

San Bernardino City Unified School District

Minutes of a Regular Meeting of the Board of Education

**MINUTES
ADOPTED
3/20/07**

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

March 6, 2007

5:30 p.m.

Present: President Marlin Brown; Vice President Lynda Savage; Board Members Louise Ayala, Teresa Parra, Judi Penman, Danny Tillman, 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 Brown 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 - In Recognition of Arts Education Month

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

WHEREAS arts education, which includes dance, music, theater, and the visual arts, is a vital part of basic education, providing a balanced education for all students; and

WHEREAS the Board of Education of the San Bernardino City Unified School District joins the State of California in recognizing arts education as an essential and integral part of basic education for all students, Kindergarten through Grade 12; and

WHEREAS instruction in the basic skills and knowledge of dance, music, theater, and the visual arts provides development of critical and creative thinking and perceptual abilities that extend to all careers and areas of life; and

WHEREAS experience in the arts develops insights and abilities central to the experiences of life and are collectively one of the most important repositories of culture; and

WHEREAS the Board of Education of the San Bernardino City Unified School District concurs with the Arts Education Policy of the California Board of Education, which states that each student should receive a high quality, comprehensive arts education program;

THEREFORE, BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District joins the Joint Rules Committee of the California Senate and Assembly in declaring March 2007 Arts Education Month and encourages all schools in the District to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding of the visual and performing arts.

2.2 - In Recognition of Week of the School Administrator

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

WHEREAS school administrators are passionate, lifelong learners who believe in the value of quality public education; and

WHEREAS the title “school administrator” is a broad term used to define many education leadership posts. Superintendents, assistant superintendents, principals, assistant principals, special education and adult education leaders, school business officials, classified educational leaders, and other school district employees are considered administrators; and

WHEREAS providing quality service for student success is paramount for the profession; and

WHEREAS most school administrators began their careers as teachers. The average administrator has served in public education for more than a decade. Most of California’s superintendents have served in education for more than 20 years. Such experience is beneficial in their work to effectively and efficiently lead public education and improve student achievement; and

WHEREAS school leaders depend on a network of support from school communities—fellow administrators, teachers, parents, students, businesses, community members, board trustees, colleges and universities, community and faith-based organizations, elected officials and district and county staff and resources—to promote ongoing student achievement and school success; and

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WHEREAS research shows that great schools are led by great principals, and great districts are led by great superintendents. These site leaders are supported by extensive administrative networks throughout the state; and

WHEREAS the State of California has declared the week of March 4-10, 2007, as the “Week of the School Administrator” in Education Code 44015.1; and

WHEREAS the future of California’s public education system depends upon the quality of its leadership;

THEREFORE, BE IT RESOLVED by the Board of Education of the San Bernardino City Unified School District that all school leaders be commended for the contributions they make to successful student achievement.

SESSION THREE – Student Report/School Showcase

3.0 - Student Report/School Showcase

3.1 - Middle College High School

Richard Tejada, Student Board Representative from Middle College High School, presented a report of activities taking place at the high schools during the month of March. Bette Vest, Coordinator, announced that Middle College High School has been nominated for a Distinguished School Award. Mrs. Vest presented a slide show of Middle College seniors describing their experience at the school. Several students introduced themselves and announced their plans following graduation.

SESSION FOUR - Public Hearing

4.0 - Public Hearing

4.1 - Review and Consider Adoption of a Resolution Approving the San Bernardino City Unified School District's School Facilities Needs Analysis, Adopting Alternative School Fees in Compliance with Government Code Sections 65995.5, 65995.6 and 65995.7

With the adoption of SB 50 and Proposition 1A in 1998, school districts that meet certain requirements have the option of adopting alternative school fees (“Alternative School Fees”), also known as Level 2 Fees and Level 3 Fees, in accordance with Government Code Sections 65995.5, 65995.6 and 65995.7. (All further references are to the Government Code, unless indicated.) In general, Alternative School Fees, which are calculated for an individual school district, apply solely to residential construction within that school district and are in excess of the Level 1 Fee authorized by the State Allocation Board (“SAB”). Alternative School Fees are calculated per square foot of assessable space (“Assessable Space”) of new residential construction in the District as defined in Section 65995(b)(1). The Level 2 Fee is intended to represent fifty percent (50%) of a school district’s school facility costs, applies when the SAB is

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apportioning State Funding to school districts in California. The Level 3 Fee is intended to represent one hundred percent (100%) of a school district's school facility costs.

In order to impose Alternative School Fees, the District must prepare and adopt a School Facilities Needs Analysis ("SFNA"). Therefore, pursuant to Section 65995.5(b), the District has caused the Dolinka Group, Inc. to prepare a 2007 SFNA, ("2007 SFNA") on behalf of the San Bernardino City Unified School District ("District").

In compliance with Section 65995.6(a), the 2007 SFNA includes projections of the number of unhoused elementary, middle, and high school pupils generated by various types of new residential units in each category of pupils enrolled in the District. The projection of unhoused pupils is based on the historical generation rates of new residential units constructed during the previous five (5) years that are of a similar type of unit to those anticipated to be constructed either in the District or the city or county in which the District is located, and relevant planning agency information, such as multi-phased development projects, that may modify the historical figures. In accordance with Section 65995.6, the 2007 SFNA also contains a calculation of existing school building capacity, calculated pursuant to Education Code Section 17071.10. The existing school building capacity has been recalculated pursuant to Section 65995.6(a). Pursuant to the 2007 SFNA, the Level 2 Fee amount has been calculated as Six and 40/100 Dollars (\$6.40) per square foot of assessable space for new residential construction within the District. The Level 3 Fee amount has been calculated as Twelve and 79/100 Dollars (\$12.79) per square foot of assessable space for new residential construction; however, the Level 3 Fee has been suspended as set forth in Section 65995.7(a)(2).

The 2007 SFNA must be adopted by resolution following a public hearing conducted by the Board. The Board will conduct a public hearing and receive public comments relating to the adoption of the SFNA on March 6, 2007. The 2007 SFNA has been on file and available for public review at the District's offices since February 2, 2007. Pursuant to Section 65352.2(c), prior to the completion of the 2007 SFNA, the Board caused notice and any relevant and available information relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, including a notice of the preparation of the 2007 SFNA and offered to meet to discuss this information, to the planning commission(s) or agency(ies) of the cities and counties with land use jurisdiction within the District. In addition, the 2007 SFNA was provided to the local agencies responsible for land use planning within the District for review and comment during the thirty (30) day public review period. Notice of the time and place of the public hearing, including the location and procedure for viewing a copy of the 2007 SFNA was also published in at least one newspaper of general circulation within the District's jurisdiction not less than thirty (30) days prior to the public hearing. A copy of the 2007 SFNA was mailed not less than thirty (30) days prior to the public hearing to any person who made a written request therefore forty-five (45) days prior to the public hearing.

President Brown opened the Public Hearing and asked if anyone wished to comment. Marjorie Sullivan, attorney from Bowie, Arnes, Wiles & Giannone, reported that she helped draft the documents for the 2007 School Facilities Needs Analysis. The Building Industry Association

submitted a letter and staff has responded to them. Teresa Parra thanked the staff members from the Facilities Department for their great work. Hearing no further response, Dr. Brown closed the Public Hearing.

Upon motion by Member Brown, 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:

RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN
BERNARDINO CITY UNIFIED SCHOOL DISTRICT APPROVING A
SCHOOL FACILITIES NEEDS ANALYSIS, ADOPTING ALTERNATIVE
SCHOOL FACILITY FEES IN COMPLIANCE WITH GOVERNMENT CODE
SECTIONS 65995.5, 65995.6 AND 65995.7, ADOPTING RESPONSES TO
PUBLIC COMMENTS RECEIVED AND MAKING RELATED FINDINGS
AND DETERMINATIONS

WHEREAS, the Board of Education (“Board”) of the San Bernardino City Unified School District (“District”) provides for the educational needs for Grades K-12 students within the City of San Bernardino, the City of Highland, and the City of Colton (“City” or, collectively, “Cities”) and the unincorporated areas of San Bernardino County (“County”); and

WHEREAS, the Board has previously adopted and the District has imposed statutory school facility fees (“Statutory School Facility Fees” or “Level I Fees”) pursuant to Education Code Section 17620 and Government Code Section 65995(b)(1) and (b)(2), and alternative school fee amounts pursuant to Government Code Sections 65995.5 (“Level 2 Fees”) and 65995.7 (“Level 3 Fees”) or (collectively, “Alternative School Facility Fees” or “ASFF”), but desires to update its ASFF based upon a current school facilities needs analysis (“2007 SFNA”) prepared by the Dolinka Group, Inc. in accordance with applicable law; and

WHEREAS, the Board of the District has previously by Resolution elected to participate in the school facilities funding program established pursuant to the Leroy F. Greene School Facilities Act of 1998 (“SFP”) for both modernization and new construction projects, and appointed a representative (“District Representative”) for the purpose of requesting an Eligibility Determination (“ED”) for funding under the SFP; and

WHEREAS, the District Representative caused to be accomplished the completion and certification of the Enrollment Certification/Projections (“ECP”) by submission of Form SAB 50-01, the Existing School Building Capacity (“ESBC”) by submission of Form SAB 50-02, and the Eligibility Determinations (“ED”) by submission of Form SAB 50-03 to the State Allocation Board (“SAB”) for approval pursuant to the SFP; and

WHEREAS, the District received notification from the SAB that the District meets the eligibility requirements for new construction funding pursuant to the provisions of the SFP; and

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WHEREAS, the District Representative has caused the completion and certification of Form SAB 50-04, the Application for Funding (“AFF”), and prior to the adoption of this Resolution submitted the AFF to the SAB for approval pursuant to the SFP; and

WHEREAS, Level 2 Fees and Level 3 Fees, upon adoption of the ASFF and during the effective period thereof, are applicable to new residential construction in accordance with applicable law, subject to the suspension of Level 3 Fees pursuant to Government Code Section 65995.7(a)(2); and

WHEREAS, pursuant to Government Code Section 65995.6(f), ASFF adopted by the Board are effective for a maximum of one (1) year; and

WHEREAS, the District has met the requirements established by Government Code Section 65995.5(b)(3) in that: (i) the District has issued debt or incurred obligations for capital outlay in an amount equivalent to a specified percentage of its local bonding capacity, (ii) at least twenty percent (20%) of the teaching stations within the District are relocatable classrooms; (iii) a substantial enrollment of the District’s students are on a multi-track, year-round calendar; and (iv) the District has placed at least one general obligation bond measure on the ballot in the last four (4) years and received at least fifty percent (50%) plus one of the votes cast; and

WHEREAS, new residential construction continues to generate additional students for the District’s schools and the District is required to provide school facilities for grades K-12, (“School Facilities”) to accommodate those students; and

WHEREAS, the District does not have sufficient funds available for the construction of the School Facilities, including the acquisition of sites, construction of permanent School Facilities, and acquisition of interim School Facilities, to accommodate students from new residential construction; and

WHEREAS, the Board has caused to be prepared the 2007 SFNA dated February 2007, pursuant to applicable law including, but not by way of limitation, Government Code Section 65995.6, prior to the adoption of ASFF; and

WHEREAS, the Board has received and considered the 2007 SFNA which includes all matters required by applicable law, including an analysis of: (a) the purpose of the ASFF; (b) the use to which the ASFF are to be put; (c) the nexus (roughly proportional and reasonable relationship) between the residential construction and (1) the facilities for which the ASFF are to be used, (2) the need for School Facilities, (3) the cost of School Facilities and the amount of ASFF from new residential construction; (d) an evaluation and projection of the number of students that will be generated by new residential construction by grade levels of the District as described by Government Code Section 65995.6; (e) a description of the new School Facilities that will be required to serve such students; and (f) the present estimated cost of such School Facilities; and

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WHEREAS, the 2007 SFNA in its final form has been available to the public, for at least thirty (30) days before the Board held a public hearing and considered the adoption of the ASFF, including a response by the Board to written and oral comments, if any, received by the District; and

WHEREAS, all notices of the preparation of the 2007 SFNA and adoption of ASFF, including the offer by the District to meet with any affected local planning agency relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, have been given in accordance with Government Code Section 65352.2; and

WHEREAS, copies of the 2007 SFNA have been provided thirty (30) days prior to the public hearing if such written request(s) for copies were filed with the District forty-five (45) days prior to a public hearing; and

WHEREAS, the 2007 SFNA has been provided to all local agencies responsible for land use planning for review and comment in compliance with Government Code Section 65995.6(c); and

WHEREAS, the District received, considered and discussed any written and/or oral comments received by the District, and has responded to all comments, which the Board desires to adopt all such written and oral responses as the Board's response(s), if any; and

WHEREAS, as to the approval of the 2007 SFNA and ASFF, Government Code Section 65995.6(g) provides that the California Environmental Quality Act, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the preparation, adoption, or update of the 2007 SFNA or adoption of this Resolution; and

WHEREAS, the District desires to approve the 2007 SFNA and adopt ASFF pursuant to Government Code Sections 65995.5 and 65995.7 for the purpose of establishing ASFF that may be imposed on residential construction calculated pursuant to Government Code Section 65995(b), subject to the suspension of Level 3 Fees as set forth in Government Code Section 65995.7(a)(2).

NOW THEREFORE, THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. That the Board does hereby find and determine that the foregoing recitals and determinations are true and correct, including not by way of limitation, its adoption of and/or responses to both written and oral comments received by the District, if any.

Section 2. That the Board does hereby find and determine that the 2007 SFNA meets all applicable legal requirements, and it hereby adopts each of the findings set forth in the 2007 SFNA.

Section 3. That a District Representative made a timely application to the SAB for new construction funding for which it is eligible.

Section 4. That the District received notification from the SAB that the District meets the eligibility requirements for new construction funding pursuant to the provisions of the SFP.

Section 5. That for purposes of Government Code Section 65995.5(b)(3): (i) the District has issued debt or incurred obligations for capital outlay in an amount equivalent to a specified percentage of its local bonding capacity, (ii) at least twenty percent (20%) of the teaching stations within the District are relocatable classrooms, (iii) a substantial enrollment of the District's students are on a multi-track, year-round calendar, and (iv) the District has placed at least one general obligation bond measure on the ballot in the last four (4) years and received at least fifty percent (50%) plus one of the votes cast.

Section 6. That the District has caused to be prepared the 2007 SFNA, which is on file at the District office address and incorporated herein by this reference, which complies with all applicable statutory requirements, including the provisions of Government Code Section 65995.6.

Section 7. That the Board hereby approves and adopts the 2007 SFNA for the purpose of establishing ASFF as to future new residential construction within the District, subject to the suspension of Level 3 Fees as set forth in Government Code Section 65995.7(a)(2).

Section 8. That the Board finds that the purpose of the ASFF imposed upon residential construction are to fund the additional School Facilities to serve the students generated by the residential construction upon which the ASFF are imposed as provided in the 2007 SFNA and applicable law.

Section 9. That the Board finds that the ASFF are hereby established as applicable to the extent set forth herein, and will be used to fund those School Facilities described in the 2007 SFNA, and such fees that these School Facilities are to serve the students generated by the new residential construction within the District as provided in the 2007 SFNA.

Section 10. That the Board finds that there is a roughly proportional, reasonable relationship between the use of the ASFF and the new residential construction within the District because the ASFF imposed on new residential construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new residential construction in accordance with applicable law as set forth in the 2007 SFNA, and such fees are less than an estimated actual cost of the School Facilities estimated to result from the new residential construction as set forth in the 2007 SFNA.

Section 11. That the Board finds that there is a roughly proportional, reasonable relationship between the new residential construction upon which the ASFF are imposed, and the need for additional School Facilities in the District because new students will be generated from

new residential construction within the District, and the District does not have sufficient capacity in the existing School Facilities to accommodate these students.

Section 12. That the Board finds that the amount of the ASFF imposed on new residential construction as set forth in this Resolution is roughly proportional and reasonably related to, and does not exceed the cost of, providing the School Facilities required to serve the students generated by such new residential construction within the District.

Section 13. That the Board finds that a separate fund (“Fund”) of the District and two (2) or more sub-funds (“Sub-Funds”) have been created or are authorized to be established for all monies received by the District for the deposit of Level 1 Fees, Level 2 Fees and Level 3 Fees (if applicable) imposed on residential construction within the District, as well as Commercial/Industrial Fees and mitigation payments (“Mitigation Payments”) collected by the District and that said Fund and Sub-Funds at all times have been separately maintained, except for temporary investments, with other funds of the District as authorized by applicable law.

Section 14. That the Board finds that the monies of the separate Fund or the separate Sub-Funds, described in Section 13, consisting of the proceeds of Level 1 Fees, Level 2 Fees and Level 3 Fees (if applicable), Commercial/Industrial Fees and Mitigation Payments have been imposed for the purposes of constructing those School Facilities necessitated by new residential construction and as further set forth in the 2007 SFNA, and, thus, these monies may be expended for all those purposes permitted by applicable law.

Section 15. That the 2007 SFNA determines the need for new School Facilities for unhoused pupils that are attributable to projected enrollment growth from the construction of new residential units over the next five (5) years, based on relevant planning agency information and the historical generation rates of new residential units constructed during the previous five (5) years that are of a similar type of unit to those anticipated to be constructed within the District, and/or the County.

Section 16. That the Board has identified and considered, and/or subtracted, as set forth in the 2007 SFNA, the following information in determining amounts of the Level 2 Fees and Level 3 Fees:

- (a) any surplus property owned by the District that can be used as a school site or that is available for sale to finance school facilities pursuant to Government Code Section 65995.6(b)(1);
- (b) the extent to which projected enrollment growth may be accommodated by excess capacity in existing school facilities pursuant to Government Code Section 65995.6(b)(2);
- (c) local sources other than fees, charges, dedications, or other requirements imposed on residential construction available to finance the

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construction of school facilities needed to accommodate any growth in enrollment attributable to the construction of new residential units pursuant to Government Code Section 65995.6(b)(3); and

(d) the full amount of local funds the Board has dedicated to facilities necessitated by new construction, including fees, charges, dedications or other requirements imposed on commercial or industrial construction pursuant to Government Code Section 65995.5(c)(2).

Section 17. That the Board has calculated, as set forth in the 2007 SFNA, the maximum square foot fees, charges, or dedications to be established as ASFF that may be collected in accordance with the provisions of Government Code Sections 65995.5(c) and 65995.7(a).

Section 18. That notice and relevant and available information relating to the potential expansion of existing school sites or the necessity to acquire additional school sites, including notice of a proposed meeting regarding such information, was provided to City and County planning officials or agencies with land use jurisdiction within the District prior to the completion of the 2007 SFNA.

Section 19. That the 2007 SFNA in its final form has been made available to the public for a period of not less than thirty (30) days, and that the District has made itself available to meet with any affected city or county to discuss the preparation of the 2007 SFNA, pursuant to the requirements of Government Code Section 65352.2.

Section 20. That the public has had the opportunity to review and comment on the 2007 SFNA, and the Board has responded to both written and oral comments it has received, if any, regarding the 2007 SFNA.

Section 21. That in responding to written comments pursuant to Government Code Section 65995.6(c), the Board does hereby adopt any and/or all such response(s) made by District staff and/or its consultants as its own response(s), and/or adopts such response(s) as modified by the Board at the public hearing.

Section 22. That notice of the time and place of the public hearing to adopt the 2007 SFNA ("Hearing"), including the location and procedure for viewing or requesting a copy of the proposed 2007 SFNA has been published in at least one newspaper of general circulation within the jurisdiction of the District at least thirty (30) days prior to the Hearing.

Section 23. That the District has caused to be mailed a copy of the 2007 SFNA not less than thirty (30) days prior to the Hearing to any person who made a written request forty-five (45) days prior to the Hearing.

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Section 24. That the 2007 SFNA has been provided to all local agencies responsible for land use planning for review and comment in compliance with Government Code Section 65995.6(c).

Section 25. That the Board conducted the required Public Hearing on March 6, 2007 prior to adoption of the 2007 SFNA and the ASFF, at which time all persons desiring to be heard on all matters pertaining to the 2007 SFNA were heard, all responses to such comments received were made by the Board, if any, and all information presented was duly considered.

Section 26. That the Board hereby adopts ASFF and establishes the ASFF on new residential construction projects within the District in the following amounts:

(a) Pursuant to Government Code Section 65995.6, Level 2 Fees in the amount of Six and 40/100 Dollars (\$6.40) per square foot of Assessable Space for new residential construction, including new residential projects, manufactured homes and mobilehomes as authorized under Education Code Section 17625.

(b) Pursuant to Government Code Section 65995.7, Level 3 Fees in the amount of Twelve and 79/100 Dollars (\$12.79) per square foot of Assessable Space for new residential construction, including new residential projects, manufactured homes and mobilehomes as authorized under Education Code Section 17625.

(c) However, these amounts shall not be imposed on any construction project used exclusively for housing senior citizens, as described in Civil Code Section 51.3, or as described in subsection (k) of Section 1569.2 of the Health and Safety Code or paragraph 9 of subdivision (d) of Section 15432 of the Government Code or any mobile home or manufactured home that is located within a mobilehome park, subdivision, cooperative or condominium for mobilehomes limited to older persons as defined by the Federal Fair Housing Amendments of 1988. Additionally, Level 3 Fees shall not be levied by the District until authorized by Government Code Section 65995.7(a)(2).

Section 27. That ASFF, upon adoption and during the effective period thereof, are applicable to residential construction in lieu of Level 1 Fees in accordance with applicable law, except that Level 3 Fees are suspended pursuant to Government Code Section 65995.7(a)(2).

Section 28. That the proceeds of the ASFF increased and established pursuant to this Resolution shall continue to be deposited into those Sub-Funds of the Funds identified in Section 13 of this Resolution, the proceeds of which shall be used exclusively for the purpose for which the ASFF are to be collected.

Section 29. That the Superintendent, or designee, is directed to cause a copy of this Resolution to be delivered to the building officials of the affected cities and county within the

District's boundaries, along with a copy of all the supporting documentation referenced herein, and a map of the District clearly indicating the boundaries thereof, advising such entities that new residential construction is subject to the ASFF increased pursuant to this Resolution, and requesting that no building permit or approval for occupancy be issued by any of these entities for any new residential construction project, mobilehome or manufactured home subject to the ASFF absent a certificate of compliance ("Certificate of Compliance") from this District demonstrating compliance of such project with the requirements of the ASFF, nor that any building permit be issued for any nonresidential construction absent a certification from this District of compliance with the requirements of the applicable ASFF.

Section 30. That the Superintendent, or designee, is authorized to cause a Certificate of Compliance to be issued for each construction project, mobilehome and manufactured home for which there is compliance with the requirement for payment of the ASFF in the amounts specified by this Resolution. In the event a Certificate of Compliance is issued for the payment of ASFF for a construction project, mobilehome or manufactured home, and it is later determined that the statement or other representation made by an authorized party concerning the construction project as to square footage is untrue or in the event the zoning is declared invalid, then such Certificate of Compliance shall automatically terminate, and the appropriate City or County shall be so notified.

Section 31. That regarding the timely provision of a Certificate of Compliance by the District for residential construction, although not required by applicable law, the Board hereby determines that the 2007 SFNA is a proposed construction plan for purposes of requiring payment of ASFF prior to the issuance of any building permit for new residential construction in accordance with Government Code Section 66007, and that all ASFF are appropriated for the purpose of accomplishing such construction plan.

Section 32. That no statement or provision set forth in this Resolution, or referred to therein shall be construed to repeal any preexisting fee or mitigation amount previously imposed by the District on any residential or nonresidential construction.

Section 33. That if any portion or provision this Resolution is held to be invalid, the remaining provisions of this Resolution are intended to be and shall remain valid.

Section 34. That if the Level 2 Fees and/or the Level 3 Fees are held to be invalid (other than the suspension under Government Code Section 65995.7(a)(2)), Statutory School Facility Fees, in amounts determined by applicable law at such time, are intended to be, and shall remain, in full force and effect.

Section 35. That the ASFF adopted by this Resolution shall take effect immediately upon such adoption and shall be effective for a maximum of one (1) year, subject to the suspension of Level 3 Fees as set forth in Government Code Section 65995.7(a)(2).

SESSION FIVE - Administrative Presentation

5.0 - Administrative Presentation

5.1 - Recruitment Report

Harold Vollkommer, Assistant Superintendent, Human Resources, and Tom Haldorsen, Director of Recruitment and Employment, made a presentation that included an overview of the certificated recruitment practices for the 2005-06 and 2006-07 school years, a comparison of current successes with past efforts, the ethnic breakdown of newly recruited teachers, information related to NCLB Highly Qualified Teacher (HQT) statistics, and the direction for future efforts in recruitment of qualified employees for the District. Also included was information for the Williams Case, particularly in relation to authorization for English Learners (see page ____).

Dr. Vollkommer reported that they are moving cautiously due to declining student enrollment. Mr. Haldorsen stated that they are using District office staff for recruiting to allow administrators to remain at their schools. In the 2006-07 school year, 93 percent of the teachers are HQT. The 2005-06 Williams report shows that approximately 500 teachers are required to obtain the appropriate EL authorization, now referred to as Certification for Teachers of English Learners (CTEL). They are receiving training and Dr. Vollkommer will present the updated report when it becomes available.

Gil Navarro, education advocate, expressed his disappointment that there is no timeline given for when the teachers will be properly certified. Teresa Parra agreed that there should be a timeline. Dr. Vollkommer stated that he will provide one.

Stephen Gianni, substitute teacher, asked if CTCL training was available for substitutes. Dr. Vollkommer stated that quarterly sessions for substitutes were started this year. Marlin Brown suggested that County Schools could help by providing training.

Dari Kelley, fifth grade teacher, reported that 25 percent of her students are one to two grade levels behind. NCLB will designate her as an incompetent teacher if her students aren't up to speed after three years. Ms. Kelley stated that someone needs to stick up for teachers. Teresa Parra stated that the Board has been fighting this. Teachers shouldn't be held accountable for students.

SESSION SIX - Administrative Reports

6.0 - Administrative Reports

6.1 - Second Period Interim Financial Report as of January 31, 2007

The Education Code, as updated by AB1200 and AB2756, requires school districts to report on their financial condition at the time of budget adoption and after closing the books with the

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unaudited actuals. Two interim reports are also required during the fiscal year: for the periods from July 1 through October 31 (first period), and from July 1 through January 31 (second period) (see page ____).

Danny Tillman stated that the same percentage of teachers being decreased should apply to administrator and classified positions. Mr. Tillman asked for a recommendation from Staff.

SESSION SEVEN – Other Matters Brought By Citizens

7.0 - Other Matters Brought by Citizens

Dale Knight, Nutrition Services Storekeeper, thanked the School Board and Staff for their support regarding the Personnel Commission. The issue isn't completely resolved. The January action has not been rescinded. Mr. Knight stated that he was troubled by Abe Flory, Personnel Commission Director, taking action without conducting an audit.

Sally Burke, Nutrition Services Distribution Expeditor, thanked that School Board and Staff for their help. The reclassification study has not been resolved.

Teresa Parra stated that Staff members have been crucified in the press regarding the Personnel Commission. Mrs. Parra hopes that people will write Letters to the Editor to tell the other side of the issue.

Zaneta Gileno, social work student from California State University San Bernardino, reported that she has found some alarming statistics regarding dropout, expulsion, and pregnancy rates. Lower socioeconomic status students face more challenges because they don't have the resources at home. Ms. Gileno suggested that an Effective Relationships class be offered at the middle school level. Dr. Brown stated that her proposal would be given to Dayton Gilleland to review.

Gil Navarro, education advocate, distributed research on mental health. Mr. Navarro reported that while serving on a County committee they developed a letter and flyer to help parents and guardians access mental health services available to youth within the County.

Rosa Gomez, Deputy Director of County Behavioral Health, reported they are implementing three programs that would be beneficial to our district. Dr. Brown reported that Narciso Cardona will contact her.

Linda Whitaker, SBTA President, reported that SBTA Executive Board members want to increase communication with the School Board, and an assigned member will be contacting them. Mrs. Whitaker stated that negotiations have been continuing and asked the Board to urge the District negotiating team to settle by the end of the month. Mrs. Whitaker reported that NEA and CTE don't agree with the NCLB HQT requirement. Judi Penman stated that teachers need to go to Sacramento in numbers to protest this. Elsa Valdez reported that 10 senators are asking that NCLB be overhauled and massive reform is needed.

SESSION EIGHT - Reports and Comments

8.0 - Report by Board Members

Danny Tillman asked when the two proposed charter schools will open and how many students the District may lose. Dr. Delgado stated that Staff is looking into the Norton Space and Aeronautics Academy, and the Casa Ramona charter school application will be on the March 20 agenda. Teresa Parra asked if the District's hardship funding could be affected. Dr. Delgado reported that charter schools in our jurisdiction will be included in our numbers.

Lynda Savage commended the Communications staff for the District newspaper that was distributed in *The Sun*. Mrs. Savage reported that sales for the Casa Tabloid are doing extremely well. Mrs. Savage asked if the issue with St. Bernardine's Late Night Hoops program has been taken care of. Judi Penman reported that this has been resolved. Narciso Cardona reported that security was an issue, but it has been taken care of and a mentoring piece will be added to the program.

Teresa Parra reported that she is seeking legal guardianship of a student who attends San Gorgonio High School. He has perfect attendance, but was late to some classes and was assigned to attend Saturday School. They didn't receive the notice until Saturday and he was suspended. Mrs. Parra asked Staff to look into students being suspended for this. Narciso Cardona reported that he will investigate.

Louise Ayala reported that while attending a CID Board meeting, the members made many positive comments about Danny Tillman. Ms. Ayala stated that Skip Herbert, owner of Bright Ideas, informed her that the District has discouraged teachers from purchasing books from him. Ms. Ayala stated that Dr. Herbert is a local businessman and distinguished member of our community and asked why the District isn't purchasing books from him. Judi Penman stated that someone is giving misinformation to our staff.

Marlin Brown stated that we will lose teachers if the new NCLB requirement is approved which would label teachers as ineffective based on student achievement after three years. Dr. Brown congratulated Louise Ayala, Teresa Parra, and Elsa Valdez who were recognized by the *Black Voice News* as influential Latino women in the Inland Empire.

8.1 - Legislative Update

None.

9.0 - Report by Superintendent and Staff Members

Dr. Delgado reminded Board members of the following events: District Facilities Tour, March 8; Golden Apple Awards Dinner, March 15; Bing Wong Elementary School Groundbreaking Ceremony, March 23; and Cesar Chavez Breakfast, March 30. Dr. Delgado reported that

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Yolanda Ortega, Mel Albiso, Sherrie Gordon, and he will attend the State Board of Education meeting in Sacramento on March 8 to request a waiver from the Ed Code for hiring purposes in the event that the Personnel Commission is unable to function. Dr. Delgado stated that he has hope in the new Personnel Commission.

SESSION NINE - Legislation and Action

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

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

Consent item 10.11 was held for later consideration.

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

10.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on February 20, 2007, be approved as presented.

10.2 - Payment of Master Teachers – Azusa Pacific University

BE IT RESOLVED that the Board of Education approves payment for services as master teachers during the Spring Session 2006, as provided for in the Agreement with University of Azusa Pacific, as follows:

| | | | |
|-----------------|----------|------------------|----------|
| Shelley Kennedy | \$100.00 | Duwayne C. Clark | \$100.00 |
| Ward Hildebrand | \$200.00 | Elizabeth Reyes | \$100.00 |
| Karen Erwin | \$100.00 | Katheryn Spina | \$100.00 |
| Vanessa Fiacco | \$100.00 | Rebecca Harlow | \$100.00 |

10.3 - Payment of Master Teachers – Azusa Pacific University

BE IT RESOLVED that the Board of Education approves payment for services as master teachers during the Fall 2006 session, as provided for in the Agreement with Azusa Pacific University, as follows:

| | | | |
|----------------|----------|-------------------------|----------|
| Suzy Driden | \$100.00 | Carrie Fitzsimmons | \$100.00 |
| Elena Villegas | \$100.00 | Christian Wyser-Opineda | \$100.00 |

10.4 - Authorization to Request Employee Notification of Intention to Return

BE IT RESOLVED that the Board of Education directs the Superintendent and/or Superintendent's designee to request formal notification of probationary and permanent certificated employees of their intention to return to the employ of the District for the 2007-2008 school year.

10.5 - 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 2006-07 school year and approves payment to the following:

Patricia Polacco through Babushka, Inc., to present a meeting with the author on March 13, 2007. The cost, not to exceed \$2,500.00, will be paid from Roosevelt Elementary School Account No. 458.

San Bernardino County Museum to present "Starlab: The Mobile Planetarium," on May 30, 2007. The cost, not to exceed \$379.40, will be paid from Kimbark Elementary ASB Funds.

BE IT FURTHER RESOLVED that the Board of Education ratifies payment to the following:

Yurius Leonard to assist the Arroyo Valley High School Band Director with the Marching and Jazz Bands from January 3, 2007, to March 1, 2007. The cost, not to exceed \$674.25, will be paid from Arroyo Valley High School Account No. 203.

10.6 - 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:

Father Flanagan's Boys Home to provide personnel who work with students who have moderate to severe behavior problems in specialized programs, a five-day workshop in Specialized Classroom Management March 19, 2007, through June 30, 2007. The fee, not to exceed \$28,752.69, will be paid as follows: 50 percent from the Unrestricted General Fund – High School Opportunity, Account No. 006, and 50 percent from the Restricted General Fund – Special Education Central, Account No. 827.

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

Effective Schools Products, Ltd., to provide a Leadership Training Program, "Leading Continuous School Improvement Training Program" on February 14, and 15, 2007. The program is designed for Superintendents, Central Office Staff, Principals, and other current and aspiring leaders identified by the District. This item is necessary to add five participants to the program. The cost, not to exceed \$765.00, will be paid from Restricted General Fund – Staff Development: Mathematics and Reading (AB466), Account No. 490.

10.7 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$100.00, American Legion Post No. 14; \$100.00, Laurie Stalnaker; \$100.00, Vernon Keypointe, LP; \$200.00, J. Anthony Pena Tax and Financial; \$100.00, Brenda and David Heusterberg; \$500.00, Desert Off Road; \$100.00, Patrick D. Garcia, East Highland Dentistry; \$100.00, Robert and Donna Eatinger; \$100.00, Wilson Towing, LLC; \$100.00, Peter W. Ridder; \$100.00, Charles and Cynthia Peterson; \$100.00, Pre-Fab Builders, Inc.; \$100.00, Ballard Air Conditioning, Heating, and Plumbing; \$100.00, Kendall and Shelley McCarthy; \$1,000.00, Alaina Matthews; Educational materials, Tout About Toys; Flute, Raylene Rene Crawley; and \$10,000.00, BP Petroleum.

10.8 - 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:

| | |
|---|--|
| TERESA ALBA MARIA DOLORES OCHOA (Board Representatives) | To attend the 2007 California Association for Bilingual Education (CABE) Conference, Long Beach Convention Center, Long Beach, California, March 14-17, 2007. The total cost, not to exceed \$2,040.00, will be paid from Account No. 544. |
|---|--|

10.9 - Commercial Warrant Registers For Period From February 1 Through February 15, 2007

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

BE IT FURTHER RESOLVED that the Board of Education authorizes Gene Fortajada, Accounting Services Director, or Mohammad Islam, Assistant Superintendent, to sign disbursements.

10.10 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$274,757.00 in the budgeting of expenditures and revenues for the restricted program, Child Development Program, Fund 12 - (250).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$233,892.00 in the budgeting of expenditures and revenues for the restricted program, State Preschool Program, Fund 12 - (252).

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10.12 - Agreement with Consortium on Reading Excellence, Inc., (CORE) to Provide Professional Development to Certain District Sites

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Consortium on Reading Excellent, Inc., (CORE), Berkeley, CA, to provide professional development training to District staff at three District sites (Arrowhead, Fairfax, and Hunt Elementary Schools), effective March 7, 2007, continuing through June 30, 2007. The program will consist of four cohorts of approximately 25 participants per cohort for two days per cohort in the Houghton Mifflin Program Review workshop. The fee, not to exceed \$24,143.13, will be paid from the Restricted General Fund – Staff Development: Mathematics and Reading (AB466), Account No. 490.

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

10.13 - Amendment No. 1 to the Agreement with PSWC Architects, Inc., to Provide Architectural Services to Design a Lunch Shelter at Palm Elementary School

BE IT RESOLVED that the Board of Education approves amending the agreement with PSWC Architects, Inc., San Bernardino, CA, for additional services related to the Palm Elementary School lunch shelter. The new, not-to-exceed cost of \$11,500.00, plus reimbursables, will be paid from Building Fund 21. 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.

10.14 - Amendment No. 3 to the Agreement with LifeSigns, Inc., to Provide Interpreter Services to Deaf/Hearing Impaired Individuals

BE IT RESOLVED that the Board of Education approves amending the agreement with LifeSigns, Inc., Los Angeles, CA, to provide interpreter services for deaf/hearing impaired individuals in the District, as approved by the Board on September 19, 2006, Agenda Item No. 10.22. Amendment No. 3 is necessary to add \$1,000.00 to the amount covered by the Communicatively Handicapped Office due to increased utilization by deaf/hearing impaired parents of District students. The additional funds will result in a total aggregate not to exceed \$32,500.00, allocated as follows: \$30,000.00 for services coordinated by the Affirmative Action Office, from the Unrestricted General Fund – ADA Equipment & Section 504, Account No. 175; and, \$2,500.00 for services coordinated by the Communicatively Handicapped Office, from the Restricted General Fund – Special Education Central, Account No. 827.

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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10.15 - Amendment No. 3 to the Agreement with the Consortium on Reading Excellence, Inc., (CORE) to Provide Professional Development to Reading First Sites

BE IT RESOLVED that the Board of Education approves amending the agreement with the Consortium on Reading Excellent, Inc., (CORE), Berkeley, CA, to provide professional development training to District staff at 19 Reading First sites, as approved by the Board on August 1, 2006, Agenda Item No. 7.11. Amendment No. 3 is necessary to add eight site implementation visits to the program at an additional fee of \$18,580.00, which, when added to the current fee of \$776,669.50, will result in a new aggregate total not to exceed \$795,249.50. The additional fee will be paid from the Restricted General Fund – Staff Development: Mathematics and Reading (AB466), Account No. 490. 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.

10.16 - Facilities Use Agreement with St. John's Community Success Center

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with St. John's Community Success Center, San Bernardino, CA, for the use of classrooms for the District's English as a Second Language (ESL) Program classes, effective March 7, 2007, through June 30, 2009. There is 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.

10.17 - Facilities Use Agreements with National University

BE IT RESOLVED that the Board of Education approves entering into individual facilities use agreements with National University, San Bernardino, CA, for rental of conference rooms at \$150.00 per day plus equipment rental costs. Each room to seat up to 40 people for (1) two two-day institutes (4 rooms per day) on the Houghton Mifflin LA Program (Improvement Schools Hunt, Fairfax, and Arrowhead Elementary Schools); (2) one six-day session for New Teacher Academy K-12 (18 rooms per day); and (3) other institutes on an as-required basis, effective March 7, 2007, through June 30, 2007. Scheduled dates are to be determined based upon room availability; additional dates will be scheduled as needed. The cost, not to exceed \$30,000.00, will be paid from Restricted General Fund – Staff Development: Mathematics and Reading (AB466), Account No. 490.

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

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10.18 - Facilities Use Agreement with Embassy Suites Hotel for Martin Luther King, Jr., Middle School Leadership Retreat

BE IT RESOLVED that the Board of Education authorizes Martin Luther King, Jr., Middle School to enter into a facilities use agreement with Embassy Suites Hotel, Temecula, CA, for a leadership retreat on March 25-27, 2007. The cost, not to exceed \$4,000.00, will be paid from Restricted General Fund – School Based Coordinated Program (SBCP), 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.

10.19 - Mitigation Agreement with Lennar Lytle, LLC to Provide School Facilities for K-8 Students Generated from New Residential Development in the Lytle Creek Area

BE IT RESOLVED that the Board of Education approves entering into a Mitigation Agreement with Lennar Lytle, LLC, Aliso Viejo, CA, to provide school facilities for K-8 students generated from the new residential development in the Lytle Creek area. The Mitigation Agreement will require Lennar Lytle, LLC to make mitigation payments in lieu of the statutory or alternative school fees. The school facilities will be located in the Lennar Lytle, LLC development near the junction of I-15 and I-215. The construction of the new school facilities will be at no cost to the District as all costs will be directly paid by, or passed on to, Lennar Lytle, LLC, and/or to the State.

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

10.20 - Appointment of Member to Measure “T” Citizens’ Oversight Committee

BE IT RESOLVED that the Board of Education approves the recommended appointment of Marion Vassilakos, representing a Taxpayer’s Organization, to the Citizens’ Oversight Committee.

10.21 - Bid No. 01-07, Plumbing Supplies & Materials

BE IT RESOLVED that the bid from Best Plumbing Specialties be rejected in its entirety as not bid as specified.

BE IT ALSO RESOLVED that Bid 01-07, Plumbing Supplies & Materials be awarded to Riverside Winnelson, Grand Terrace, CA, the lowest responsible bidder, based on the unit prices bid, meeting District specifications.

BE IT ALSO RESOLVED that the District reserves the right to purchase more than, less than, or none of the quantity indicated as needed throughout the initial one-year term of the bid, and all extensions, not to exceed three years total.

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

10.22 - Bid No. F06-01, Severe Special Day Class Buildings – Additions at Barton and Palm Elementary School

BE IT RESOLVED that the contracts for Bid No. F 06-01, The Severe Special Day Class Buildings – Additions at Barton and Palm Elementary School, be awarded to the lowest responsible bidder for each Bid Package including Base Bid and Alternate No. 1 and 2 as follows:

| Category 03– Concrete | Base Bid | Alternate 1 | Alternate 2 | Award Total |
|--|-----------------|--------------------|--------------------|--------------------|
| ASR Constructors, Inc. 5230 Wilson St. Riverside, CA | 1,096,000.00 | | | 1,096,000.00 |
| Category 06 – Rough Carpentry | Base Bid | Alternate 1 | Alternate 2 | Award Total |
| GSF Enterprises, Inc. dba Golden State Framers 610 S. Jefferson Street, Unit L Placentia, CA | 458,600.00 | | | 458,600.00 |
| Category 07 – Gypsum & Plaster | Base Bid | Alternate 1 | Alternate 2 | Award Total |
| Caston Plastering & Drywall, Inc. 354 S. Allen Street San Bernardino, CA | 228,885.00 | | (4,000.00) | 224,885.00 |
| Category 16 – Specialties | Base Bid | Alternate 1 | Alternate 2 | Award Total |
| RVH Constructors, Inc. 320 S. Milliken Avenue, #A Ontario, CA | 579,500.00 | 74,000.00 | 67,500.00 | 721,000.00 |
| Category 17 – HVAC | Base Bid | Alternate 1 | Alternate 2 | Award Total |
| West-Tech Mechanical, Inc. 5589 Brooks Street Montclair, CA | 188,500.00 | | | 188,500.00 |
| Category 18 – Plumbing | Base Bid | Alternate 1 | Alternate 2 | Award Total |
| JPI Development Group, Inc. 215 W. Ash Street Fallbrook, CA | 335,000.00 | | | 335,000.00 |
| Category 19 – Electrical | Base Bid | Alternate 1 | Alternate 2 | Award Total |
| RDM Electric Company, Inc. 13901 Magnolia Avenue. Chino, CA | 519,000.00 | | | 519,000.00 |

| | |
|--------------------|------------------------------|
| Base Bid Total | \$3,405,485.00 |
| Alternate No. 1 | 74,000.00 |
| Alternate No. 2 | 63,500.00 |
| Award Total | <u>\$3,542,985.00</u> |

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BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to sign agreements for the bids awarded.

10.23 - Bid No. F06-02, Phase III Modernization at Martin Luther King Middle School and Del Vallejo Middle School, and Kitchen Remodels at Pacific High School, San Andreas High School, and Shandin Hills Middle School

BE IT RESOLVED that Bid No. F06-02, Phase III Modernization at Martin Luther King Middle School and Del Vallejo Middle School, and Kitchen Remodels at Pacific High School, San Andreas High School, and Shandin Hills Middle School, be awarded to the lowest responsible bidder, including Base Bid and Alternate No. 1 as follows:

| Company | Base Bid | Alt. No. 1 | Award Total |
|------------------------------|-----------------|-------------------|--------------------|
| JRH Construction, Tustin, CA | \$ 2,464,000.00 | \$ 57,898.00 | \$ 2,521,898.00 |

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

10.24 - Bid No. F06-03, New Shade Structure at Palm Avenue Elementary School

BE IT RESOLVED that Bid No. F06-03, New Shade Structure at Palm Avenue Elementary School, be awarded to the lowest responsible bidder, including Bid Base and Alternate No. 1, as follows:

| Company | Base Bid | Alt. No. 1 | Award Total |
|--|-----------------|-------------------|--------------------|
| J.D. Stine Constructors, Inc. 4459 Genevieve Lane San Bernardino, CA | \$ 45,124.00 | \$ 3,000.00 | \$ 48,124.00 |

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

10.25 - Re-Bid No. F06-04, Arrowview Middle School – Modernization

BE IT RESOLVED that ReBid No. F06-04, Arrowview Middle School – Modernization, be awarded to the lowest responsible bidder, including Base Bid and Alternates, as follows:

| Company | Base Bid | Add. Alt. 1 | Add. Alt. 2 | Add. Alt. 3 |
|--|-----------------|--------------------|--------------------|--------------------|
| HCH Constructors-Managers, Inc. 41707 Winchester Road, Ste. 304 Temecula, CA | 3,294,000.00 | 54,700.00 | 147,000.00 | 37,000.00 |

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| Company | Add. Alt. 4 | Add. Alt. 5 | Add. Alt. 6 | Award Total |
|--|--------------------|--------------------|--------------------|--------------------|
| HCH Constructors-Managers, Inc. 41707 Winchester Road, Ste. 304 Temecula, CA | 81,500.00 | 665,800.00 | 77,700.00 | 4,357,700.00 |

Award Total \$4,357,000.00

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

10.26 - Bid No. F06-05, Arrowview Middle School - Asbestos Abatement, Lead Abatement and Demolition Activities

BE IT RESOLVED that Bid No. F06-05, Arrowview Middle School - Asbestos Abatement, Lead Abatement and Demolition Activities, be awarded to the lowest responsible bidder, including Base Bid and Alternates No. 1 and 2, as follows:

| | Base Bid | Alt. 1 | Alt 2 | Total |
|---|-----------------|---------------|--------------|---------------|
| Envirotech Industries, Inc. 714 S. Vail Avenue Montebello, CA 90640 | \$ 439,800.00 | \$40/Unit | \$150/Hour | \$ 439,800.00 |

Award Total \$439,800.00

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

10.27 - Notice of Completion, Bid No. 30-03, Category 14 and Category 22, Juanita Blakely Jones Elementary School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. 30-03, Juanita Blakely Jones Elementary School, for the portion of the work awarded to the Prime Contractors listed below:

Category 14 – Plumbing
 PK Mechanical Systems, Inc.
 Wildomar, CA

Category 22 – General Contractor
 Kamran & Co.
 Santa Barbara, CA

BE IT FURTHER RESOLVED that Marlin Brown, President, Board of Education, be authorized to execute the Notices of Completion.

10.28 - Evaluation of New Elementary School Site at West 48th Street and Little Mountain Drive

BE IT RESOLVED that the Board of Education authorizes the Facilities Management Department to conduct preliminary studies required to secure California Department of Education contingent site approval for an elementary school site at the corner of West 48th Street and Little Mountain Drive. These preliminary studies will be funded from Building Fund 21 and Developer Fee Fund 25.

10.29 - 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 February 20, 2007.

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

10.30 - Extended Field Trip, Thompson Elementary School, Arrowhead Ranch Outdoor Science Camp, Twin Peaks, California

BE IT RESOLVED that the Board of Education approves the extended field trip for sixty-eight students and three District employee chaperones to attend Arrowhead Ranch Outdoor Science Camp, at Twin Peaks, California, March 27-30, 2007. The cost of the trip, not to exceed \$8,740.00, including meals and lodging for sixty-eight students and three District employee chaperones, will be paid from Thompson Elementary School Account No. 501. Transportation by Laidlaw Bus Lines, \$800.00, will be paid from Thompson Elementary School INAP Account No. 205. Names of the students are on file in the Business Services office.

10.31 - Extended Field Trip, San Geronio High School, Wrestling State Level Competition, Bakersfield, California

BE IT RESOLVED that the Board of Education ratifies the extended field trip for two students and two District employee chaperones to attend the Wrestling State Level Competition, at

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Bakersfield, CA, March 1-3, 2007. The cost of the trip, \$878.00, including lodging, meals, and transportation for two students and two District employee chaperones, will be paid from San Gorgonio High School INAP Account No. 203. Names of the students are on file in the Business Services office.

10.32 - Extended Field Trip, Urbita Elementary School, Mountain Chai Outdoor Science Camp, Angelus Oaks, California

BE IT RESOLVED that the Board of Education ratifies the extended field trip for sixty students and two District employee chaperones to attend Mountain Chai Outdoor Science Camp, at Angelus Oaks, California, March 5-9, 2007. The cost of the trip, including meals and lodging for sixty students and two district employee chaperones, will be paid by the Orange County Department of Education. Transportation by Laidlaw Bus Lines, \$490.80, will be paid from Urbita Elementary School Account No. 205. Names of the students are on file in the Business Services office.

10.33 - Expulsion of Student(s)

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

| | | | | | |
|--------------|--------------|--------------|--------------|--------------|--------------|
| *(S)01/11/92 | *(S)10/16/90 | *(S)07/27/88 | *(S)04/28/93 | *(S)07/20/92 | *(S)09/29/92 |
| *(S)01/30/89 | *(S)03/19/92 | 02/14/94 | *(S)04/25/96 | *(S)10/15/89 | *(S)09/21/94 |
| *(S)12/23/93 | *(S)04/30/93 | *(S)08/28/91 | **05/30/91 | *(S)07/26/94 | *(S)11/19/90 |
| *(S)07/21/91 | *(S)04/27/90 | *(S)02/16/91 | *(S)01/04/91 | | |

*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.

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10.34 - Student(s) Recommended for Suspension, but Remanded Back to School Sites or Had Suspensions Reduced, Due to Errors of Due Process, Lack of Evidence, and/or Availability of Other Means of Correction

BE IT RESOLVED that the following student(s) were recommended for suspension, but suspension is deemed inappropriate based on due process errors, insufficient evidence, and/or the availability of other means of correction in compliance with Education Code Section 48900. Therefore, although they were recommended for suspension, the suspension was reversed or modified.

10.35 - 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:

01/06/97

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

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

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

10.37 - 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:

02/07/92

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

10.38 - 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:

| | | | | | |
|----------|----------|----------|----------|----------|----------|
| 12/27/89 | 09/07/90 | 06/12/90 | 07/28/91 | 04/30/94 | 09/15/89 |
| 10/17/91 | 10/08/91 | 02/09/91 | 02/14/91 | 11/06/90 | 10/10/87 |
| 09/05/90 | 01/04/94 | 01/13/92 | | | |

10.39 - Failure to Recommend Mandatory Expulsion 48915

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

10.11 - Agreement with Myron Lilley to Provide Afrocentric Parenting Modules to Parents of District Students

Louise Ayala reported that she initially had a concern that Afrocentric philosophy was not positively looked upon by those that study it. After discussing this issue Narciso Cardona, Ms. Ayala stated that she now supports it. Ms. Ayala stated that it is important to ask questions.

Upon motion by Member Ayala, 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 Board of Education approves entering into an agreement with Myron Lilley, San Bernardino, CA, to provide Afrocentric parenting modules to parents of District students, effective March 7, 2007, through April 30, 2007. The cost, not to exceed \$1,400.00, will be paid from the Restricted General Fund – Medi-Cal Billing, Account No. 585.

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

11.0 - Action Items

11.1 - Appointment to Sturges Center for the Fine Arts Board

Upon motion by Member Brown, 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:

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BE IT RESOLVED that the Board of Education of the San Bernardino City Unified School District casts its vote for the following candidate:

Lynda Savage

11.2 - Personnel Report #17, dated March 6, 2007

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

BE IT RESOLVED that the Personnel Report #17, dated March 6, 2007, be approved with addition as noted (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.

Addition to page .9:

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

ATKINS, KIMBERLY: Assistant Administrator of Instructional Improvement and Academic Coaching, effective date, work year and salary, to be determined.

LEPE, SYLVIA: Assistant Administrator of Instructional Improvement and Academic Coaching, effective date, work year and salary, to be determined.

STRONG, KAREN: Assistant Administrator of Instructional Improvement and Academic Coaching, effective date, work year and salary, to be determined.

BE IT RESOLVED that the Board of Education has determined, on an individual basis the following certificated employees be given notice prior to March 15, 2007 that their employment with the District not be renewed pursuant to Education Code 44929.21, and that the Superintendent or his designee is hereby authorized to give written notice of this action prior to March 15, 2007 pursuant to Education Code 44929.21:

HR-06-07-45

HR-06-07-46

BE IT RESOLVED that the Board of Education has determined, on an individual basis, that the following certificated employees be given notice prior to March 15, 2007 of possible reduction in work year and/or reassignment to a position consistent with their credential authorization(s) for the 2007-2008 school year, pursuant to Education Code 44955 and that the Superintendent or his designee is hereby authorized to give written notice of this action prior to March 15, 2007, pursuant to Education Code 44955:

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| | | |
|-------------|------------------------------|---|
| HR-06-07-14 | - AAIAC | - from 220 days to 197 days |
| HR-06-07-15 | - Bilingual Resource Teacher | - from 215 days to 187 days |
| HR-06-07-16 | - Bilingual Resource Teacher | - from 215 days to 187 days |
| HR-06-07-17 | - Bilingual Resource Teacher | - from 215 days to 187 days |
| HR-06-07-18 | - Elementary Counselor | - from 205 days to 187 days |
| HR-06-07-19 | - Grade Level Leader | - from 215/8 hour days to 187/6 hour days |
| HR-06-07-20 | - Grade Level Leader | - from 215/8 hour days to 187/6 hour days |
| HR-06-07-21 | - Grade Level Leader | - from 215/8 hour days to 187/6 hour days |
| HR-06-07-22 | - Grade Level Leader | - from 215/8 hour days to 187/6 hour days |
| HR-06-07-23 | - Program Facilitator | - from 187/8 hour days to 187/6 hour days |
| HR-06-07-24 | - Program Specialist | - from 215/8 hour days to 187/6 hour days |
| HR-06-07-25 | - Program Specialist | - from 215/8 hour days to 187/6 hour days |
| HR-06-07-26 | - Program Specialist | - from 215/8 hour days to 187/6 hour days |
| HR-06-07-27 | - Program Specialist | - from 215/8 hour days to 187/6 hour days |
| HR-06-07-28 | - Program Specialist | - from 215/8 hour days to 187/6 hour days |
| HR-06-07-29 | - Program Specialist | - from 215/8 hour days to 187/6 hour days |
| HR-06-07-30 | - Resource Teacher | - from 215 days to 187 days |
| HR-06-07-31 | - Resource Teacher | - from 215 days to 187 days |
| HR-06-07-32 | - Resource Teacher | - from 215 days to 187 days |
| HR-06-07-33 | - Resource Teacher | - from 215 days to 187 days |
| HR-06-07-34 | - Resource Teacher | - from 215 days to 187 days |
| HR-06-07-35 | - Resource Teacher | - from 215 days to 187 days |
| HR-06-07-36 | - Resource Teacher | - from 215 days to 187 days |
| HR-06-07-37 | - RSP | - from 215 days to 187 days |
| HR-06-07-38 | - Support Teacher | - from 215 days to 187 days |
| HR-06-07-39 | - Support Teacher | - from 215 days to 187 days |
| HR-06-07-40 | - Support Teacher | - from 215 days to 187 days |
| HR-06-07-41 | - Support Teacher | - from 215/4 hour days to 187 days |
| HR-06-07-42 | - Support Teacher | - from 215 days to 187 days |
| HR-06-07-43 | - Senior High Counselor | - from 189 days to 187 days |
| HR-06-07-44 | - Elementary Principal | - from 228 days to 205 days |

11.3 - Second Period Interim Financial Report as of January 31, 2007

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, on the basis of information presented, the Second Period Interim Financial Report of 2006-2007 as of January 31, 2007.

BE IT FURTHER RESOLVED that the President of the Board of Education be authorized to certify on behalf of the Board, that the San Bernardino City Unified School District is able to meet its ongoing financial obligations for the current fiscal year and subsequent two fiscal years.

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SESSION TEN - Closed Session

12.0 - 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
Communication Workers of America
San Bernardino Teachers Association

Public Employee Discipline/Dismissal/Release

Non-Reelection of Certificated Employee

Notification of Reduction in Work Year and/or Reassignment to a Position Authorized by Credential

Public Employee Appointment

Title: Middle School Assistant Administrator of Instructional Improvement and Academic Coaching

Superintendent's Evaluation

SESSION ELEVEN - Closing

13.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 10:00 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, March 20, 2007, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.