censure" hearing.

### Procedure

1. A request for a "censure" hearing must be submitted to the Superintendent in writing by no less than two nor more than three members of the Board of Education. The request must contain the specific charge(s) on which the proposed censure is based and the written material(s) which are the basis for the charge(s).

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2. A copy of the request for censure and the charge(s) shall be sent by the Superintendent's office to all the members of the Board of Education at least five (5) business days prior the Board of Education meeting at which it will be considered. The request and charge(s) shall be agendized in accordance with the Brown Act for the meeting of the Board of Education.
3. The Board of Education shall determine that either:
  - a. Further investigation of the charges is required; or
  - b. The matter is to be set for public hearing; or
  - c. No action is required.
4. Further investigation, if required, shall be done by an ad hoc Committee appointed by the Board President. If the Board President is the subject of the request, the Committee shall be formed by the Board Vice President.
5. If the matter is set for public hearing, it must be set no sooner than the next regularly scheduled Board meeting following the Board's determination under Section 3 of these procedures in order to give the accused member adequate time to prepare a defense.

At the public hearing, the member of the Board of Education subject to the request shall be given the opportunity to respond to the request and to provide the Board of Education information and material(s) relevant to the charge(s). The proponents of the request may also respond to the presentation and members of the Board of Education may ask questions pertaining to the matter at hand. The member subject to the charge(s) may be represented at his or her own personal expense and may have the representative speak on his or her behalf.

6. A decision to censure requires the adoption of a Resolution making findings with regard to the specific charge(s), based on substantial evidence, and approved by a two-thirds vote of the Board of Education.

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35160 Board authority to act in any manner not conflicting with law

35164 Actions by majority vote

GOVERNMENT CODE

1090 Financial interest in contract

1098 Disclosure of confidential information

1125-1129 Incompatible activities

54950-54963 The Ralph M. Brown Act

87300-87313 Conflict of interest code

Dr. Delgado stated that the Board had asked for these revisions to the Board Bylaws at the last meeting. Under procedure No. 1, Danny Tillman recommended changing the language to no less than three nor no more than three members.

### **SESSION SIX – Other Matters Brought By Citizens**

#### **6.0 - Other Matters Brought by Citizens**

Ron Fletcher thanked the Board for adopting the resolution in recognition of Substitute Educators Day. Mr. Fletcher stated that the District set the standard for other districts by establishing the resident substitute program. Mr. Fletcher expressed his appreciation to Yolanda Ortega, Brenda Leon, and Elaine Alexander for their support.

Jesse Valenzuela, Office of Congressman Joe Baca, announced that Arroyo Valley High School student Sally Phang has been selected to serve as a Congressional Page in the Spring of 2009. Mr. Valenzuela invited everyone to attend Congressman Baca's Holiday Celebration on December 17. Lynda Savage suggested the Board send something to Ms. Phang.

Ron Coats asked the Board to consider researching the Muriel Siebert Financial Literacy curriculum to teach students about finances. Mr. Coats stated that the curriculum is used in 280 schools in 10 states. Lynda Savage thanked Mr. Coats for being a School Board candidate.

Jennifer Martin expressed her appreciation to Yolanda Ortega and Brinda Leon for their quick investigation into the concerns she raised at the last Board meeting. Her son loves Middle College High School and is having a good school experience. Teresa Parra thanked Ms. Martin for her positive comments.

Newly elected Board member Barbara Flores thanked her supporters for their endorsements. Dr. Flores stated she is willing to work with all Board members.

### **SESSION SEVEN - Reports and Comments**

#### **7.0 - Report by Board Members**

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

Judi Penman stated that the Board gave direction to staff regarding a student who had been recommended for an expulsion and that direction wasn't followed. Danny Tillman stated that the Board was given the information in Board Correspondence that the birth date needed to be pulled from the consent item. Because it wasn't pulled, the Board approved the expulsion and change of school. The administration did their part, and it was the Board's responsibility to pull

the item. Teresa Parra agreed with Mrs. Penman. They assumed it was taken care of. Marlin Brown recommended this case be scheduled for Closed Session on December 2.

Elsa Valdez reported that the District's SANKOFA program is receiving a Golden Bell Award from the California School Boards Association. Dr. Valdez stated that 767 English learner students were reclassified as proficient and their test scores have improved.

Danny Tillman thanked CSEA and SBTA for their endorsements. Mr. Tillman stated that it was a mistake to change School Board elections to coincide with the General Election. There was not a lot of focus on school board elections.

Judi Penman thanked SBTA for their endorsement. Mrs. Penman agreed with Mr. Tillman about the election year change.

Marlin Brown suggested looking into changing the election year back to odd years. Dr. Brown asked the Board to select a replacement for his seat on the Education Bridge Committee and AUW. Teresa Parra stated that Dr. Delgado will bring a recommendation.

Teresa Parra asked that the Statement of Conduct Resolution be brought back to the Board so Louise Ayala and Barbara Flores will have an opportunity to support it and all Board members can sign it. Mr. Parra stated that of the 114 school bonds on the November ballot, only nine didn't pass. Mrs. Parra commended staff members for the good Williams Case reports. Mrs. Parra asked Board members to be respectful to speakers and limit the number of side bar discussions.

#### 7.1 - Legislative Update

None.

#### **8.0 - Report by Superintendent and Staff Members**

Dr. Delgado thanked Paul Shirk for representing the District at a State Board of Education meeting. Program Improvement plans were in jeopardy of being rejected statewide, but because Dr. Shirk invited the State Board to look at what our district has done, the plans were saved.

Dr. Delgado reported that there will be a reception on December 16, at 4:30 p.m. prior to the Board meeting. Newly elected Board member Barbara Flores, and re-elected Board members Judi Penman and Danny Tillman will be sworn in during the meeting.

Dr. Delgado reminded Board members that the January 6, 2009, Board meeting is being rescheduled for January 13, 2009.

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

**9.1 - Approval of Minutes**

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on October 21, 2008, be approved as presented.

**9.2 - Compensation for School Board Members**

BE IT RESOLVED that the Board of Education approves compensation for Board Member Louise Ayala for the November 4, 2008 School Board meeting.

**9.3 - Request for Waiver of California High School Exit Exam (CAHSEE) Passage Requirement for Students with a Disability**

BE IT RESOLVED that the Board of Education approves the Waiver of CAHSEE Passage Requirement for Students with a Disability.

**9.4 - 2008-09 Discretionary School Site Block Grant**

BE IT RESOLVED that the Board of Education approves the following school's 2008-09 Discretionary School Site Block Grant Award, Expenditure Plan:

SCHOOL	AWARD	EXPENDITURES
Cypress Elementary	\$40,179.00	Materials, resources, books and technology for Learning Center.

**9.5 - Acceptance of Gifts and Donations to the District**

BE IT RESOLVED that the Board of Education acknowledges receipt of \$518.00, CaSA; \$5,500.00, JRH Construction; and \$12,229.00, San Manuel Band of Mission Indians.

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:

Elizabeth Lemus (Board Representative, St Anthony School)	To attend the BER-California Second Grade Conference-Fall 2008, Knott's Berry Farm Resort, Buena Park, CA, December 10-11, 2008. Total cost, not to exceed \$599.55, will be paid from Accountability Department Account No. 536.
Brooke Gildea (Board Representative, Clare Cherry School)	To attend the Nancy Fetzer- From Sentences to Polished Paragraphs: Proven Strategies for Teaching Writing Conference, Ontario Convention Center, Ontario, CA, December 11, 2008. Total cost, not to exceed \$232.53, will be paid from Accountability Department Account No. 536.

9.7 - Cafeteria Warrant Register, Ending October 31, 2008

BE IT RESOLVED that the Cafeteria Warrant Register, ending October 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; Adriane Robles, Nutrition Services Director; or Dalia Gadelmawla, Nutrition Services Business Manager, to sign disbursements. Two signatures are required on all cafeteria warrants.

9.8 - Commercial Warrant Registers for Period from October 15, Through October 31, 2008

BE IT RESOLVED that the Commercial Warrant Register for period from October 15, 2008, through October 31, 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 Islam, Assistant Superintendent, to sign disbursements.

9.9 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$1,966,439.00 in the budgeting of revenues and expenditures for the restricted fund Building Fund (Fund 21).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$31,031.00 in the budgeting of revenues and expenditures for the restricted fund School Facilities Fund (Fund 35).

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 2008-09 school year and ratifies payment to the following:

IM Inc. for an assembly on October 24, 2008, at Rio Vista Elementary School. The cost, not to exceed \$750.00, will be paid from Rio Vista Elementary School Account No. 501.

Props Productions DJ & Entertainment Services for three assemblies on October 17, 2007, January 9, 2008, and March 20, 2008, at San Gorgonio High School. The cost, not to exceed \$2,100.00, will be paid from San Gorgonio High School Account No. 203.

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 2008-09 school year and approves payment to the following:

IM Inc. for two assemblies on January 16, 2009, at Riley Elementary School. The cost, not to exceed, \$1,150.00, will be paid from Riley Elementary School Account No. 039.

IM Inc. for an assembly on January 23, 2009. The cost, not to exceed \$750.00, will be paid from Rio Vista Elementary School Account No. 501.

Vince Evans for an assembly on December 9, 2008, at Arroyo Valley High School. The cost, not to exceed, \$1,500.00, will be paid from Arroyo Valley High School Account No. 376.

Between Your Ears Entertainment for two assemblies on December 3, 2008, at Emmerton Elementary School. The cost, not to exceed \$745.00, will be paid from Emmerton Elementary School ASB Account.

California Preparatory College for numerous assemblies during the 2008-09 school year beginning on December 3, 2008, at San Andreas High School. These presentations will be made at no cost to the District.

Crafton Hills College for numerous assemblies during the 2008-09 school year beginning on November 20, 2008, at San Andreas High School. These presentations will be made at no cost to the District.

Props Production DJ and Entertainment for two assemblies on January 16, 2009, and March 20, 2009, at San Gorgonio High School. The cost, not to exceed \$1,400.00, will be paid from San Gorgonio High School Account No. 039.

IM Inc. for an assembly on January 21, 2009, at Juanita Jones Elementary School. The cost, not to exceed \$900.00, will be paid from Juanita Jones Elementary Scholl Account No. 420.

9.11 - 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:

Bill Rosenthal & Associates to present a mandated four-hour refresher training for Hazardous Waste Operations Emergency Response on November 21, 2008. The fee, not to exceed \$375.00, will be paid from the Unrestricted General Fund—Risk Management, Safety, Disaster, Account No. 162.

9.12 - Extended Field Trip, Arroyo Valley High School, Torrey Pines High School, Nike Holiday Classic, San Diego, California

BE IT RESOLVED that the Board of Education approves the extended field trip for thirteen students and four District employees to attend Torrey Pines High School Nike Holiday Classic, at San Diego, California, December 26-30, 2008. The cost of the trip, not to exceed \$2,600.00 including meals, lodging, and entry fee for thirteen students and four District employees, will be paid from Arroyo Valley High School ASB funds. Transportation by Xpress Rentals for three vans, not to exceed \$900.00, will be paid from Arroyo Valley High School Account No. 203 and ASB funds. Names of the students are on file in the Business Services office.

9.13 - Agreement with Bond Logistix LLC (BLX) for Arbitrage Rebate Compliance Services

BE IT RESOLVED that the Board of Education approves entering into an agreement with Bond Logistix LLC (BLX), Los Angeles, CA, for arbitrage rebate compliance services, effective November 19, 2008, continuing through June 30, 2009. The total cost, not to exceed \$8,000.00, will be paid from Unrestricted General Fund—Facilities/Community Service, Account No. 086.

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

9.14 - Amendment No. 3 to the Agreement with THINK Together to Provide C.A.P.S. Services to Students

BE IT RESOLVED that the Board of Education approves amending the agreement with THINK Together, Santa Ana, CA, approved by the Board on June 17, 2008, Agenda Item 10.37. The amendment is necessary to add \$91,125.00 for services provided at Arrowview Middle School (\$60,750.00) and Richardson PREP HI (\$30,375.00) to the original fee of \$1,511,224.00 for an aggregate total not to exceed \$1,591,349.00. The increase will be paid from the Restricted General Fund—21<sup>st</sup> Century Community Learning Center, Account No. 574. 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.

9.15 - Renewal of the Agreement with Smart Kids Tutoring & Learning Center, Inc., to Provide Supplementary Educational Services to District Students

BE IT RESOLVED that the Board of Education approves renewing the agreement with Smart Kids Tutoring & Learning Center, San Marino, CA, to provide supplementary educational services to District students, effective November 19, 2008, continuing through June 30, 2009. The fee, not to exceed \$13,290.00 at the rate of \$1,329.00 per student, will be paid from the Restricted General Fund, No Child Left Behind (NCLB), 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 amendment.

9.16 - Renewal of the Agreement with Studentnest.com for Title I Supplementary Educational Services

BE IT RESOLVED that the Board of Education approves entering into an agreement with Studentnest.com, Fresno, CA, for Title I supplementary educational services, to include after-school tutoring of students enrolled in identified Program Improvement schools, effective November 19, 2008, continuing through June 30, 2009. The District shall not incur any obligation or expense in excess of the state/federal reimbursement amount. The cost, not to exceed \$13,290.00, at a maximum rate of \$1,329.00 per student, will be paid from the Restricted General Fund—No Child Left Behind Title I Program Improvement School Support, Account 524.

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 the San Bernardino School Employees Federal Credit Union for the Automated Teller Machine at the Board of Education Building

BE IT RESOLVED that the Board of Education approves renewing the agreement with the San Bernardino School Employees Federal Credit Union, San Bernardino, CA, for the automated teller machine at the Board of Education Building, effective November 19, 2008, and continuing through November 18, 2013. There will be no cost to the District. All costs will be borne by the San Bernardino School Employees Federal Credit Union.

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

9.18 - Request for Delegation of School Board President's Approval to School District Employees on California Cadet Corps Documents

BE IT RESOLVED that the Board of Education approves granting authority to sign California Cadet Corps forms and documents for the establishment and disestablishment of CACC units, and the appointment, commission, promotion, assignment, and reassignment of CACC officers to the following District employees per CACC regulation CR 1-11, effective November 19, 2008, through June 30, 2009: Narciso Cardona, Assistant Superintendent, Student Services Division, and Joann Tortarolo, Director, Alternative Programs Department.

9.19 - Physical Education Exemptions

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

2-17-91	8-23-91	10-16-91	7-8-92	1-3-93	3-2-93
3-8-93	7-22-93	8-26-93			

9.20 - 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:

**12/04/1995	09/20/1995	*S05/18/1993	**S04/22/1992	11/08/1993	*S08/27/1994
*S06/28/1991	**S04/09/1994	*S03/06/1991	*S10/01/1992		

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

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

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

9.21 - 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.

07/02/1993    11/09/1992

9.22 - 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:

11/28/1993    12/24/1992    01/27/1994    06/07/1994    12/14/1992    12/07/1991  
01/29/1994

9.23 - 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:

06/24/1997    09/26/01

9.24 - 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.

9.25 - 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:

12/17/1992    12/23/1992    11/02/1993    01/03/1994

9.26 - 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:

9.27 - Petition to Expunge Expulsion

Education Code 48917, Section (e) states: upon satisfactory completion of the rehabilitation assignment of a pupil, the governing board shall reinstate the pupil in a school of the district and may also order the expungement of any or all records of the expulsion proceedings.

9.28 - Education Code 48213

Education Code 48213 states: that a student can be excluded from attendance pursuant to Section 120230 of the Health and Safety Code or Section 49451 of this code if a principal or his designee determines that the continued presence of the child would constitute a clear and present danger to the life, safety, and health of a pupil or school personnel. The governing board is not required to send prior notice of the exclusion to the parent or guardian of the pupil. The governing board shall send a notice of the exclusion as soon as is reasonably possible after the exclusion.

**10.0 - Action Items**

10.1 - Revisions to BP 1100 Communication with the Public (Second Reading)

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

BE IT RESOLVED that the Board of Education approves the revisions to BP 1100 Communication with the Public as presented.

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10.2 - Revisions to BP 1400 Relations Between Other Governmental Agencies and the Schools (Second Reading)

Upon motion by Member Tillman, 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 approves the revisions to BP Relations Between Other Governmental Agencies and the Schools as presented.

10.3 - Revisions to BP 1700 Relations Between Private Industry and the Schools (Second Reading)

Upon motion by Member Tillman, 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 approves the revisions to BP 1700 Relations Between Private Industry and the Schools as presented.

10.4 - Revisions to BB 9005 Governance Standard and Censure Policy and Procedure (First Reading)

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

BE IT RESOLVED that the Board of Education receives the revisions to BB 9005 Governance Standard and Censure Policy Procedure as a first reading.

10.5 - Personnel Report #10, dated November 18, 2008

Upon motion by Member Tillman, seconded by Member Parra, 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 #10, dated November 18, 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**

**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**

**Superintendent's Evaluation**

**Conference with Labor Negotiator**

District Negotiator: Teresa Parra, Board President  
Unrepresented Employee: Superintendent

**SESSION TEN – Open Session**

**12.0 - Action Reported from Closed Session**

Upon motion by Member Savage, 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 following revisions to the Superintendent's contract.

7. Work Year/Salary
  - A. The Superintendent shall be required to render two hundred twenty-five (**220**) days of full and regular service to the District during each annual period covered by the Agreement. The Superintendent will have the option to be compensated for all or any portion of unused non-work days or carry over to the following year day beyond the required ~~225~~ **220** workdays. Such additional pay, if any, shall be paid to the Superintendent on the next regular pay period immediately following the end of the fiscal year. The Superintendent shall also be entitled to receive workday/service credit for all paid holidays provided other District management employees.

8. Fringe Benefits

- A. Health Insurance. The Superintendent and his spouse shall be provided all health and welfare insurance benefits. All premiums for such benefits will be paid by the District. This benefit shall continue for the life of the Superintendent and for the life of his spouse. In the event that the Superintendent predeceases his spouse ~~while serving as the District's Superintendent,~~ his spouse shall be entitled to ***lifetime health and welfare insurance benefits*** ~~lifetime coverage by the District's healthcare plans,~~ at District expense. If the Superintendent ~~voluntarily~~ leaves his employment from the District ~~after being vested with said health care benefits~~ for any reason other than retirement, neither he nor his spouse shall be entitled to ~~further~~ health and welfare benefits provided by the District ***(except as required by law) until which time he is officially retired and actively drawing retirement benefits from the State Teachers Retirement System (STRS) or the Superintendent predeceases his spouse prior to retirement.*** ~~except as required by law.~~

**SESSION ELEVEN - Closing**

**13.0 - 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, December 2, 2008, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.