

**San Bernardino City Unified School District**

Minutes of a Regular Meeting of the Board of Education

**MINUTES  
ADOPTED  
2/3/09**

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

December 16, 2008

5:30 p.m.

Present: President Teresa Parra; Vice President Danny Tillman; Board Members Barbara Flores, Judi Penman, Lynda Savage, and Elsa Valdez; Superintendent Arturo Delgado; Deputy Superintendent Judy White; 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.

Absent: Board Member Louise Ayala.

**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 – Annual Organizational Meeting**

**2.0 - Annual Organizational Meeting**

**2.1 - Administration of Oath of Office to Board Members**

Congressman Joe Baca administered the Oath of Office to Barbara Flores; former Community College Chancellor Don Averill administered the Oath of Office to Judi Penman; and Superintendent Arturo administered the Oath of Office to Danny Tillman.

**2.2 - Election of Officers and Assignment of Other Responsibilities**

The Education Code and the Bylaws of the Board of Education require certain actions with regard to the internal organization of the Board.

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- Election of a Board President

Superintendent Delgado opened nominations for Board President. Danny Tillman nominated, seconded by Elsa Valdez, Teresa Parra to serve as President for the ensuing year. Hearing no further nominations, the nominations were closed. A unanimous vote was cast for Teresa Parra.

- Election of a Board Vice President

President Parra opened nominations for Board Vice President. Elsa Valdez nominated, seconded by Judi Penman, Danny Tillman for Vice President for the ensuing year. Hearing no further nominations, the nominations were closed. A unanimous vote was cast for Danny Tillman.

- Election of a Board Secretary. It has been the past practice that the Superintendent serve as the Secretary of the Board.

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

BE IT RESOLVED that the Board of Education elects Arturo Delgado to serve as Board Secretary.

- Election of an Assistant Secretary. It has proven desirable to appoint a Staff person as Assistant Secretary of the Board. It is suggested this practice be continued through the appointment of the Superintendent's Assistant to this post.

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

BE IT RESOLVED that the Board of Education elects Mary Beth Gosnell to serve as Assistant Secretary.

- Board Certification of Action

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

BE IT RESOLVED that Arturo Delgado, Secretary of the Board of Education, and Mary Beth Gosnell, Assistant Secretary of the Board, be authorized to certify or attest to actions taken by the Board of Education whenever such certification or attestation is required for any purpose as prescribed by Education Code Sections 35250 and 35036.

President Parra made the following appointments.

- Danny Tillman will serve as the Board's designated representative to elect members to the San Bernardino County School Boards Association County Committee on School District Organization.
- Louise Ayala will serve as the Board's designated representative and Danny Tillman will serve as alternate to the Center for Individuals with Disabilities.
- Appointment of CSBA Delegates—Based on the ADA of the District, the Board is entitled to two representatives to CSBA's Delegate Assembly. The position held by Mrs. Parra will expire in May 2011; the position held by Mrs. Savage will expire in May 2010.
- Barbara Flores, Teresa Parra, and Judi Penman will serve as the Board's designated representatives to the Education Bridge Committee.
- Judi Penman will serve as the Board's designated representative to Arrowhead United Way.

### 2.3- Annual Consideration of Board Policies

Board Bylaws 9310 state that the Board shall review certain policies annually, as required by Education Code 35160.5. If no revisions are deemed necessary, the Board minutes shall nevertheless indicate that the review was conducted. Other policies shall be monitored and reviewed as specified in the policy itself or as needed to reflect changes in law or District circumstances.

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

BE IT RESOLVED that the Board of Education readopts all existing Board policies until revised or revoked by the Board of Education.

### 2.4 - Organizational and Annual Meeting of the San Bernardino Schools Financing Corporation

As required by the San Bernardino Schools Financing Corporation Bylaws, the Board of Directors of the Corporation shall have an annual meeting for the purpose or organization, selection of officers, and transaction of other business. According to the Bylaws, annual meetings of the Board of Directors shall be held immediately following the first organizational meeting of the year of the San Bernardino School District Board of Education.

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President Parra recessed the meeting of the Board of Education of the San Bernardino City Unified School District and convened a meeting of the Board of Directors of the San Bernardino Schools Financing Corporation.

**RECESS**

**SAN BERNARDINO SCHOOLS FINANCING CORPORATION**

MINUTES of an ANNUAL MEETING  
Tuesday, December 16, 2008

Community Room  
Board of Education Building  
San Bernardino City Unified School District  
777 North F Street  
San Bernardino, California

**1.0 - Call to Order**

The meeting was called to order at 6:00 p.m.

**2.0 - Directors Present**

Directors Barbara Flores, Teresa Parra, Judi Penman, Lynda Savage, Danny Tillman, and Elsa Valdez were present.

**3.0 - Designation and Election of Officers**

Upon motion by Director Tillman, seconded by Director Savage, and approved by Directors Flores, Parra, Penman, Savage, Tillman, and Valdez (Noes: None), the following was adopted:

BE IT RESOLVED that Teresa Parra be elected as the Corporation's President.

BE IT ALSO RESOLVED that Danny Tillman be elected as the Corporation's Vice President.

BE IT ALSO RESOLVED that Arturo Delgado be elected as the Corporation's Secretary/Treasurer.

BE IT FURTHER RESOLVED that Mary Beth Gosnell be elected as the Corporation's Assistant Secretary.

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**4.0 - Comments from the Public**

None.

**5.0 - Adjournment**

By the affirmative vote of the Directors, the meeting was adjourned at 6:05 p.m.

At the conclusion of the meeting of the Board of Directors of the San Bernardino Schools Financing Corporation, the Board of Education reconvened its regular meeting.

**RECONVENE**

President Parra left the meeting at 6:05 p.m. Vice President Tillman chaired the remainder of the meeting.

**SESSION THREE - Special Presentations**

**3.0 - Special Presentations**

**3.1 - Outstanding Student Awards**

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

***Jones Elementary School***

Angel Coleman, Aija Talley, and Jacob Urquidez

***North Park Elementary School***

Gabriela Gonzalez, Helen Ibarra, and Arnulfo Lopez

***Rio Vista Elementary School***

Leslie Galaviz, Sarai Hernandez, and Nikita Osuna

**SESSION FOUR - School Showcase**

**4.0 - School Showcase**

**4.1 - Chavez Middle School**

Principal Karen Strong invited all in attendance to the Chavez Middle School Winter Program that will be held on December 17 and 18, at 6:30 p.m. Under the direction of music teacher Daniel Gervais, students from the Chavez Middle School String Orchestra performed three numbers.

**SESSION FIVE - Public Hearing**

**5.0 - Public Hearing**

**5.1 - Receive Comments on the District's Intent to Grant a Non-Exclusive Easement to East Valley Water District for a Double Detector Check Valve at Warm Springs Elementary School**

At its regular meeting on November 4, 2008, the Board of Education adopted a Resolution of Intent to grant a non-exclusive easement to the East Valley Water District for the installation, operation, and maintenance of a double detector check valve at Warm Springs Elementary School for fire hydrant service to the school.

In accordance with the adopted resolution referred to above, a public hearing on the question of granting the above referenced easement is required to be held at the regular Board of Education meeting on December 16, 2008.

Vice President Tillman opened the public hearing and asked if anyone wished to comment. Hearing no response, Mr. Tillman closed the public hearing.

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

BE IT RESOLVED that it is the judgment of the Board of Education and in the best interests of the District that a non-exclusive easement be granted to the East Valley Water District for the installation, operation, and maintenance of a double detector check valve at Warm Springs Elementary School for fire hydrant service to the school.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to execute all related documents, and to incur reasonable costs as necessary, to grant the above referenced easement.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**EASEMENT**

BEING A PORTION OF A RESUBDIVISION OF LOT 5, BLOCK 62, RANCHO SAN BERNARDINO, AS RECORDED IN BOOK 7 OF MAPS, PAGE 2, RECORDS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, AS DESCRIBED IN GRANT DEED TO THE CITY OF SAN BERNARDINO SCHOOL DISTRICT OF SAN BERNARDINO COUNTY, AS RECORDED IN BOOK 4575, PAGE 570 OF OFFICIAL RECORDS OF SAID COUNTY, SAID PORTION BEING DESCRIBED AS FOLLOWS:

**COMMENCING** AT A POINT IN THE SOUTH LINE OF SAID PARCEL CONVEYED TO THE CITY OF SAN BERNARDINO SCHOOL DISTRICT, SAID POINT BEING THE SOUTHWEST CORNER OF THAT PARCEL CONVEYED TO THE CITY OF HIGHLAND BY DEED RECORDED JANUARY 02, 1996, AS DOCUMENT NO. 19960000986, OFFICIAL RECORDS OF SAID COUNTY;

THENCE NORTH, ALONG THE WEST LINE OF SAID PARCEL CONVEYED TO THE CITY OF HIGHLAND, A DISTANCE OF 158.00 FEET, TO THE **TRUE POINT OF BEGINNING**;

THENCE WEST, PARALLEL WITH THE SOUTH LINE OF SAID PARCEL CONVEYED TO THE CITY OF SAN BERNARDINO SCHOOL DISTRICT, A DISTANCE OF 13.00 FEET;

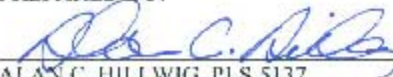
THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID PARCEL CONVEYED TO THE CITY OF HIGHLAND, A DISTANCE OF 13.00 FEET;

THENCE EAST, PARALLEL WITH THE SOUTH LINE OF SAID PARCEL CONVEYED TO THE CITY OF SAN BERNARDINO SCHOOL DISTRICT, A DISTANCE OF 13.00 FEET TO THE WEST LINE OF SAID PARCEL CONVEYED TO THE CITY OF HIGHLAND;

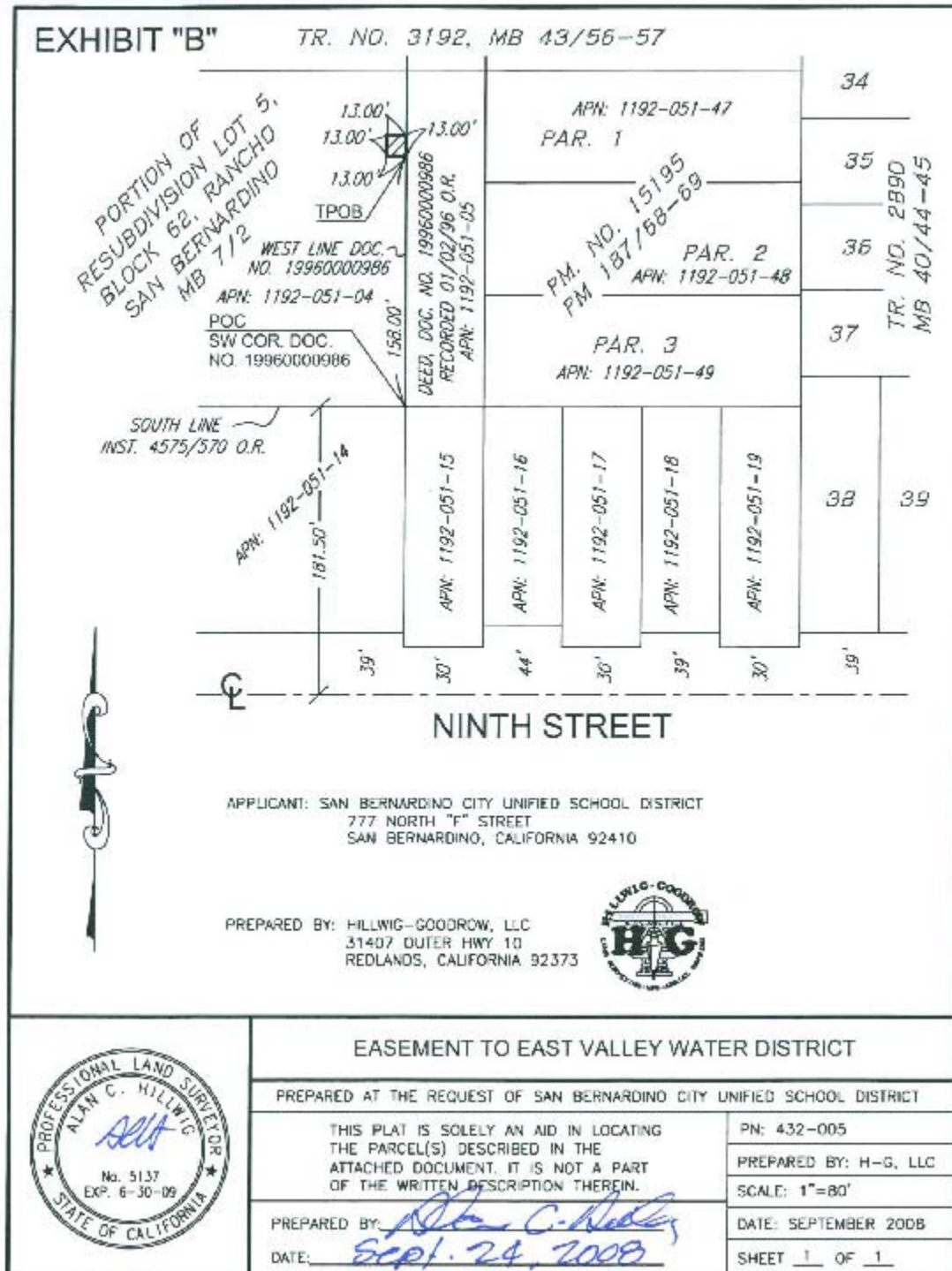
THENCE SOUTH, ALONG SAID WEST LINE, A DISTANCE OF 13.00 FEET TO THE **TRUE POINT OF BEGINNING**;

CONTAINING 169.00 SQUARE FEET, MORE OR LESS.

HILLWIG-GOODROW, I.I.C.  
PREPARED BY:

  
ALAN C. HILLWIG, PLS 5137  
DATE: *Sept. 24/2008*







## **SESSION SIX - Administrative Presentation**

### **6.0 - Administrative Presentation**

#### **6.1 - School Calendar**

The District operates multiple-track (continuous year-round), single-track, and traditional school calendars. Beginning with the 2008-2009 school year, the District implemented a weekly professional development day as well. Dr. Harold Vollkommer, Assistant Superintendent – Human Resources, Dr. Judy White, Deputy Superintendent, and Mrs. Yolanda Ortega, Assistant Superintendent – Employee Relations, presented information related to the yearly construction of the calendar, the academic benefits of the calendar elements the District employs, and the purpose and implementation of the professional development day program (see page \_\_\_\_).

Danny Tillman stated that parents should have been involved in the MOU day plans. Barbara Flores stated that staff development is important for teachers and parents need to support them. Judi Penman stated she has heard that parents have had problems because schools aren't making accommodations for students and they are roaming the streets. Mrs. Penman suggested students be allowed on the playgrounds or library before or after school. Elsa Valdez requested a list of the schools that don't have an after-school program during parent/teacher conference days.

King Middle School Principal James Espinosa stated that the MOU days have been a positive experience. Linda Whitaker, SBTA President, stated that SBTA supports the MOU days. Brenda Burns, 6<sup>th</sup> grade teacher at Warm Springs Elementary School, stated that her school was the first to pilot the MOU Day program and their students had a 40 percent increase in test scores. The teachers have benefited from the program by being able to collaborate. Suzanne Borucki, San Bernardino High School teacher, reported that the morning collaboration has been beneficial. Sandra Rodriguez, San Bernardino High School principal, stated she has seen growth over five years, and thanked the Board, Staff, and SBTA for the MOU days. Arwyn Wild, Arrowview Middle School principal, reported that the MOU days have been in place at Arrowview for four years and their test scores have improved each year. Mr. Wild stated that they provide programs for the students, and the parents that see the results feel it's worth the sacrifice. Shannon Cabanas, Arrowview Middle School teacher, expressed her appreciation for MOU days and stated the teachers want the students to succeed.

Elsa Valdez asked when all schools will change to a single-track calendar. Dr. Delgado stated that it depends on declining enrollment and how fast we can build new schools. Dr. Delgado stated that the Board gave him the charge to look at what works in some schools and replicate it in the others. That is why they expanded the MOU days program Districtwide. We are asking parents to support MOU days because we are making gains.

**SESSION SEVEN - Administrative Reports**

**7.0 - Administrative Reports**

**7.1 - Statement of Conduct Resolution**

This item was tabled until all Board members are present.

**7.2 - Resolution Adopting the Diploma Bound Initiative Which Supports Policies and Programs that Decrease High School Dropout Rates and Mitigates the Impact of Dropouts on the Region**

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

**WHEREAS** one of the most serious situations confronting our school system is the number of students dropping out prior to their high school graduations; and

**WHEREAS** compared to high school graduates, high school dropouts have been statistically shown to earn lower wages, pay fewer taxes, are more likely to commit crimes, are less likely to be employed, are more likely to be on welfare, and are less healthy; and

**WHEREAS** recent reports suggest that graduation rates in San Bernardino County are increasingly becoming one of the lowest in the State of California, suggesting an increasing need for a regional approach to mitigating dropout rates; and

**WHEREAS** the Board of Education is committed to the elimination of social inequities which are directly correlated to educational achievement; and

**WHEREAS** the whole community benefits when all children and youth are successful in school and they reach adulthood with the knowledge, skills, and values to realize their full potential and participate meaningfully in the world; and

**WHEREAS** the Diploma Bound Initiative was created to review research, engage in discussion, and develop a regional approach to abating dropout rates in San Bernardino County;

**THEREFORE BE IT RESOLVED** that the Board of Education and Superintendent hereby become a member of the regional Diploma Bound Initiative – a regional initiative recognizing the importance of reducing high school dropout rates and creating a regional approach to mitigate the impact of dropouts.

**BE IT ALSO RESOLVED** that the San Bernardino City Unified School District, in partnership with the other members of the Diploma Bound Initiative, invites all relevant public and private entities to become part of a new region-wide partnership devoted to promoting educational equity.

**BE IT FURTHER RESOLVED** that the San Bernardino City Unified School District, in partnership with the other members of the Diploma Bound Initiative, jointly convene a planning committee to develop a model for a region-wide, inclusive approach to reduce the number of high school dropouts and create a regional approach to mitigate the community impacts of dropouts.

Vice President Tillman moved Session Eight – Other Matters Brought by Citizens forward on the agenda.

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

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

Brenda Walker reported that her granddaughter was pepper sprayed by a security guard while she was handcuffed at Arroyo Valley High School. Mr. Tillman told her that someone would contact her.

Gil Navarro, education advocate, cautioned the Board about approving consent items 11.13 and 11.14 because no maximum amounts are stated. Mr. Navarro stated that the *Hispanic News* quoted President Elect Obama as saying no human being is illegal. Mr. Navarro stated that the District's SST policy isn't being implement at the middle or high schools.

#### **7.3 - Revisions to BB 9322 Agenda Content (First Reading)**

BB 9322

#### **Board Bylaws**

#### **~~Agenda/Meeting Materials~~ Content**

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

(cf. 9320 - Meetings and Notices)

(cf. 9321- Closed Session Purposes and Agendas)

The agenda shall provide members of the public the opportunity to address the Board on any agenda item before or during the Board's consideration of the item. The agenda shall also

provide members of the public an opportunity to ~~speak~~ **testify** at regular meetings on matters which are not on the agenda but which are within the subject matter jurisdiction of the Board. (Education Code 35145.5; Government Code 54954.3)

(cf. 9323 - Meeting Conduct)

***Each meeting agenda shall list the address designated by the Superintendent or designee for public inspection of agenda documents that have been distributed to the Board less than 72 hours before the meeting. (Government Code 54957.5)***

The agenda shall specify that an individual who requires disability-related accommodations or modifications including auxiliary aids and services in order to participate in the Board meeting should contact the Superintendent or designee ~~in writing~~. ***(Government Code 54954.2)***

#### Agenda Preparation

The Superintendent, as Secretary to the Board, in consultation with the Board President, shall prepare the agenda for each regular and special meeting. ***Each agenda shall reflect the district's vision and goals and the Board's focus on student learning.***

***(cf. 0000 – Vision)***

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

***(cf. 9191 – President)***

***(cf. 9122 – Secretary)***

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

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

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

***The Board president and Superintendent shall decide whether an agenda item is appropriate for discussion in open or closed session, and whether the item should be an action item subject to Board vote, an information item that does not require immediate action, or a consent item that is routine in nature and for which no discussion is anticipated.***

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

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

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

***Any Board action that involves borrowing \$100,000 or more shall be discussed, considered, and deliberated upon as a separate item of business on the meeting agenda. (Government Code 53635.7)***

***(cf. 9323.2 – Actions by the Board)***

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

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

Consent Items

In order to promote efficient meetings, the Board may act upon more than one item by a single vote through the use of a consent agenda. Consent items shall be items of a routine nature or

items for which no Board discussion is anticipated and for which the Superintendent recommends approval.

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

#### **Agenda Dissemination *to Board Members***

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

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

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

#### ***Agenda Dissemination to Members of the Public***

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

***If a document is distributed to the Board less than 72 hours prior to a meeting, the Superintendent or designee shall make the document available for public inspection at the time the document is distributed to a majority of the Board provided that the document is a public record under the Public Records Act and relates to an agenda item for an open session of a regular Board meeting. The Superintendent or designee may also post the document on the district's web site in a position and manner that makes it clear that the document relates to an agenda item for an upcoming meeting. (Government Code 54957.5***

***(cf. 1113 – District and School Web Sites)  
(cf. 1340 – Access to District Records)***

***Any document prepared by the district or the Board and distributed during a public meeting shall be made available for public inspection at the meeting. Any documents prepared by another person shall be made available for public inspection after the meeting. These***

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***requirements shall not apply to a document that is exempt from public disclosure under the Public Records Act. (Government Code 54957.5)***

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

Any request for mailed copies of agendas or agenda packets shall be in writing and shall be valid for the calendar year in which it is filed. Written requests must be renewed following January 1 of each year. (Government Code 54954.1)

Persons requesting mailing of the agenda or agenda packet shall pay an annual fee as determined by the Superintendent or designee, ***not to exceed the cost of providing the service.***

Legal Reference:

EDUCATION CODE

35144 Special meetings

35145 Public meetings

35145.5 Right of public to place matters on agenda

GOVERNMENT CODE

***6250-6270 Public Records Act***

53635.7 Separate item of business

54954.1 Mailed agenda of meeting

54954.2 Agenda posting requirements; board actions

54954.3 Opportunity for public to address legislative body

54954.5 Closed session item descriptions

54956.5 Emergency meetings

54957.5 Public records

UNITED STATES CODE, TITLE 42

12101-12213 Americans with Disabilities Act

CODE OF FEDERAL REGULATIONS, TITLE 28

35.160 Effective communications

36.303 Auxiliary aids and services

***COURT DECISIONS***

***Caldwell v. Roseville Joint Union HSD, 2007 U.S. Dist. LEXIS 66318***

Management Resources:

CSBA PUBLICATIONS

The Brown Act: School Boards and Open Meeting Laws, ~~1999~~ ***rev. 2007***

***Guide to Effective Meetings, rev. 2007***

***Maximizing School Board Leadership: Boardsmanship, 1996***

ATTORNEY GENERAL PUBLICATIONS

The Brown Act: Open Meetings for Legislative Bodies, California Attorney General's Office,

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~~2002~~ *rev. 2003*

CALIFORNIA CITY ATTORNEY PUBLICATIONS

Open and Public III: A User's Guide to the Ralph M. Brown Act, 2000

WEB SITES

CSBA, *Agenda Online*:

<http://www.csba.org/Services/Services/GovernanceTechnology/AgendaOnline.aspx>

California Attorney General's Office: <http://www.caag.state.ca.us>

Bylaw SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

adopted: October 16, 2007 San Bernardino, California

revised: January 15, 2008

Danny Tillman, Judi Penman, and Barbara Flores spoke in favor of changing the three-minute time limit to five minutes. Mr. Tillman recommended waiting until all Board members are present to make the change.

Gil Navarro stated that the Board is trying to suppress special interest groups by having a three-minute time limit. Mr. Navarro stated that the recommended additions regarding the Board President and Superintendent deciding whether an agenda item is appropriate should be eliminated.

#### 7.4 - Workers' Compensation Self-Insurer's Annual Report

The District operates a self-insured and self-administered Workers' Compensation Program. The cost of Workers' Compensation benefits is paid directly from District funds. The District has employed state certified claims examiners and other employees to process Workers' Compensation claims and assist injured employees.

The District filed its Public Self-Insurer's Annual Report for the fiscal year ending June 30, 2008, with the California State Department of Industrial Relations. The California Labor Code, Section 3702.6(b), reads as follows:

“Each public self-insurer shall advise its governing board within 90 days after submission of the self-insurer's annual report of the total liabilities reported and whether current funding of those Workers' Compensation liabilities is in compliance with the requirements of Government Accounting Standards Board Publication No. 10.”

The Annual Report estimated the District's future liabilities for Workers' Compensation at \$8,877,352.00, which is \$512,112.00 more than the estimate of future liabilities at the close of the 2006-2007 fiscal year. The majority of this increase is attributed to future medical liabilities, increased utilization review per new workers' compensation legislation, bill review, and total temporary disability rate increase.



The Public Self-Insurer’s Annual Report contains statistical information that is helpful in monitoring the performance of the District’s Workers’ Compensation Program. For the past eight years, both benefits costs and the number of employees have been increasing and decreasing. The individual employees listed on Form DE-6 for the year ending June 30, 2008, determine the number of employees.

The following data compare the District’s Workers’ Compensation activity for each of the past eight fiscal years:

|  | 2000-01   | 2001-02   | 2002-03   | 2003-04   | 2004-05   | 2005-06   | 2006-07   | 2007-2008 |
|--|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Total Benefits Paid During Fiscal Year | 2,324,330 | 2,514,418 | 3,061,986 | 3,418,895 | 3,143,534 | 2,915,134 | 2,339,291 | 2,477,503 |
| Medical-Only Cases Reported            | 425       | 429       | 493       | 449       | 532       | 435       | 267       | 231       |
| Indemnity Cases Reported               | 91        | 83        | 99        | 69        | 65        | 84        | 100       | 104       |
| Total New Cases Reported               | 516       | 512       | 592       | 518       | 597       | 519       | 367       | 335       |
| Total Open Indemnity Cases             | 306       | 339       | 416       | 431       | 473       | 469       | 540       | 607       |
| Litigated Cases Reported               | 31        | 22        | 38        | 16        | 16        | 2         | 18        | 8         |
| Number of Employees                    | 7,596     | 8,634     | 8,781     | 7,568     | 7,358     | 7,820     | 7,089     | 7,029     |

## **SESSION NINE - Reports and Comments**

### **9.0 - Report by Board Members**

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

Danny Tillman reported that CSBA has asked all districts to forward a list of their construction projects to CSBA.

Lynda Savage reported on the Delegate Assembly meeting she attended earlier in the month in San Diego. The state legislators have let public education down. California spends the least amount of money on education. Mrs. Savage thanked the Board for allowing her to attend the meeting.

Elsa Valdez stated she read an article about a school bus driver from another school district driving under the influence and asked what precautions our bus company takes to monitor the drivers.

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Barbara Flores expressed her support of Mrs. Savage's comments about state legislators and the budget and suggested the Board write a strong letter to the legislators. Danny Tillman stated that the Board could adopt a resolution. Dr. Flores stated her willingness to serve as a CSBA Delegate.

9.1 - Legislative Update

None.

**10.0 - Report by Superintendent and Staff Members**

Dr. Delgado reported that he will attend a Mayors and Superintendents Summit in Sacramento with San Bernardino Mayor Pat Morris. The goal of the summit is to put pressure on the Governor to adopt the state budget. The City is paying for Dr. Delgado's expenses. Dr. Delgado reminded Board members that the January 6 Board meeting has been rescheduled for January 20, 2009. Dr. Delgado reported that he will address the State Board of Education in January, along with Judy White, Paul Shirk, and two parents. They will discuss Program Improvement Districts. Dr. Delgado stated that the new audiovisual equipment will be installed in the Community Room during the Winter Recess.

**SESSION TEN - Legislation and Action**

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

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

Consent item 11.33 was pulled from the Consent Calendar.

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

11.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on November 18, 2008, be approved as presented.

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11.2 - 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.

11.3 - 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 Plans:

| SCHOOL                                 | AWARD       | EXPENDITURES  |
|--|-------------|---|
| Rio Vista Elementary<br>(Revised Plan) | \$15,900.00 | Certificated and Classified Salaries/ Books/<br>Instructional Supplies/Professional Services/<br>Assemblies and Printing. |

11.4 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$500.00, CaSA; \$100.00, Rotary's Wide World of Books; \$400.00, Waterman Discount Mall; \$500.00, Raymond P. Rice; \$400.00, CaSA; \$250.00, CaSA; \$18,545.00, Starr-Al Limousines; \$250.00, Schools First Federal Credit Union; \$285.00, Mr. & Mrs. Paul E. Cruse; \$1000.00, CBC Community Group; and \$243.72, Lifetouch Productions Inc.

11.5 - Commercial Warrant Registers for Period from November 16, through November 30, 2008

BE IT RESOLVED that the Commercial Warrant Register for period from November 16, 2008, through November 30, 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.

11.6 - 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:

The Hampstead Stage Company for two assemblies on December 5, 2008, at Davidson Elementary School. The cost, not to exceed \$945.00, will be paid from Davidson Account No. 282.

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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 14, 2009, at Ramona-Alessandro Elementary School. The cost, not to exceed \$1,150.00, will be paid from Ramona-Alessandro Account No. 039.

Open Window Entertainment for two assemblies on December 19, 2008, at Ramona-Alessandro Elementary School. The cost, not to exceed \$800.00, will be paid from Ramona-Alessandro Account No. 039.

Freshi Films for a 14-week after-school program starting January 5, 2009, through April 17, 2009, at San Andreas High School. The cost, not to exceed \$20,000.00, will be paid from San Andreas Account No. 566.

11.7 - 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 expert:

Roxanne Sensenbach to provide 13 CTEL Test Preparation training sessions plus a full-day review to District staff from February 26, 2009, through May 30, 2009. The fee, not to exceed \$2,400.00, will be paid from the Restricted General Fund—Title III Limited English Proficiency Student Subgrant, Account No. 544.

11.8 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$56,250.00 in the budgeting of revenue and expenditures for the restricted program, Mathematics and Reading Professional Development Program (490).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$745,651.00 in the budgeting of revenue and expenditures for the restricted program, Fund 11-Adult Education Program (130).

11.9 - Mileage and Cell Phone Amounts, Fiscal Year 2008-2009

BE IT RESOLVED that the Board of Education ratifies the fixed mileage rate, variable mileage rate, and cell phone payment at the following not-to-exceed amounts for the 2008-2009 fiscal year:

|                                    |             |
|------------------------------------|-------------|
| Fixed Monthly Certificated Mileage | \$19,500.00 |
|------------------------------------|-------------|

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|                                     |             |
|-------------------------------------|-------------|
| Fixed Monthly Classified Mileage    | \$ 8,000.00 |
| Variable Mileage Rate (eff. 1/1/09) | \$ .55      |
| Cell Phone                          | \$ 5,500.00 |

11.10 - Sale of Used District Computer Equipment and Peripherals

BE IT RESOLVED that the Board awarded Bid 09-05 to E-Recycling of California, Paramount, CA, on May 17, 2005, to include the purchase of additional surplus computer equipment and peripherals for recycling from the District for a one-year term and all extensions, not to exceed five years. During the awarded term, the District will present new Board-approved computer and peripheral surplus lists to the awarded bidder with option to buy using Attachment B, Price List, which states the District shall receive \$3.00 per monitor, \$1.25 per CPU, \$3.00 per TV, \$1.25 per printer, \$3.00 per server, \$1.50 per storage device, and \$.05 per keyboard or mouse. All prices include associated cables. Proceeds from the sale shall be deposited into the Unrestricted General Fund.

BE IT ALSO RESOLVED that in accordance with California Education Code Section 17545, the Board of Education declares the following items as surplus to District needs and unsatisfactory or no longer suitable for school use: List of Salvage Computer Equipment and Peripherals dated December 16, 2008.

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

11.11 - Extended Field Trip, Monterey Elementary School, Cedar Crest Outdoor Science Camp, Green Valley Lake, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 40 Monterey Elementary School students and three District employees to attend the Cedar Crest Outdoor Science Camp, in Green Valley Lake, California, January 12-16, 2009. The cost of the trip, not to exceed \$12,200.00, including meals and lodging for 40 Monterey Elementary School students and three District employees, will be paid by an anonymous sponsor. Transportation by First Student Bus Lines, not to exceed \$600.00, will be paid from Monterey Elementary School Account No. 419. Names of the students are on file in the Business Services office.

11.12 - Extended Field Trip, Riley Elementary School, Cedar Crest Outdoor Science Camp, Running Springs, California

BE IT RESOLVED that the Board of Education approves the extended field trip for 100 Riley Elementary School students and six District employees to attend the Cedar Crest Outdoor Science Camp, in Running Springs, California, March 2-6, 2009. The cost of the trip, not to

exceed, \$35,000.00, including meals and lodging for 100 Riley Elementary School students and six District employees, will be paid from sponsorship through the Orange County Department of Education. Transportation by First Student Bus Lines, not to exceed \$1,500.00, will be paid from Riley Elementary School Account No. 419. Names of the students are on file in the Business Services office.

11.13 - Agreement for Nonpublic, Nonsectarian School/Agency Services with Applied Behavior Consultants—Ontario

BE IT RESOLVED that the Board of Education approves entering into an agreement with Applied Behavior Consultants—Ontario, CA, to provide services to special education students, effective January 5, 2009, through June 30, 2009. The daily cost and other approved related services at agreed-upon rates, will be paid from Restricted General Fund—Special Education-Mental Health Services, Account No. 807.

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

11.14 - Agreement for Nonpublic, Nonsectarian School/Agency Services with Griffith Centers for Children, Inc.

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Griffith Centers for Children, Inc., Lakewood, CO, to provide services to special education students, effective December 1, 2008, through June 30, 2009. The daily cost of \$134.73 and other approved related services at agreed-upon rates, will be paid from Restricted General Fund—Special Education-Mental Health Services, Account No. 807.

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

11.15 - Agreement with ATI Architects for Architectural and Engineering Services for “21st Century” Classroom Improvement Projects at Arrowview Middle School, Pacific High School, and San Bernardino High School

BE IT RESOLVED that the Board of Education approves entering into a professional services agreement with ATI Architects, Redlands, CA, for architectural and engineering services for three “21st Century” classroom improvement projects - one classroom at each site - at Arrowview Middle School, Pacific High School, and San Bernardino High School, effective December 17, 2008, through December 31, 2012. The fees will be based on the standard architect’s fee schedule. The estimated total project cost is \$300,000.00, which includes standard reimbursable costs, permit fees, inspection fees, and other customary contingencies and excludes furniture and equipment costs. Fifty percent of the total cost of the completed projects

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will be paid from QEIA Fund 01 - Management 436; and fifty percent will be from Funds 21, 35, and 40.

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

11.16 - Agreement with Children's Resources to Provide Five Training Workshops to Parents of District Students

BE IT RESOLVED that the Board of Education approves entering into an agreement with Children's Resources, Fontana, CA, to provide five training workshops to parents of District students at Golden Valley Middle School, effective January 22, 2009, through February 19, 2009. The training will be provided to parents on five successive Thursdays. The cost for the services, not to exceed \$3,500.00, will be paid from the Restricted General Fund—School Based Coordinated Program, Account No. 419.

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

11.17 - Agreement with Global Environmental Training & Consulting, Inc., to assist the District in Control of Hazardous Waste Material

BE IT RESOLVED that the Board of Education approves entering into an agreement with Global Environmental Training & Consulting, Inc., West Covina, CA, to provide control of hazardous waste material services to the District, effective January 1, 2009, through June 30, 2009 with four annual options to renew the agreement at the discretion of the District. The fee, not to exceed \$30,000.00, will be split between two funds as follows: \$5,000.00 from the Restricted General Fund—Maintenance of Facilities, Account No. 076, and, \$25,000.00 from Fund 14, Deferred Maintenance, Account No. 707.

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

11.18 - Agreement with Principal's Exchange, LLC to Promote Improved Academic Achievement

BE IT RESOLVED that the Board of Education approves entering into an agreement with Principal's Exchange, LLC, Whittier, CA, to promote improved academic achievement, effective December 17, 2008, continuing through June 30, 2010. The fee, not to exceed \$56,000.00, shall be paid from the Restricted General Fund—School Based Coordinated Program, Account No. 419.

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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.

11.19 - 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 complete the second part of Phase I of a three-year project to promote significantly improved academic achievement to accelerate three schools' (Cypress, Mt. Vernon, and Rio Vista Elementary Schools) exit from Program Improvement status, effective January 5, 2009, 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.

11.20 - Agreement with Stanfill Associates, Inc., to Perform as External Evaluator for Pacific High School's Federal Smaller Learning Communities Grant

BE IT RESOLVED that the Board of Education approves entering into an agreement with Stanfill Associates, Inc., to perform as external evaluator for Pacific High School's Federal Smaller Learning Communities grant, effective December 17, 2008, continuing through June 30, 2009. Stanfill Associates, Inc., will regularly assess the school's progress toward meeting the intended goals, to include making periodic visits to the school to verify progress, and will assist in the yearly narrative and report required by the United States Department of Education. The cost, not to exceed \$11,250.00, will be paid Restricted General Fund 01, SLC-Every Student Connected, Account No. 511.

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

11.21 - 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 I Requirements for San Bernardino High 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 in conformance with the SAIT II, Phase I Requirements for San Bernardino High School, effective December 17, 2008, continuing through June 30, 2009. The fee, not to exceed \$100,000.00, 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.

11.22 - Local Agreement for Child Development Services with the California Department of Education, Contract No. CIMS-8491, 2008-09 Instructional Materials and Supplies Contracts

BE IT RESOLVED that the Board of Education ratifies entering into a local agreement for child development services with the California Department of Education, Sacramento, CA, to provide one-time funding for the purchase of Instructional Materials and Supplies, effective July 1, 2008, continuing through June 30, 2009. This agreement is funded through a grant from the Federal Department of Health and Human Services for the purchase of instructional materials and supplies. The total amount payable to the District shall not exceed \$3,506.00, and shall be deposited into the Child Development Fund 12.

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

11.23 - Amendment of the Agreement with the Inland Regional Center to Provide Applied Behavioral Analysis to District Students

BE IT RESOLVED that the Board of Education approves amending the agreement with Inland Regional Center, San Bernardino, CA, approved by the Board on June 3, 2008, Agenda Item 9.25. The amendment is necessary to increase the state mandated rate from \$38.01 per hour to \$50.87 per hour. 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.

11.24 - Amendment No. 1 to the Agreement with Adolph Ziemba AIA & Associates, Inc., to Provide Architectural Services for Installation of QEIA Relocatable Classrooms at Various Sites

BE IT RESOLVED that the Board of Education approves amending the agreement with Adolph Ziemba AIA & Associates, Inc., Burbank, CA, to provide architectural services for the installation of QEIA Relocatable Classrooms at various sites, as originally approved by the Board on November 6, 2007. This amendment is for the design and installation of two additional relocatable classrooms at Vermont Elementary School, for a total of six classrooms. The cost, not to exceed \$24,800.00, plus reimbursables, will be paid from Fund 436 – Quality Education Investment Act Grant. 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 No. 1.

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11.25 - Amendment No. 1 to the Agreement with Shanks Electric Corporation, QEIA - Site Work and Interior Electrical Work Associated with 19 Relocatable Classrooms – Retention Reduction

BE IT RESOLVED that the Board of Education approves reducing the retention amount for Shanks Electric Corporation, Helendale, CA, contractor for QEIA - site work and interior electrical work associated with 19 relocatable classrooms, by 5 percent. 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 No. 1.

11.26 - Amendment No. 2 to the Agreement with HMC Group as Architect of Record for the Severe Special Day Classes (SDC) Classrooms/Support Buildings

BE IT RESOLVED that the Board of Education approves amending the agreement with HMC Group, Ontario, CA, originally approved on November 6, 2001, for the architect of record for Severe Special Day Classes (SDC) classrooms/support buildings. This amendment will extend the ending to June 30, 2011, to allow for the construction and completion of the current eight SDC projects and any punch list and closeout procedures on prior SDC 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 No. 2.

11.27 - Amendment No. 2 to the Agreement with M Space Holdings, LLC, for Lease of Seven Relocatable Classrooms at Middle College High School

BE IT RESOLVED that the Board of Education approves amending the agreement with M Space Holdings, LLC, Harrison Township, MI, originally approved by the Board on December 20, 2005, for lease of seven relocatable classrooms at Middle College High School. This amendment will renew the lease for an additional two years, through December 31, 2010. The cost, not to exceed \$48,636.00 per year, will be paid from Funds 01, 21, 25, 35, and 40. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to sign said Amendment No. 2.

11.28 - Amendment No. 2 to the Agreement with OJB Engineering Inc. for Construction Management Services at Col. Joseph C. Rodriguez PREP Academy

BE IT RESOLVED that the Board of Education approves amending the agreement with OJB Engineering Inc., San Bernardino, CA, for construction management services at Col. Joseph C.

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Rodriguez PREP Academy. This amendment will extend the ending date to December 31, 2009, due to punch list items and closeout procedures. 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 No. 2.

11.29 - Amendment No. 3 to the Agreement for Short-Term Lease of Office Space at the Carousel Mall

BE IT RESOLVED that the Board of Education approves amending the agreement for short-term lease of office space at the Carousel Mall. Amendment No. 2 changed the name of the owner/landlord from "Central City Company, LLC" to "LNR San Bernardino, LLC." This amendment changes the name of the owner/landlord from "LNR San Bernardino, LLC" to "Placo San Bernardino, LLC," Tustin, CA. 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.

11.30 - Amendment No. 4 to the Agreement with Edward V. Regan for DSA Inspection Services for Modernization Projects at Various Sites

BE IT RESOLVED that the Board of Education approves amending the agreement with Edward V. Regan, San Clemente, CA, for DSA inspection services for modernization projects at Kimbark, Muscoy, and Vermont Elementary Schools and King Middle School. This amendment will extend the ending date to December 31, 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 No. 4.

11.31 - Amendment No. 4 to the Agreement with PCH Architects as the Architect of Record for Col. Joseph C. Rodriguez PREP Academy

BE IT RESOLVED that the Board of Education approves amending the agreement with PCH Architects, Redlands, CA, as the Architect of Record for the construction of Col. Joseph C. Rodriguez PREP Academy. This amendment will extend the ending date to December 31, 2009, due to punch list items and closeout procedures. 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 No. 4.

11.32 - Amendment No. 4 to the Agreement with WLC Architects for Architectural Services in Connection with the Placement of Modular Multi-Purpose Rooms at Various Locations

BE IT RESOLVED that the Board of Education approves amending the agreement with WLC Architects, Rancho Cucamonga, CA, for the architectural services in connection with the placement of modular multi-purpose rooms at various locations. This amendment will extend the ending date to June 30, 2009, due to pending and closeout activities. 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 No. 4.

11.33 - Renewal of the Agreement with the City of San Bernardino Telecommunications Division, KCSB, Channel 3 to Videotape and Broadcast Board of Education Meetings for the San Bernardino City Unified School District

This item was deleted.

11.34 - Renewal of the Agreement with the City of San Bernardino Police Department to Share the Costs for the Crossing Guard Program

BE IT RESOLVED that the Board of Education ratifies renewing the agreement with the City of San Bernardino Police Department to share the costs of the crossing guard program, effective July 1, 2008, continuing through June 30, 2009. The City of San Bernardino will provide crossing guards for children attending District schools. The District's share of costs, not to exceed \$195,000.00, will be paid from the Unrestricted General Fund—Administrative Support, Account No. 189.

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

11.35 - Renewal of the Agreement with San Bernardino County Superintendent of Schools for the Business-Personnel Educational Software Technology and Network Consortium (BEST NET)

BE IT RESOLVED that the Board of Education approves renewing the agreement with San Bernardino County Superintendent of Schools for the Business-Personnel Educational Software Technology and Network Consortium (BEST NET) to establish, operate, and maintain a software development and wide area network consortium for local educational agencies, for the five-year period ending November 30, 2013. The services include providing a complete, integrated software package consisting of business and personnel components for the member districts. Included also in the services are online real-time processing in all areas of financial and human resource management. Fees for the software and hardware services and the wide area

network services are based upon the K-12 school district ADA model. The total estimated cost of \$468,278.40 for 2008-2009 will be paid from Fiscal Services Account No. 368.

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

11.36 - Renewal of Agreement with 1st Hour Communications, LLC to Distribute Printed Parental Communication Materials

BE IT RESOLVED that the Board of Education approves renewing the agreement with 1st Hour Communications, LLC, Golden, CO, to distribute printed parental communication materials containing a District newsletter to parents, public service announcements, and other general information which may be useful or helpful to parents; and which also include corporate-sponsored branded messages and direct response advertising for various businesses and manufacturers which have contracted with 1st Hour Communications to participate in the program, effective January 1, 2009, through December 31, 2009. The District agrees to provide addresses, but not names, of all households in the District (which will not be released to any third party); and will have control over the newsletter content and the right to not participate in distribution of any particular newsletter which the District finds objectionable. Based on providing 35,000 unique households for each distribution, the District shall receive an amount not to exceed \$9,800.00. There will be no cost to the District.

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

11.37 - Rescinding of Agreement with HMC Group and Approval of Agreement with PJHM Architects for Architectural and Engineering Services for Modernization Projects at Pacific, Sierra, and San Andreas High Schools

BE IT RESOLVED that the Board of Education approves rescinding the agreement with HMC Group, Ontario, CA for architectural and engineering services for the modernization projects at Pacific, Sierra, and San Andreas High Schools.

BE IT ALSO RESOLVED that the Board of Education approves entering into a professional services agreement with PJHM Architects, San Clemente, CA, for architectural and engineering services for the modernization projects at Pacific, Sierra, and San Andreas High Schools, effective December 17, 2008, through December 31, 2013. Fees will be based on the standard architect fee schedule for modernization projects with an estimated combined construction cost of \$5,294,526.00, plus standard reimbursable costs, and will be paid from Funds 01, 21, 25, 35, and 40.

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

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11.38 - Rejection of Claim, Bid Package #05, Bid #31-03, Cesar Chavez Middle School – Southern Counties Quality Masonry, Inc.

BE IT RESOLVED that the Board of Education rejects the Statement of Claim for \$21,588.00 from Southern Counties Quality Masonry, Inc., for Bid Package #05, Bid #31-03, Cesar Chavez Middle School.

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

11.39 - Notice of Completion, Bid No. F05-09, Category 1 - Col. Joseph C. Rodriguez PREP Academy

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F05-09, New Construction of Col. Joseph E. Rodriguez PREP Academy, for the portion of the work awarded to the Prime Contractor listed below:

Category 1 – General Construction  
JRH Construction Company  
Tustin, CA

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

11.40 - Notice of Completion, Bid No. F06-05, Asbestos Abatement and Lead Abatement, Demolition Activities - Arrowview Middle School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. F06-05, Modernization of Arrowview Middle School, for the portion of the work awarded to the Prime Contractor listed below:

Asbestos Abatement and Lead Abatement, Demolition Activities  
Envirotech Industries, Inc.  
Montebello, CA

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

11.41 - Notice of Completion, Bid No. 31-03, Category 05 - Cesar Chavez Middle School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. 31-03, at Cesar Chavez Middle School, for the portion of the work awarded to the Prime Contractor listed below:

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Category 05- Contractor-Masonry  
Southern Counties Quality Masonry  
Santa Ana, CA

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

11.42 - Notice of Completion, Bid No. 32-05, Technology Infrastructure at Arrowhead Elementary School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the Bid No. 32-05, Technology Infrastructure at Arrowhead Elementary School, Purchase Order No. 610287 and 071196, awarded to:

Checkpoint Communications, Inc.  
2168 Michelson Drive  
Irvine, CA 92612

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

11.43 - Notice of Completion, Bid No. 32-05, Technology Infrastructure at Barton Elementary School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the Bid No. 32-05, Technology Infrastructure at Barton Elementary School, Purchase Order No. 610287, awarded to:

Checkpoint Communications, Inc.  
2168 Michelson Drive  
Irvine, CA 92612

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

11.44 - Notice of Completion, Bid No. 32-05, Technology Infrastructure at Emmerton Elementary School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the Bid No. 32-05, Technology Infrastructure at Emmerton Elementary School, Purchase Order No. 610287, awarded to:

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Checkpoint Communications, Inc.  
2168 Michelson Drive  
Irvine, CA 92612

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

11.45 - Notice of Completion, Bid No. 32-05, Technology Infrastructure at Harmon Elementary School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the Bid No. 32-05, Technology Infrastructure at Harmon Elementary School, Purchase Order No. 610287, awarded to:

Checkpoint Communications, Inc.  
2168 Michelson Drive  
Irvine, CA 92612

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

11.46 - Notice of Completion, Bid No. 32-05, Technology Infrastructure at Highland-Pacific Elementary School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the Bid No. 32-05, Technology Infrastructure at Highland-Pacific Elementary School, Purchase Order No. 610287, awarded to:

Checkpoint Communications, Inc.  
2168 Michelson Drive  
Irvine, CA 92612

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

11.47 - Notice of Completion, Bid No. 32-05, Technology Infrastructure at Hunt Elementary School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the Bid No. 32-05, Technology Infrastructure at Hunt Elementary School, Purchase Order No. 610287, awarded to:



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Checkpoint Communications, Inc.  
2168 Michelson Drive  
Irvine, CA 92612

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

11.48 - Notice of Completion, Bid No. 32-05, Technology Infrastructure at Kimbark Elementary School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the Bid No. 32-05, Technology Infrastructure at Kimbark Elementary School, Purchase Order No. 610287, awarded to:

Checkpoint Communications, Inc.  
2168 Michelson Drive  
Irvine, CA 92612

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

11.49 - Notice of Completion, Bid No. 32-05, Technology Infrastructure at Roberts Elementary School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the Bid No. 32-05, Technology Infrastructure at Roberts Elementary School, Purchase Order No. 610287, awarded to:

Checkpoint Communications, Inc.  
2168 Michelson Drive  
Irvine, CA 92612

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

11.50 - Notice of Completion, Bid No. 32-05, Technology Infrastructure at San Bernardino High School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for the Bid No. 32-05, Technology Infrastructure at San Bernardino High School, Purchase Order No. 613516, awarded to:

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Checkpoint Communications, Inc.  
2168 Michelson Drive  
Irvine, CA 92612

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

11.51 - 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:

\*S02/23/1992 \*S01/23/1996 \*S04/20/1991 \*\*01/26/1991 \*S01/19/1993 \*S04/23/1996  
\*S12/19/1992 03/07/1991 \*10/11/1992 \*S04/02/1993 \*\*11/12/1990

\*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.

11.52 - 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.

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

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

07/16/1992    11/07/1992    03/04/1994    06/28/1995

11.54 - 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:

11.55 - Revocation of Suspension of Expulsion

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

12/23/1992

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.

11.56 - 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:

04/11/1994    04/25/1993

11.57 - 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:

11.58 - 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.

11.59 - 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.

**12.0 - Action Items**

12.1 - Call for Nominations for California School Boards Association Delegate Assembly from Subregion 16-B

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

BE IT RESOLVED that the Board of Education nominates Barbara Flores as a candidate for California School Boards Association (CSBA) Delegate Assembly for Region 16-B.

12.2 - Revisions to BB 9322 Agenda Content (First Reading)

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

BE IT RESOLVED that the Board of Education receives the revisions to BB 9322 Agenda Content as a first reading.

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12.3 - Workers' Compensation Self-Insurer's Annual Report

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

BE IT RESOLVED that the Board of Education receives and accepts the Workers' Compensation Public Self-Insurer's Annual Report as provided for in Labor Code Section 3702.6(b).

12.4 - Personnel Report #12, dated December 16, 2008

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

BE IT RESOLVED that the Personnel Report #12, dated December 16, 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 ELEVEN - Closed Session**

**13.0 - Closed Session**

This item was canceled.

**SESSION TWELVE – Open Session**

**14.0 - Action Reported from Closed Session**

This item was canceled.

**SESSION THIRTEEN - Closing**

**15.0 - Adjournment**

By the affirmative vote of the members, the meeting was adjourned at 8:15 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District to be held on Tuesday, January 6, 2009, has been canceled. The business of the District normally considered by the Board on January 6, will be placed on the agenda of a special meeting scheduled for Tuesday, January 13, 2009, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.