

**San Bernardino City Unified School District**

Minutes of a Regular Meeting of the Board of Education

**MINUTES  
ADOPTED  
3/6/07**

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

February 20, 2007

5:30 p.m.

Present: President Marlin Brown; Vice President Lynda Savage; Board Members Louise Ayala, Teresa Parra, Judi Penman, 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 Danny Tillman

**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 - Outstanding Student Awards**

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

***Cajon High School***

Ammon Becar, Lionel Harrington, and Maria Padilla

***Pacific High School***

Johanna Castillo, Pricila Leon, and Shantal Saldana

*Shandin Hills Middle School*  
Jason Gibson, Alicia Silva, and Kimmy Tejasindhu

**SESSION THREE - School Showcase**

**3.0 - School Showcase**

**3.1 - Golden Valley Middle School**

Students from Golden Valley Middle School described their History Day Projects and their participation in the statewide competition.

**SESSION FOUR - Administrative Presentation**

**4.0 - Administrative Presentation**

**4.1 - Program Evaluation**

Dr. Delgado stated that the Board asked Staff to look into the effectiveness of District intervention programs. Paul Shirk led a discussion on methods the District is using to evaluate its programs. Dr. Shirk stated that programs that have proven to be effective at one school, may not be as successful at another. Dr. Shirk also covered the requirements of SB 1133, the Quality Education Investment Act (QEIA) (see page 56.1).

Lynda Savage recommended that Staff choose schools to participate in QEIA that we know can be successful. Dr. Delgado stated that there is a selection process. We will prioritize the schools based on the principal's experience level, available space, etc. We would like to see some class size reduction, but because the funding is only for seven years and we are experiencing declining student enrollment, we have to be cautious that we don't have too many teachers when the program ends. A big piece of QEIA includes continued dialog with SBTA and he is confident that the trust level is there.

Elsa Valdez asked if teachers are given any instruction when new programs are implemented. Dr. Gilleland replied that training is critical and we are concentrating on it. The vendor provides the initial training and we use a trainer of trainers model.

Gil Navarro, education advocate, asked how many of the SAIT schools had English Learner certified teachers. Harold Vollkommer stated that this would be covered in his presentation scheduled for March 6.

## SESSION FIVE - Administrative Reports

### 5.0 - Administrative Reports

#### 5.1 - Board Members' Inservice and Business Expense Report for the Quarter Ending December 31, 2006

Members of the Board of Education are granted permission to attend meetings and conferences of local and state non-partisan groups while performing services for the District.

Shown in this report are funds expended from the individual accounts, which require Board ratification per the present policy on Board members' inservice and business expenses (see page 56.2).

#### 5.2 - Amendment to Employee Use of Technology Policy (Second Reading)

It is recommended that the following revisions to Policy No. 4160a for Employee Use of Technology be made to incorporate the changes in federal policy and to reflect current procedures:

#### **Employee Use of Technology**

The Governing Board recognizes that technology can enhance employee performance by improving access to and exchange of information, offering effective tools to assist in providing a quality instructional program, and facilitating District and school operations. The Board expects all employees to learn to use the available technological resources that will assist them in their job responsibilities. As needed, employees shall receive training in the appropriate use of these resources.

Employees shall be responsible for the appropriate use of technology and shall use the District's technological resources only for purposes related to their employment. Such use is a privilege which may be revoked at any time.

Employees should be aware that computer files and communications over electronic networks, including e-mail and voice mail, are not private and that all data/information are the property of the San Bernardino City Unified School District. These technologies shall not be used to transmit confidential information about students, employees or District operations without assigned authority.

To ensure proper use of the system, the Superintendent or designee may monitor the District's technological resources, including e-mail and voice mail systems, at any time without advance notice or consent. If passwords are used, they must be known to the Superintendent or designee so that he/she may have system access.

The Superintendent or designee shall establish administrative regulations which outline employee obligations and responsibilities related to the use of District technology. He/she also may establish guidelines and limits on the use of technological resources. Inappropriate use shall result in a cancellation of the employee's user privileges, disciplinary action and/or legal action in accordance with law, Board policy and administrative regulations.

The Superintendent or designee shall provide copies of related policies, regulations and guidelines to all employees who use the District's technological resources. Employees shall be asked to acknowledge that they have read and understood these policies, regulations and guidelines.

### 5.3 - Amendment to Student Use of Technology Policy (Second Reading)

It is recommended that the following revisions to Policy No. 5160 for Student Use of Technology be made to incorporate the changes in federal policy and reflect current procedures:

#### **Student Use of Technology**

The Governing Board intends that technological resources provided by the District be used in a responsible and proper manner in support of the instructional program and for the advancement of student learning.

The Superintendent or designee shall notify students and parents/guardians about authorized uses of District computers, user obligations and responsibilities, as well as consequences for unauthorized use and/or unlawful activities.

#### **On-Line Services/Internet Access**

The Superintendent or designee shall ensure that all District computers with Internet access have a technology protection measure that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors, and that the operation of such measures is enforced. (20 USC 6777, 47 USC 254)

The Board desires to protect students from access to inappropriate matter on the Internet or other on-line services. The Superintendent or designee shall implement rules and procedures designed to address the following issues: a) access by minors to inappropriate matter on the Internet and Work Wide Web; b) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; c) unauthorized access, including so-called "hacking," and other unlawful activities by minors online; d) unauthorized disclosure, use, and dissemination of personal information regarding minors; and e) measures designed to restrict minors' access to materials harmful to minors.

Staff shall supervise students while they are using on-line services and may ask teacher aides and student aides to assist in this supervision.

Before using the District's on-line resources, each student and his/her parent/guardian shall sign and return an Acceptable Use Agreement specifying user obligations and responsibilities. In that agreement, the student and his/her parent/guardian shall agree to not hold the District or any District staff responsible for the failure of any technology protection measures, violations of copyright restrictions, or users' mistakes or negligence. They shall also agree to indemnify and hold harmless the District and District personnel for any damages or costs incurred.

In order to help ensure that the District adapts to changing technologies and circumstances, the Superintendent or designee shall regularly review this policy, the accompanying administrative regulation, and other relevant procedures. He/she shall also monitor the District's filtering software to help ensure its effectiveness.

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

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

Charles Duclos, retired psychiatric nurse, stated that he has been volunteering in the school district for 20 years. He is encouraged by what is happening in our schools. The public doesn't know what a teacher has to do. Administrators and teachers need to be commended. Mr. Duclos stated that students who are bused to Oehl Elementary School are on the bus for a long time and questioned whether the students are ready to take tests at 9 a.m. Lynda Savage stated that Mr. Duclos is a friend of hers and always has good things to say about the District.

Sally Burke, Nutrition Services Materials Expeditor, stated that her job was reclassified at the January 24, 2007, Personnel Commission meeting. This lowers her salary by 12 percent. This will be a financial burden and affect her retirement. The CSEA representative at the meeting did not speak on her behalf. Ms. Burke asked the Board members for help.

Dale Knight, Nutrition Services Storekeeper, stated that his job was reclassified at the January 24, 2007, Personnel Commission meeting from a level 42A to 36, resulting in a 25 percent salary decrease. Mr. Knight stated that he was not contacted by the Personnel Commission or the union prior to this action. Mr. Knight has since met with Personnel Commission Director Abe Flory who informed him that three Warehouse drivers asked to be reclassified and Mr. Flory recommended that his position be reclassified as a Warehouse driver. Mr. Knight expressed his concern with the lack of process and communication.

President Brown thanked Ms. Burke and Mr. Knight for bringing this matter to their attention and Staff will look into it.

Peggy Long, International Electrical Workers, informed the Board that a new California law requires certification for all persons who perform work as electricians for contractors licensed as Class C-10 electrical contractors. Ms. Long recommended that Staff check all projects to make sure our contractors are using certified electricians. Ms. Long invited Board members to a Union Apprenticeship and Training Forum on Saturday, March 10, 10 a.m. to 2 p.m. at the National Orange Show.

Katrina Bahamonde, Serrano Middle School Accounting Technician, stated that she handles student ASB funds. Ms. Bahamonde expressed her concern that Arrowview Middle School abolished this position, Golden Valley Middle School is using a sub, and Chavez Middle School is using an instructional aide to do this work. Ms. Bahamonde stated that ASB isn't a priority at the middle schools. Some technicians work in open areas and some don't have access to a safe. Dr. Brown stated that we will take a look at the issue. Dr. Delgado reported that an audit of ASB funds was conducted and the Board will receive a report.

Peg Tracey, SBTA Executive Director, reported that she attended two school meetings to review the initial draft of the findings and corrective actions presented by Principal's Exchange. The SAIT team at one school engaged in an informative conversation with the staff and was very supportive. The SAIT team at the second school cut off conversation and appeared to be in a rush to get through the task and seemed not to want to hear responses about what the site was already doing. The school staff provided recommendations for changes, but the changes were not made in the final report. There was no tone of encouragement. Ms. Tracey asked that in the future every team from Principal's Exchange use the level of expectations that was used at the first school.

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

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

Lynda Savage reported that she attended the ICUC meeting last week which was very interesting. Mrs. Savage thanked Dr. Delgado for the remarks he made at the meeting. Mrs. Savage congratulated the Academic Decathlon teams from Arroyo Valley and Pacific High School for placing in the top 10 Countywide.

Judi Penman reported that she also attended the ICUC meeting. Mrs. Penman stated that this group is very demanding and give back very little to the community. Mrs. Penman stated that she was proud of Dr. Delgado for his statements and standing up for what our district does. Mrs. Penman thanked Eric Solis for providing information to her regarding the CAPS program. Mrs. Penman stated that the City has great organizations that support students and they deserve our support.

Mrs. Penman asked if the new arts funding could be used for school bands and the Opera for Children by Children program. Dayton Gilleland stated that there are two funding sources. One is one-time money which could be used for instruments. The second is ongoing and the Opera for Children could be part of this plan.

Teresa Parra reported that she attended a NALEO Conference in Los Angeles last week and brought a conference packet for Louise Ayala. Mrs. Parra stated that NALEO has two foundations. One addresses education and the other deals with legislators.

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Louise Ayala thanked Mrs. Parra for the information. She is still leery of supporting NALEO, but will be open minded. Ms. Ayala reported that she has been visiting schools and her father had surgery last week.

Marlin Brown stated that the proposed Norton Space and Aeronautics Academy (NSAA) charter school sounds like a great program; however, Dr. Brown expressed his concern about the potential impact it may have on the District. Dr. Brown asked if there was Board consensus to have Dr. Delgado look at the impact this may have. Lynda Savage agreed and stated that we need to look at the program and be a part of the process. Judi Penman stated she supports the program and doesn't agree with Dr. Brown. Elsa Valdez stated that she would be interested in having Dr. Delgado look into the pros and cons of the school. Narciso Cardona reported that he met with NSAA representatives three months ago. They will have open enrollment and can invite anyone in California to enroll. Dr. Delgado stated that he will come back with a report.

7.1 - Legislative Update

None.

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

Dr. Delgado shared dates that Dr. Harry Weinberg is available to conduct a Board/Superintendent workshop and asked the Board to select a date. Board members stated they will submit their choices to Jennifer Owens.

Dr. Delgado announced that on March 8, members of the Five-Year Housing Committee will tour District construction sites and invited Board members to attend. They will meet at the Board of Education building at 9 a.m.

Dr. Delgado notified the Board that we received word after the February 20 agenda had been printed that two San Geronio High School wrestlers may go on to state competition on March 2 and 3. Dr. Delgado has approved the extended field trip and this request will be on the March 6 agenda for ratification.

Dr. Delgado reported that Jim Morris from the Mayor's Office contacted him about forming a partnership with the District, the City, and Cal State San Bernardino for managing the Sturges Auditorium. Currently, the Redevelopment Agency owns the building and the District owns the land and parking lot. They have reconstituted the by-laws and will be forming a new Board to be made up of an elected official, administrator, and community member. The first year there will only be two board members from each group. Dr. Delgado recommended John Peukert and the Board will need to select a fellow Board member to serve this first year. Each group will contribute \$10,000.00 to pay for a coordinator the first year. Judi Penman and Lynda Savage both asked to serve. Dr. Delgado will ask the Mayor's office if two Board members can serve and will bring this back to the March 6 meeting.

**SESSION EIGHT - Legislation and Action**

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

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

Consent items 9.10 and 9.39 were held for later consideration.

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

**9.1 - Approval of Minutes**

BE IT RESOLVED that the Minutes of the Board of Education Meeting held on February 6, 2007, be approved as presented.

**9.2 - Payment of Master Teachers – California Baptist University**

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during the Summer Session 2006, as provided for in the Agreement with California Baptist University, as follows:

Michelle Dalton	\$37.50	Maxine Davis	\$37.50
Laura Hunt	\$37.50		

**9.3 - Payment of Master Teachers – California Baptist University**

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during the Fall Session 2006, as provided for in the Agreement with California Baptist University, as follows:

Roger Flores	\$18.75
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**9.4 - Adoption of the School Assistance and Intervention Team (SAIT) Report of Findings and Recommended Corrective Actions**

BE IT RESOLVED that the Board of Education approves the Principal's Exchange Report of Findings and Recommended Corrective Actions for Muscoy and Warm Springs Elementary Schools.

9.5 - District Consolidated Application for 2006-2007 (Part II)

BE IT RESOLVED that the Board of Education approves submission of the District Consolidated Application-Part II for Categorical Funds in the amount of \$43,802,905.00.

BE IT FURTHER RESOLVED that Judy D. White, Deputy Superintendent, be authorized to sign all documents pertaining to the Consolidated Application on behalf of the Board of Education.

9.6 - Resolution Authorizing The Issuance Of San Bernardino City Unified School District (San Bernardino County, California) Election Of 2004 General Obligation Bonds, Series C

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING THE ISSUANCE OF SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT (SAN BERNARDINO COUNTY, CALIFORNIA) ELECTION OF 2004 GENERAL OBLIGATION BONDS, SERIES C

WHEREAS, a duly called municipal election (the "Election") was held in the San Bernardino City Unified School District, San Bernardino County, State of California (hereinafter referred to as the "District"), on March 2, 2004, at which the following proposition (the "Bond Measure") was submitted to the qualified electors of the District:

"To improve student safety, repair local schools and relieve overcrowding by:

- Installing/repairing fire safety equipment;
- Fixing leaky roofs/decaying walls;
- Removing asbestos;
- Upgrading bathrooms, plumbing, sewers/electrical wiring for computer technology;
- Building new schools;
- Improving disabled access;
- Repairing, expanding, constructing, acquiring/equipping classrooms, labs, sites, libraries shall San Bernardino City Unified School District issue \$140,000,000 in bonds, at legal rates, with **guaranteed annual audits**, citizen's oversight, and no money for administrators salaries?"

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WHEREAS, at such election, the Bond Measure received the affirmative vote of fifty-five percent or more of the voters of the District voting on the proposition as certified by the Registrar of Voters of the County of San Bernardino in the official canvassing of votes; and

WHEREAS, the District has issued \$44,999,497.70 of such Bond Measure in the form of its Election of 2004 General Obligation Bonds, Series A.

WHEREAS, the District has issued \$67,999,967.45 of such Bond Measure in the form of its Election of 2004 General Obligation Bonds, Series B.

WHEREAS, at this time this Board of Education of the District (the "Board") has determined that it is necessary and desirable to issue one series of such Bonds in the aggregate principal amount not to exceed \$10,000,000, or such lower principal amount that is determined can be issued within all limits prescribed by law (the "Bonds");

WHEREAS, the Board of Supervisors of San Bernardino County (the "County") has provided by resolution pursuant to Education Code Section 15140(b) that the District may sell the Bonds on its own behalf;

WHEREAS, the District has not received a qualified or negative certification in its most recent interim report;

WHEREAS, all acts, conditions and things required by law to be done or performed have been done and performed in strict conformity with the laws authorizing the issuance of general obligation bonds of the District, and the indebtedness of the District, including this proposed issue of Bonds, is within all limits prescribed by law;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT, SAN BERNARDINO COUNTY, CALIFORNIA, AS FOLLOWS:

SECTION 1. Purpose. To raise money for the purposes authorized by voters of the District at the Election and to pay all necessary legal, financial, engineering and contingent costs in connection therewith, the Board hereby authorizes the issuance of the Bonds and orders such Bonds sold at a negotiated sale in one series, such that the Bonds shall be dated as of a date to be determined by the Board, shall have a true interest cost not to exceed that authorized at the Election, shall be payable upon such terms and provisions as shall be set forth in the Bonds, and shall be in an aggregate principal amount not to exceed \$10,000,000, or such lower principal amount that is determined by the District's underwriters and bond counsel can be issued within all limits prescribed by law, for purposes authorized by the Bond Measure (the "Projects").

SECTION 2. Bond Registrar. This Board does hereby appoint U.S. Bank National Association to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Bonds.

SECTION 3. Terms and Conditions of Sale. The Bonds shall be sold at a negotiated sale upon the direction of the Superintendent of the District (the “Superintendent”) or Assistant Superintendent, Business and Finance of the District (the “Assistant Superintendent, Business and Finance”). The Bonds shall be sold pursuant to the terms and conditions set forth in the Purchase Contract, as described below.

SECTION 4. Approval of Purchase Contract. The form of Purchase Contract (the “Purchase Contract”) by and between the District and UBS Securities LLC, the Underwriter (the “Underwriter”), for the purchase and sale of the Bonds, substantially in the form on file with the Secretary of the Board, is hereby approved and the Superintendent or the Assistant Superintendent, Business and Finance, each alone, are hereby authorized and requested to acknowledge the execution of such Purchase Contract, if necessary; provided, however, that the maximum true interest cost on the Bonds shall not exceed the maximum rate permitted by law and the underwriter’s discount, excluding original issue discount, thereon shall not exceed 2.5 % of the aggregate of principal amount of Bonds issued. The Superintendent or the Assistant Superintendent, Business and Finance, each alone, is further authorized to determine the principal amount of the Bonds to be specified in the Purchase Contract for sale by the District up to \$10,000,000 and to enter into and execute the Purchase Contract with the Representative, if the conditions set forth in this Resolution are satisfied. The Board hereby authorizes the sale of the Bonds at a negotiated sale, which is determined to provide more flexibility in the timing of the sale, an ability to implement the sale in a shorter time period, an increased ability to structure the Bonds to fit the needs of particular purchasers, and a greater opportunity for the Underwriter to pre-market the Bonds to potential purchasers prior to the sale, all of which will contribute to the District’s goal of achieving the lowest overall cost of funds. The Board estimates that the costs associated with the issuance of the Bonds, including compensation to the Underwriter and any such costs which the Underwriter agrees to pay pursuant to the Purchase Contract, will equal approximately 2.5% of the principal amount of the Bonds. UBS Securities LLC shall act as the Underwriter and Stradling Yocca Carlson & Rauth, a Professional Corporation shall act as bond counsel with respect with the Bonds. All costs associated with the issuance of the Bonds will be paid from premium on the sale of the Bonds by the Underwriter, or the Bond Registrar on behalf of the Underwriter.

SECTION 5. Certain Definitions. As used in this Resolution, the terms set forth below shall have the meanings ascribed to them (unless otherwise set forth in the Purchase Contract):

(a) “Accreted Interest” means, with respect to the Capital Appreciation Bonds, the Accreted Value thereof as of the date of calculation minus the Denominational Amount thereof.

(b) “Accretion Rate” means, unless otherwise provided by the Purchase Contract, that rate which, when applied to the Denominational Amount of any Capital Appreciation Bond and compounded semiannually on each February 1 and August 1 (commencing August 1, 2007), produces the Accreted Value on the maturity date.

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(c) “Accreted Value” means with respect to the Capital Appreciation Bonds, as of the date of calculation, the Denominational Amount thereof, plus Accreted Interest thereon to such date of calculation, compounded semiannually on each February 1 and August 1 (commencing August 1, 2007 (unless otherwise provided in the Purchase Contract)) with respect to the Capital Appreciation Bonds which mature on August 1 of a given year at the stated Accretion Rate to maturity thereof, assuming in any such semiannual period that such Accreted Value increases in equal daily amounts on the basis of a 360-day year of twelve 30-day months.

(d) “Bond Insurer” means any insurance company which issues a municipal bond insurance policy insuring the payment of Denominational Amount and Accreted Interest of and interest on the Bonds.

(e) “Bond Payment Date” means (unless otherwise provided by the Purchase Contract), February 1 and August 1 of each year commencing August 1, 2007 with respect to the interest on the Current Interest Bonds; August 1 of each year, commencing August 1, 2007 with respect to the principal payments on the Current Interest Bonds; and, with respect to the Capital Appreciation Bonds, the stated maturity dates thereof, as applicable.

(f) “Bond Registrar” means U.S. Bank National Association, or any successor thereto.

(g) “Capital Appreciation Bonds” means the Bonds the interest component of which is compounded semiannually on each Bond Payment Date to maturity as shown in the table of Accreted Value for such Bonds in the Purchase Contract.

(h) “Current Interest Bonds” means the Bonds the interest on which is payable semiannually on each Bond Payment Date specified for each such Bond as designated and maturing in the years and in the amounts set forth in the Purchase Contract.

(i) “Denominational Amount” means, with respect to the Capital Appreciation Bonds, the initial principal amount thereof, and, with respect to the Current Interest Bonds, the principal amount thereof.

(j) “Depository” means the securities depository acting as Depository pursuant to Section 5(c) hereof.

(k) “DTC” means The Depository Trust Company, New York, New York, a limited purpose trust company organized under the laws of the State of New York, in its capacity as securities depository for the Bonds.

(l) “Information Services” means Financial Information, Inc.’s Financial Daily Called Bond Service; Moody’s Municipal and Government; or Standard & Poor’s J.J. Kenny Information Services Called Bond Service.

(m) “Maturity Value” means the Accreted Value of any Capital Appreciation Bond on its maturity date.

(n) “Nominee” means the nominee of the Depository, which may be the Depository, as determined from time to time pursuant to Section 5(c) hereof.

(o) “Participants” means those broker-dealers, banks and other financial institutions from time to time for which the Depository holds book-entry certificates as securities depository.

(p) “Principal” or “Principal Amount” means, with respect to any Current Interest Bond, the principal or principal amount thereof and, with respect to any Capital Appreciation Bond, the Denominational Amount.

(q) “Projects” shall have the meaning given to that term in Section 1 of this Resolution.

(r) “Projects Costs” means all of the expenses of and incidental to the construction and/or acquisition of the Projects, including Costs of Issuance.

(s) “Record Date” means the 15th day of the month preceding each Bond Payment Date.

(t) “Securities Depositories” means The Depository Trust Company, 55 Water Street, New York, New York 10041, Tel: (212) 855-1000 or Fax: (212) 855-7320.

(u) “Term Bonds” means those Bonds for which mandatory redemption dates have been established in the Purchase Contract.

(v) “Transfer Amount” means, with respect to any Outstanding Current Interest Bond, the Principal Amount and, with respect to any Capital Appreciation Bond, the Maturity Value.

(w) “Underwriter” means UBS Securities LLC.

#### SECTION 6. Terms of the Bonds.

(a) Denomination, Interest, Dated Dates. The Bonds shall be issued as any combination of Current Interest Bonds and Capital Appreciation Bonds registered as to both principal and interest, in the denominations of, with respect to the Current Interest Bonds, \$5,000 Denominational Amount or any integral multiple thereof (except for one odd denomination if necessary), and with respect to the Capital Appreciation Bonds, \$5,000 Maturity Value, or any integral multiple thereof (except for one odd denomination if necessary). The Bonds will be initially registered to “Cede & Co.,” the nominee of the Depository Trust Company, New York, New York.

Each Capital Appreciation Bond shall be dated, and shall accrete interest from, its date of initial issuance. Capital Appreciation Bonds will not bear interest on a current basis.

Each Current Interest Bond shall be dated the date of delivery or such date as shall appear in the Purchase Contract or the Official Statement (the "Dated Date"), and shall bear interest from the Bond Payment Date next preceding the date of authentication thereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to that Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before the fifteenth calendar day prior to the first Bond Payment Date, in which event it shall bear interest from Dated Date.

The Bonds shall bear or accrete interest at a rate or rates such that the interest rates or true interest cost shall not exceed the maximum limit permitted by law. Interest shall be payable on the respective Bond Payment Dates.

The Capital Appreciation Bonds shall mature in the years and shall be issued in the aggregate Denominational Amount set forth in the Purchase Contract and shall have an Accretion Rate and shall have Denominational Amounts per each five thousand dollars (\$5,000) in Maturity Value as shown in the Accreted Value Table attached to the Purchase Contract; provided, that in the event that the amount shown in such Accreted Value Table and the Accreted Value calculated by the District and approved by the Bond Insurer by application of the definition of Accreted Value set forth in Section 4 differ, the latter amount shall be the Accreted Value of such Capital Appreciation Bond.

(b) Redemption.

(i) Optional Redemption. Unless otherwise provided in the Purchase Contract or Official Statement, the Current Interest Bonds maturing on or before August 1, 20\_\_, are not subject to redemption prior to their fixed maturity dates. Unless otherwise provided in the Purchase Contract or Official Statement, the Current Interest Bonds maturing on or after August 1, 20\_\_, may be redeemed before maturity at the option of the District, from any source of funds of the District, on August 1, 20\_\_, or on any date thereafter as a whole, or in part. Unless otherwise provided in the Purchase Contract or Official Statement, the Current Interest Bonds called prior to maturity will be redeemed at the following redemption prices, expressed as a percentage of par value, together with accrued interest to the date of redemption:

<u>Redemption Dates</u>	<u>Redemption Prices</u>
August 1, 20__ and thereafter	100%

Unless otherwise provided in the Purchase Contract, the Capital Appreciation Bonds are not subject to optional redemption prior to maturity.

(ii) Mandatory Redemption. Unless otherwise provided in the Purchase Contract or Official Statement, the Term Bonds are subject to mandatory redemption from moneys in the Debt Service Fund established in Section 11 hereof prior to their stated maturity date, at the Principal Amount or Accreted Value thereof without premium on each August 1, in Principal Amounts as set forth in the Purchase Contract and in the Official Statement described below.

(iii) Selection of Bonds for Redemption. Whenever provision is made in this Resolution for the redemption of Bonds and less than all Outstanding Bonds are to be redeemed, the Bond Registrar identified below, upon written instruction from the District, shall select Bonds for redemption as so directed and if not directed, in inverse order of maturity. Within a maturity, the Bond Registrar shall select Bonds for redemption by lot. Redemption by lot shall be in such manner as the Bond Registrar shall determine; provided, however, that the portion of any Current Interest Bond to be redeemed in part shall be in the Principal Amount of \$5,000 or any integral multiple thereof and the portion of any Capital Appreciation Bond to be redeemed in part shall be in integral multiples of the Accreted Value per \$5,000 Maturity Value thereof.

(iv) Notice of Redemption. When redemption is authorized or required pursuant to Section 6(b)(i) hereof, the Bond Registrar, upon written instruction from the District, shall give notice (a "Redemption Notice") of the redemption of the Bonds. Such Redemption Notice shall specify: the Bonds or designated portions thereof (in the case of redemption of the Bonds in part but not in whole) which are to be redeemed, the date of redemption, the place or places where the redemption will be made, including the name and address of the Bond Registrar, the redemption price, the CUSIP numbers (if any) assigned to the Bonds to be redeemed, the Bond numbers of the Bonds to be redeemed in whole or in part and, in the case of any Bond to be redeemed in part only, the Principal Amount of such Bond to be redeemed, and the original issue date, interest rate or Accretion Rate and stated maturity date of each Bond to be redeemed in whole or in part. Such Redemption Notice shall further state that on the specified date there shall become due and payable upon each Bond or portion thereof being redeemed at the redemption price thereof, together with the interest accrued or accreted to the redemption date, and that from and after such date, interest with respect thereto shall cease to accrue or accrete.

The Bond Registrar shall take the following actions with respect to such Redemption Notice:

(a) At least 30 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given to the respective Owners of Bonds designated for redemption by registered or certified mail, postage prepaid, at their addresses appearing on the Bond Register.

(b) At least 30 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, (ii) telephonically confirmed facsimile transmission, or (iii) overnight delivery service, to each of the Securities Depositories.

(c) At least 30 but not more than 45 days prior to the redemption date, such Redemption Notice shall be given by (i) registered or certified mail, postage prepaid, or (ii) overnight delivery service, to one of the Information Services.

Neither failure to receive or failure to publish any Redemption Notice nor any defect in any such Redemption Notice so given shall affect the sufficiency of the proceedings for the redemption of the affected Bonds. Each check issued or other transfer of funds made by the Bond Registrar for the purpose of redeeming Bonds shall bear or include the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

(v) Partial Redemption of Bonds. Upon the surrender of any Bond redeemed in part only, the Bond Registrar shall execute and deliver to the Owner thereof a new Bond or Bonds of like tenor and maturity and of authorized denominations equal in Transfer Amounts to the unredeemed portion of the Bond surrendered. Such partial redemption shall be valid upon payment of the amount required to be paid to such Owner, and the District shall be released and discharged thereupon from all liability to the extent of such payment.

(vi) Effect of Notice of Redemption. Notice having been given as aforesaid, and the moneys for the redemption (including the interest to the applicable date of redemption) having been set aside in the District's Debt Service Fund, the Bonds to be redeemed shall become due and payable on such date of redemption.

If on such redemption date, money for the redemption of all the Bonds to be redeemed as provided in Section 6(b)(i) hereof, together with interest accrued to such redemption date, shall be held by the Bond Registrar so as to be available therefor on such redemption date, and if notice of redemption thereof shall have been given as aforesaid, then from and after such redemption date, interest with respect to the Bonds to be redeemed shall cease to accrue or accrete and become payable. All money held by or on behalf of the Bond Registrar for the redemption of Bonds shall be held in trust for the account of the Owners of the Bonds so to be redeemed.

All Bonds paid at maturity or redeemed prior to maturity pursuant to the provisions of this Section 6 shall be cancelled upon surrender thereof and be delivered to or upon the order of the District. All or any portion of a Bond purchased by the District shall be cancelled by the Bond Registrar.

(vii) Bonds No Longer Outstanding. When any Bonds (or portions thereof), which have been duly called for redemption prior to maturity under the provisions of this Resolution, or with respect to which irrevocable instructions to call for redemption prior to maturity at the earliest redemption date have been given to the Bond Registrar, in form satisfactory to it, and sufficient moneys shall be held by the Bond Registrar irrevocably in trust for the payment of the redemption price of such Bonds or portions thereof, and, in the case of Current Interest Bonds, accrued interest with respect thereto to the date fixed for redemption, all as provided in this Resolution, then such Bonds shall no longer be deemed Outstanding and shall be surrendered to the Bond Registrar for cancellation.

(c) Book-Entry System.

(i) Definitions. As used in this Section, the terms set forth below shall have the meanings ascribed to them:

“Nominee” means the nominee of the Depository, which may be the Depository, as determined from time to time pursuant to this Section.

“Participants” means those broker-dealers, banks and other financial institutions from time to time for which the Depository holds book-entry certificates as securities depository.

(ii) Election of Book-Entry System. The Bonds shall initially be delivered in the form of a separate single fully-registered bond (which may be typewritten) for each maturity date of such Bonds in an authorized denomination (except for any odd denomination Bond). The ownership of each such Bond shall be registered in the Bond Register (as defined below) in the name of the Nominee, as nominee of the Depository and ownership of the Bonds, or any portion thereof may not thereafter be transferred except as provided in Section 6(c)(ii)(4).

With respect to book-entry Bonds, the District and the Bond Registrar shall have no responsibility or obligation to any Participant or to any person on behalf of which such a Participant holds an interest in such book-entry Bonds. Without limiting the immediately preceding sentence, the District and the Bond Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of the Depository, the Nominee, or any Participant with respect to any ownership interest in book-entry Bonds, (ii) the delivery to any Participant or any other person, other than an owner as shown in the Bond Register, of any notice with respect to book-entry Bonds, including any notice of redemption, (iii) the selection by the Depository and its Participants of the beneficial interests in book-entry Bonds to be prepaid in the event the District redeems the Bonds in part, or (iv) the payment by the Depository or any Participant or any other person, of any amount with respect to Accreted Value, Principal, premium, if any, or interest on the book-entry Bonds. The District and the Bond Registrar may treat and consider the person in whose name each book-entry Bond is registered in the Bond Register as the absolute owner of such book-entry Bond for the purpose of payment of Accreted Value or Principal of and premium and interest on and to such Bond, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Bond Registrar shall pay all Accreted Value or Principal of and premium, if any, and interest on the Bonds only to or upon the order of the respective owner, as shown in the Bond Register, or his respective attorney duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the District’s obligations with respect to payment of Accreted Value or Principal of, and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than an owner, as shown in the Bond Register, shall receive a certificate evidencing the obligation to make payments of Accreted Value or Principal of, and premium, if any, and interest on the Bonds. Upon delivery by the Depository to the owner and the Bond Registrar, of written notice to the effect that the Depository has determined to substitute a new nominee in place of the

Nominee, and subject to the provisions herein with respect to the Record Date, the word Nominee in this Resolution shall refer to such nominee of the Depository.

1. Delivery of Letter of Representations. In order to qualify the book-entry Bonds for the Depository's book-entry system, the District and the Bond Registrar shall execute and deliver to the Depository a Letter of Representations. The execution and delivery of a Letter of Representations shall not in any way impose upon the District or the Bond Registrar any obligation whatsoever with respect to persons having interests in such book-entry Bonds other than the owners, as shown on the Bond Register. By executing a Letter of Representations, the Bond Registrar shall agree to take all action necessary at all times so that the District will be in compliance with all representations of the District in such Letter of Representations. In addition to the execution and delivery of a Letter of Representations, the District and the Bond Registrar shall take such other actions, not inconsistent with this Resolution, as are reasonably necessary to qualify book-entry Bonds for the Depository's book-entry program.

2. Selection of Depository. In the event (i) the Depository determines not to continue to act as securities depository for book-entry Bonds, or (ii) the District determines that continuation of the book-entry system is not in the best interest of the beneficial owners of the Bonds or the District, then the District will discontinue the book-entry system with the Depository. If the District determines to replace the Depository with another qualified securities depository, the District shall prepare or direct the preparation of a new single, separate, fully registered bond for each maturity date of such book-entry Bond, registered in the name of such successor or substitute qualified securities depository or its Nominee as provided in subsection (4) hereof. If the District fails to identify another qualified securities depository to replace the Depository, then the Bonds shall no longer be restricted to being registered in such Bond Register in the name of the Nominee, but shall be registered in whatever name or names the owners transferring or exchanging such Bonds shall designate, in accordance with the provisions of this Section 6(c).

3. Payments to Depository. Notwithstanding any other provision of this Resolution to the contrary, so long as all outstanding Bonds are held in book-entry and registered in the name of the Nominee, all payments by the District or the Bond Registrar with respect to Accreted Value or Principal of and premium, if any, or interest on the Bonds and all notices with respect to such Bonds shall be made and given, respectively to the Nominees, as provided in the Letter of Representations or as otherwise instructed by the Depository and agreed to by the Bond Registrar notwithstanding any inconsistent provisions herein.

4. Transfer of Bonds to Substitute Depository.

(A) The Bonds shall be initially issued as described in the Official Statement described herein. Registered ownership of such Bonds, or any portions thereof, may not thereafter be transferred except:

(1) to any successor of DTC or its nominee, or of any substitute depository designated pursuant to Section 6(c)(ii)(4)(A)(2) (“Substitute Depository”); provided that any successor of DTC or Substitute Depository shall be qualified under any applicable laws to provide the service proposed to be provided by it;

(2) to any Substitute Depository, upon (1) the resignation of DTC or its successor (or any Substitute Depository or its successor) from its functions as depository, or (2) a determination by the District that DTC (or its successor) is no longer able to carry out its functions as depository; provided that any such Substitute Depository shall be qualified under any applicable laws to provide the services proposed to be provided by it; or

(3) to any person as provided below, upon (1) the resignation of DTC or its successor (or any Substitute Depository or its successor) from its functions as depository, or (2) a determination by the District that DTC or its successor (or Substitute Depository or its successor) is no longer able to carry out its functions as depository.

(B) In the case of any transfer pursuant to Section 6(c)(ii)(4)(A)(1) or (2), upon receipt of all outstanding Bonds by the Bond Registrar, together with a written request of the District to the Bond Registrar designating the Substitute Depository, a single new Bond, which the District shall prepare or cause to be prepared, shall be executed and delivered for each maturity of Bonds then outstanding, registered in the name of such successor or such Substitute Depository or their Nominees, as the case may be, all as specified in such written request of the District. In the case of any transfer pursuant to Section 6(c)(ii)(4)(A)(3), upon receipt of all outstanding Bonds by the Bond Registrar, together with a written request of the District to the Bond Registrar, new Bonds, which the District shall prepare or cause to be prepared, shall be executed and delivered in such denominations and registered in the names of such persons as are requested in such written request of the District, provided that the Bond Registrar shall not be required to deliver such new Bonds within a period of less than sixty (60) days from the date of receipt of such written request from the District.

(C) In the case of a partial redemption or an advance refunding of any Bonds evidencing a portion of the Maturity Value or Principal maturing in a particular year, DTC or its successor (or any Substitute Depository or its successor) shall make an appropriate notation on such Bonds indicating the date and amounts of such reduction in Maturity Value or Principal, in form acceptable to the Bond Registrar, all in accordance with the Letter of Representations. The Bond Registrar shall not be liable for such Depository’s failure to make such notations or errors in making such notations.

(D) The District and the Bond Registrar shall be entitled to treat the person in whose name any Bond is registered as the owner thereof for all purposes of this Resolution and any applicable laws, notwithstanding any notice to the contrary received

by the Bond Registrar or the District; and the District and the Bond Registrar shall not have responsibility for transmitting payments to, communicating with, notifying, or otherwise dealing with any beneficial owners of the Bonds. Neither the District nor the Bond Registrar shall have any responsibility or obligation, legal or otherwise, to any such beneficial owners or to any other party, including DTC or its successor (or Substitute Depository or its successor), except to the Owner of any Bonds, and the Bond Registrar may rely conclusively on its records as to the identity of the owners of the Bonds.

SECTION 7. Execution of Bonds. The Bonds shall be signed by the Superintendent or the Assistant Superintendent, Business and Finance, by their manual or facsimile signatures and countersigned by the manual or facsimile signature of the Secretary of the Board, all in their official capacities. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Resolution unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under this Resolution and is entitled to the security and benefit of this Resolution.

SECTION 8. Bond Registrar; Transfer and Exchange. This Board does hereby appoint U.S. Bank National Association to act as the authenticating agent, bond registrar, transfer agent and paying agent (collectively, the "Bond Registrar") for the Bonds.

So long as any of the Bonds remains outstanding, the District will cause the Bond Registrar to maintain and keep at its principal office all books and records necessary for the registration, exchange and transfer of the Bonds as provided in this Section. Subject to the provisions of Section 9 below, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Resolution. Payment of or on account of the Principal or Accreted Value of and premium, if any, and interest on any Bond shall be made only to or upon the order of that person; neither the District nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the District's liability upon the Bonds, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of like tenor, maturity and Transfer Amount upon presentation and surrender at the principal office of the Bond Registrar, together with a request for exchange signed by the Owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred on the Bond Register only upon presentation and surrender of the Bond at the principal office of the Bond Registrar together with an assignment executed by the Owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of like tenor and of any authorized denomination or denominations requested by the Owner equal to the Transfer Amount of the Bond surrendered and bearing or accruing interest at the same rate and maturing on the same date. Capital Appreciation Bonds and Current Interest Bonds may not be exchanged for one another.

If any Bond shall become mutilated, the District, at the expense of the Owner of said Bond, shall execute, and the Bond Registrar shall thereupon authenticate and deliver, a new Bond of like series, tenor and Transfer Amount in exchange and substitution for the Bond so mutilated, but only upon surrender to the Bond Registrar of the Bond so mutilated. If any Bond issued hereunder shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the Bond Registrar and, if such evidence be satisfactory to the Bond Registrar and indemnity for the Bond Registrar and the District satisfactory to the Bond Registrar shall be given by the owner, the District, at the expense of the Bond owner, shall execute, and the Bond Registrar shall thereupon authenticate and deliver, a new Bond of like series and tenor in lieu of and in substitution for the Bond so lost, destroyed or stolen (or if any such Bond shall have matured or shall have been called for redemption, instead of issuing a substitute Bond the Bond Registrar may pay the same without surrender thereof upon receipt of indemnity satisfactory to the Bond Registrar and the District). The Bond Registrar may require payment of a reasonable fee for each new Bond issued under this paragraph and of the expenses which may be incurred by the District and the Bond Registrar.

If manual signatures on behalf of the District are required in connection with an exchange or transfer, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the District. In all cases of exchanged or transferred Bonds, the District shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Resolution. All fees and costs of transfer shall be paid by the requesting party. Those charges may be required to be paid before the procedure is begun for the exchange or transfer. All Bonds issued upon any exchange or transfer shall be valid obligations of the District, evidencing the same debt, and entitled to the same security and benefit under this Resolution as the Bonds surrendered upon that exchange or transfer.

Any Bond surrendered to the Bond Registrar for payment, retirement, exchange, replacement or transfer shall be cancelled by the Bond Registrar. The District may at any time deliver to the Bond Registrar for cancellation any previously authenticated and delivered Bonds that the District may have acquired in any manner whatsoever, and those Bonds shall be promptly cancelled by the Bond Registrar. Written reports of the surrender and cancellation of Bonds shall be made to the District by the Bond Registrar on or before February 1 and August 1 of each year. The cancelled Bonds shall be retained for six years, then returned to the District or destroyed by the Bond Registrar as directed by the District.

Neither the District nor the Bond Registrar will be required (a) to issue or transfer any Bonds during a period beginning with the opening of business on the 15th business day next preceding either any Bond Payment Date or any date of selection of Bonds to be redeemed and ending with the close of business on the Bond Payment Date or any day on which the applicable notice of redemption is given or (b) to transfer any Bonds which have been selected or called for redemption in whole or in part.

**SECTION 9. Payment.** Payment of interest on any Current Interest Bond on any Bond Payment Date shall be made to the person appearing on the registration books of the Bond Registrar as the Owner thereof as of the Record Date immediately preceding such Bond Payment

Date, such interest to be paid by check mailed to such Owner on the Bond Payment Date at his address as it appears on such registration books or at such other address as he may have filed with the Bond Registrar for that purpose on or before the Record Date. The Owner in an aggregate Principal Amount of \$1,000,000 or more may request in writing to the Bond Registrar that such Owner be paid interest by wire transfer to the bank and account number on file with the Bond Registrar as of the Record Date. The principal, and redemption price, if any, payable on the Current Interest Bonds and the Accreted Value and redemption price, if any, on the Capital Appreciation Bonds shall be payable upon maturity or redemption upon surrender at the principal office of the Bond Registrar. The interest, Accreted Value, Principal and premiums, if any, on the Bonds shall be payable in lawful money of the United States of America. The Bond Registrar is hereby authorized to pay the Bonds when duly presented for payment at maturity, and to cancel all Bonds upon payment thereof. The Bonds are general obligations of the District.

SECTION 10. Form of Bonds. The Bonds shall be in substantially the following forms, allowing those officials executing the Bonds to make the insertions and deletions necessary to conform the Bonds to this Resolution and the Purchase Contract.

(Form of Current Interest Bond)

REGISTERED  
NO.

REGISTERED  
\$

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT  
SAN BERNARDINO COUNTY, CALIFORNIA  
ELECTION OF 2004 GENERAL OBLIGATION BOND, SERIES C

INTEREST RATE:            MATURITY DATE:            DATED AS OF:            CUSIP  
\_\_\_% per annum            August 1, \_\_\_            \_\_\_\_\_

REGISTERED OWNER:    CEDE & CO.

PRINCIPAL AMOUNT:

The San Bernardino City Unified School District (the "District") in San Bernardino County, California (the "County"), for value received, promises to pay to the Registered Owner named above, or registered assigns, the Principal Amount on the Maturity Date, each as stated above, and interest thereon until the Principal Amount is paid or provided for at the Interest Rate stated above, on February 1 and August 1 of each year (the "Bond Payment Dates"), commencing August 1, 2007. This bond will bear interest from the Bond Payment Date next preceding the date of authentication hereof unless it is authenticated as of a day during the period from the 16th day of the month next preceding any Bond Payment Date to the Bond Payment Date, inclusive, in which event it shall bear interest from such Bond Payment Date, or unless it is authenticated on or before July 15, 2007, in which event it shall bear interest from August 1, 2007. Interest on this Bond shall be computed on the basis of a 360-day year of twelve 30-day

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months. Principal and interest are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered (the "Registered Owner") on the Register maintained by the Bond Registrar, initially U.S. Bank National Association. Principal is payable upon presentation and surrender of this bond at the principal office of the Bond Registrar. Interest is payable by check or draft mailed by the Bond Registrar on each Bond Payment Date to the Registered Owner of this bond (or one or more predecessor bonds) as shown and at the address appearing on the Register at the close of business on the 15th day of the calendar month next preceding that Bond Payment Date (the "Record Date"). The Owner of Current Interest Bonds in the aggregate principal amount of \$1,000,000 or more may request in writing to the Bond Registrar that the Owner be paid interest by wire transfer to the bank and account number on file with the Bond Registrar as of the Record Date.

This bond is one of an authorization of \$\_\_\_\_\_ of bonds approved to raise money for the purposes authorized by voters of the District at the election and to pay all necessary legal, financial, engineering and contingent costs in connection therewith under authority of and pursuant to the laws of the State of California, and the requisite fifty-five percent vote of the electors of the District cast at a special election held on March 2, 2004, upon the question of issuing bonds in the amount of \$140,000,000 and the resolution of the Board of Education of the District adopted on February 20, 2007 (the "Bond Resolution"). This bond and the issue of which this bond is one are payable as to both principal and interest from the proceeds of the levy of *ad valorem* taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount in accordance with California Education Code Sections 15250 and 15252.

The bonds of this issue are comprised of \$\_\_\_\_\_ principal amount of Current Interest Bonds, of which this bond is a part (a "Current Interest Bond") and Capital Appreciation Bonds of which \$\_\_\_\_\_ represents the Denominational Amount and \$\_\_\_\_\_ represents the Maturity Value.

This bond is exchangeable and transferable for bonds of like tenor, maturity and Transfer Amount (as defined in the Bond Resolution) and in authorized denominations at the principal office of the Bond Registrar in St. Paul, Minnesota, by the Registered Owner or by a person legally empowered to do so, in a form satisfactory to the Bond Registrar, all subject to the terms, limitations and conditions provided in the Bond Resolution. All fees and costs of transfer shall be paid by the transferor. The District and the Bond Registrar may deem and treat the Registered Owner as the absolute owner of this bond for the purpose of receiving payment of or on account of principal or interest and for all other purposes, and neither the District nor the Bond Registrar shall be affected by any notice to the contrary.

Neither the District nor the Bond Registrar will be required (a) to issue or transfer any bond during a period beginning with the opening of business on the 15th business day next preceding either any Bond Payment Date or any date of selection of bonds to be redeemed and ending with the close of business on the Bond Payment Date or day on which the applicable notice of redemption is given or (b) to transfer any bond which has been selected or called for redemption in whole or in part.

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The Current Interest Bonds maturing on or before August 1, 20\_\_ are not subject to redemption prior to their fixed maturity dates. The Current Interest Bonds maturing on or after August 1, 20\_\_ may be redeemed before maturity at the option of the District, from any source of funds of the District, on August 1, 20\_\_, or on any date thereafter as a whole, or in part at the following redemption prices (expressed as a percentage of the principal amount of the Current Interest Bonds called for redemption) together with accrued interest to the date fixed for redemption:

<u>Redemption Dates</u>	<u>Redemption Prices</u>
August 1, 20__ and thereafter	__%

The Current Interest Bonds maturing on August 1, 20\_\_ are subject to mandatory redemption from moneys in the Debt Service Fund prior to their stated maturity date, at the Principal Amount thereof without premium on each August 1, on and after August 1, 20\_\_, in the Principal Amounts as set forth in the following table:

<u>Redemption Dates</u>	<u>Principal Amounts</u>
TOTAL	\$

If less than all of the bonds of any one maturity shall be called for redemption, the particular bonds or portions of bonds of such maturity to be redeemed shall be selected by lot by the District in such manner as the District in its discretion may determine; provided, however, that the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some multiple thereof. If less than all of the bonds stated to mature on different dates shall be called for redemption, the particular bonds or portions thereof to be redeemed shall be called in any order of maturity selected by the District or, if not so selected, in the inverse order of maturity.

Reference is made to the Bond Resolution for a more complete description of the provisions, among others, with respect to the nature and extent of the security for the bonds of this series, the rights, duties and obligations of the District, the Bond Registrar and the Registered Owners, and the terms and conditions upon which the bonds are issued and secured. The Registered Owner of this bond assents, by acceptance hereof, to all of the provisions of the Bond Resolution.

It is certified and recited that all acts and conditions required by the Constitution and laws of the State of California to exist, to occur and to be performed or to have been met precedent to and in the issuing of the bonds in order to make them legal, valid and binding general obligations of the District, have been performed and have been met in regular and due form as required by law; that payment in full for the bonds has been received; that no statutory or constitutional limitation on indebtedness or taxation has been exceeded in issuing the bonds; and that due

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provision has been made for levying and collecting *ad valorem* property taxes on all of the taxable property within the District in an amount sufficient to pay principal and interest when due, and for levying and collecting such taxes the full faith and credit of the District are hereby pledged.

This bond shall not be valid or obligatory for any purpose and shall not be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication below has been signed.

IN WITNESS WHEREOF, the San Bernardino City Unified School District, San Bernardino County, California, has caused this bond to be executed on behalf of the District and in their official capacities by the manual or facsimile signatures of the Superintendent and the Assistant Superintendent, Business and Finance, and to be countersigned by the manual or facsimile signature of the Secretary of the Board of Education, all as of the date stated above.

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

By: \_\_\_\_\_ (Facsimile Signature)  
Superintendent

By: \_\_\_\_\_ (Facsimile Signature)  
Assistant Superintendent, Business and Finance

COUNTERSIGNED:

\_\_\_\_\_  
(Facsimile Signature)  
Secretary, Board of Education

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the Bond Resolution referred to herein which has been authenticated and registered on \_\_\_\_\_, 2007.

U.S. BANK NATIONAL ASSOCIATION

\_\_\_\_\_  
Authorized Officer

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers to (print or typewrite name, address and zip code of Transferee):  
\_\_\_\_\_ this bond and irrevocably

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constitutes and appoints attorney to transfer this bond on the books for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the within bond in every particular, without alteration or any change whatever, and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: \_\_\_\_\_

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

LEGAL OPINION

The following is a true copy of the opinion rendered by Stradling Yocca Carlson & Rauth, a Professional Corporation in connection with the issuance of, and dated as of the date of the original delivery of, the bonds. A signed copy is on file in my office.

\_\_\_\_\_  
(Facsimile Signature)  
Secretary, Board of Education

(Form of Legal Opinion)

(Form of Capital Appreciation Bond)

REGISTERED  
NO.

REGISTERED  
\$

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT  
SAN BERNARDINO COUNTY, CALIFORNIA  
ELECTION OF 2004 GENERAL OBLIGATION BOND, SERIES C

REOFFERING YIELD:      MATURITY DATE:      DATED AS OF:      CUSIP  
   August 1, \_\_\_\_      Date of Delivery

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REGISTERED OWNER: CEDE & CO.  
DENOMINATIONAL AMOUNT:  
MATURITY VALUE:

The San Bernardino City Unified School District (the "District") in San Bernardino County, California (the "County"), for value received, promises to pay to the Registered Owner named above, or registered assigns, the Maturity Value on the Maturity Date, each as stated above, such Maturity Value being comprised of the Denominational Amount and interest accreted thereon. This bond will not bear current interest but will accrete interest, compounded on each February 1 and August 1, commencing August 1, 2007, at the Reoffering Yield specified above to the Maturity Date, assuming that in any such semiannual period the sum of such compounded accreted interest and the Denominational Amount (such sum being herein called the "Accreted Value") increases in equal daily amounts on the basis of a 360-day year consisting of twelve 30-day months. Accreted Value and redemption premium, if any, are payable in lawful money of the United States of America, without deduction for the paying agent services, to the person in whose name this bond (or, if applicable, one or more predecessor bonds) is registered (the "Registered Owner") on the Register maintained by the Bond Registrar, initially U.S. Bank National Association. Accreted Value and redemption premium, if any, are payable upon presentation and surrender of this bond at the principal office of the Bond Registrar.

This bond is one of an authorization of \$\_\_\_\_\_ of bonds approved for the purpose of raising money for the purpose authorized by voters of the District at the election to pay all necessary legal, financial, engineering and contingent costs in connection therewith under authority of and pursuant to the laws of the State of California, and the requisite fifty-five percent vote of the electors of the District cast at an election held on March 2, 2004, upon the question of issuing bonds in the amount of \$140,000,000 and the resolution of the Board of Education of the District adopted on February 20, 2007.(the "Bond Resolution"). This bond and the issue of which this bond is one are payable as to both principal and interest from the proceeds of the levy of *ad valorem* taxes on all property subject to such taxes in the District, which taxes are unlimited as to rate or amount in accordance with California Education Code Sections 15250 and 15252. The bonds of this issue are general obligations of the District.

The bonds of this issue are comprised of \$\_\_\_\_\_ principal amount of Current Interest Bonds (each a "Current Interest Bond") and Capital Appreciation Bonds, of which this bond is a part, in the Denominational Amount of \$\_\_\_\_\_ and the Maturity Value of \$\_\_\_\_\_.

This bond is not subject to optional redemption prior to maturity.

This bond is exchangeable and transferable for bonds of like tenor, maturity and Transfer Amount (as defined in the Bond Resolution) and in authorized denominations at the principal office of the Bond Registrar, by the Registered Owner or by a person legally empowered to do so, in a form satisfactory to the Bond Registrar, all subject to the terms, limitations and conditions provided in the Bond Resolution. All fees and costs of transfer shall be paid by the transferor. The District and the Bond Registrar may deem and treat the Registered Owner as the absolute owner of this bond for the purpose of receiving payment of or on account of principal or

interest and for all other purposes, and neither the District nor the Bond Registrar shall be affected by any notice to the contrary.

Neither the District nor the Bond Registrar will be required (a) to issue or transfer any bond during a period beginning with the opening of business on the 15th business day next preceding either any Bond Payment Date or any date of selection of bonds to be redeemed and ending with the close of business on the Bond Payment Date or day on which the applicable notice of redemption is given or (b) to transfer any bond which has been selected or called for redemption in whole or in part.

The Bonds maturing on August 1, 20\_\_ are subject to mandatory redemption from moneys in the Debt Service Fund prior to their stated maturity date, at the Accreted Value thereof without premium on each August 1, on and after August 1, 20\_\_, in the Accreted Value as set forth in the following table:

<u>Redemption Dates</u>	<u>Accreted Values</u>
	\$
TOTAL	\$

Reference is made to the Bond Resolution for a more complete description of the provisions, among others, with respect to the nature and extent of the security for the Capital Appreciation Bonds of this series, the rights, duties and obligations of the District, the Bond Registrar and the Registered Owners, and the terms and conditions upon which the bonds are issued and secured. The Registered Owner of this bond assents, by acceptance hereof, to all of the provisions of the Bond Resolution.

It is certified and recited that all acts and conditions required by the Constitution and laws of the State of California to exist, to occur and to be performed or to have been met precedent to and in the issuing of the bonds in order to make them legal, valid and binding general obligations of the District, have been performed and have been met in regular and due form as required by law; that payment in full for the bonds has been received; that no statutory or constitutional limitation on indebtedness or taxation has been exceeded in issuing the bonds; and that due provision has been made for levying and collecting *ad valorem* property taxes on all of the taxable property within the District in an amount sufficient to pay principal and interest when due, and for levying and collecting such taxes the full faith and credit of the District are hereby pledged.

This bond shall not be valid or obligatory for any purpose and shall not be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication below has been signed.

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IN WITNESS WHEREOF, the San Bernardino City Unified School District, San Bernardino County, California, has caused this bond to be executed on behalf of the District and in their official capacities by the manual or facsimile signatures of the Superintendent and the Assistant Superintendent, Business and Finance, and to be countersigned by the manual or facsimile signature of the Secretary of the Board of Education, all as of the date stated above.

SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT

By: \_\_\_\_\_ (Facsimile Signature)  
Superintendent

By: \_\_\_\_\_ (Facsimile Signature)  
Assistant Superintendent, Business and Finance

COUNTERSIGNED:

\_\_\_\_\_  
(Facsimile Signature)  
Secretary, Board of Education

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the Bond Resolution referred to herein which has been authenticated and registered on \_\_\_\_\_, 2007.

U.S. BANK NATIONAL ASSOCIATION

\_\_\_\_\_  
Authorized Officer

ASSIGNMENT

For value received, the undersigned sells, assigns and transfers to (print or typewrite name, address and ZIP code of Transferee): \_\_\_\_\_ this bond and irrevocably constitutes and appoints attorney to transfer this bond on the books for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or

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by any change whatever, and the signature(s) must be guaranteed by an eligible guarantor institution.

Social Security Number, Taxpayer Identification Number or other identifying number of Assignee: \_\_\_\_\_

Unless this certificate is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of Cede & Co. or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to Cede & Co., ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, Cede & Co., has an interest herein.

#### LEGAL OPINION

The following is a true copy of the opinion rendered by Stradling Yocca Carlson & Rauth, a Professional Corporation, in connection with the issuance of, and dated as of the date of the original delivery of, the bonds. A signed copy is on file in my office.

(Facsimile Signature)  
Secretary, Board of Education

(Form of Legal Opinion)

SECTION 11. Delivery of Bonds. The proper officials of the District shall cause the Bonds to be prepared and, following their sale, shall have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Underwriter upon payment of the purchase price therefor.

SECTION 12. Deposit of Proceeds of Bonds. The proceeds from the sale of the Bonds, to the extent of the Denominational Amount and the Principal Amount thereof, shall be paid to the County to the credit of the fund hereby created and established and to be known as the "Series [C][D] San Bernardino City Unified School District Building Fund" (the "Building Fund") of the District, shall be kept separate and distinct from all other District and County funds, and those proceeds shall be used solely for the purpose for which the Bonds are being issued and provided further that such proceeds shall be applied solely to authorized purposes. Such proceeds shall be used solely for the purpose for which the Bonds are being issued and shall be applied solely to authorized purposes which relate to the Projects. The accrued interest and any premium received by the County from the sale of the Bonds shall be kept separate and apart in the fund hereby created and established and to be designated as the "Series [C][D] San Bernardino City Unified School District General Obligation Bond Debt Service Fund" (the "Debt Service Fund") for the Bonds and used only for payment of Accreted Value or Principal of and interest on the Bonds. Interest earnings on moneys held in the Building Fund shall be retained in the Building Fund. Interest earnings on moneys held in the Debt Service Fund shall

be retained in the Debt Service Fund. Any amounts that remain in the Building Fund at the completion of the Projects, at the written direction of the District, shall be transferred to the Debt Service Fund to be used to pay the Principal of, premium, if any, and interest on the Bonds, subject to any conditions set forth in the Tax Certificate. Any excess proceeds of the Bonds not needed for the authorized purposes set forth herein for which the Bonds are being issued shall be transferred to the Debt Service Fund and applied to the payment of Accreted Value or Principal of and interest on the Bonds. If, after payment in full of the Bonds, there remain excess proceeds, any such excess amounts shall be transferred to the General Fund of the District. Costs associated with the issuance of the Bonds shall be paid by the District from moneys deposited in the Building Fund or by the Representative, on behalf of the District, from premium paid on the Bonds and not received by the County.

Subject to federal tax restrictions, moneys in the funds created hereunder shall be invested in any lawful investment permitted by Sections 16429.1 and 53601 of the Government Code of the State of California (the "Government Code") or in shares in a California common law trust established pursuant to Title 1, Division 7, Chapter 5 of the Government Code which invests exclusively in investments permitted by Section 53635 of the Government Code, in the Local Agency Investment Fund administered by the Treasurer of the State of California ("LAIF"), or in a guaranteed investment contract with a financial institution or insurance company which has at the date of execution thereof one or more outstanding issues of unsecured, uninsured and unguaranteed debt obligations or a claims paying ability rated not lower than the second highest rating category (without regard to subcategories) by Standard & Poor's and Moody's Investors Service.

Except as required below to satisfy the requirements of Section 148(f) of the Internal Revenue Code of 1986, as amended (the "Code"), interest earned on the investment of moneys held in the Debt Service Fund shall be retained in the Debt Service Fund and used to pay the Accreted Value or Principal of and interest on the Bonds when due.

### SECTION 13. Rebate Fund.

(a) The District shall create and establish a special fund designated the "Series [C][D] San Bernardino City Unified School District Rebate Fund" (the "Rebate Fund"). All amounts at any time on deposit in the Rebate Fund shall be held in trust, to the extent required to satisfy the requirement to make rebate payments to the United States (the "Rebate Requirement") pursuant to Section 148 of the Code, and the Treasury Regulations promulgated thereunder (the "Treasury Regulations"). Such amounts shall be free and clear of any lien hereunder and shall be governed by this Section and by the Tax Certificate to be executed by the District.

(b) Within 45 days of the end of each fifth Bond Year (as such term is defined in the Tax Certificate), (1) the District shall calculate or cause to be calculated with respect to the Bonds the amount that would be considered the "rebate amount" within the meaning of Section 1.148-3 of the Treasury Regulations, using as the "computation date" for this purpose the end of such Bond Year, and (2) the District shall deposit to the Rebate Fund from amounts on deposit in the other funds established hereunder or from other District funds, if and to the extent required,

amounts sufficient to cause the balance in the Rebate Fund to be equal to the “rebate amount” so calculated. The District shall not be required to deposit any amount to the Rebate Fund in accordance with the preceding sentence, if the amount on deposit in the Rebate Fund prior to the deposit required to be made under this subsection (b) equals or exceeds the “rebate amount” calculated in accordance with the preceding sentence. Such excess may be withdrawn from the Rebate Fund to the extent permitted under subsection (g) of this Section. The District shall not be required to calculate the “rebate amount” and shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b), with respect to all or a portion of the proceeds of the Bonds (including amounts treated as proceeds of the Bonds) (1) to the extent such proceeds satisfy the expenditure requirements of Section 148(f)(4)(B) or Section 148(f)(4)(C) of the Code or Section 1.148-7(d) of the Treasury Regulations, whichever is applicable, and otherwise qualify for the exception to the Rebate Requirement pursuant to whichever of said sections is applicable, (2) to the extent such proceeds are subject to an election by the District under Section 148(f)(4)(C)(vii) of the Code to pay a one and one-half percent (1½%) penalty in lieu of arbitrage rebate in the event any of the percentage expenditure requirements of Section 148(f)(4)(C) are not satisfied, or (3) to the extent such proceeds qualify for the exception to arbitrage rebate under Section 148(f)(4)(A)(ii) of the Code for amounts in a “bona fide debt service fund.” In such event, and with respect to such amounts, the District shall not be required to deposit any amount to the Rebate Fund in accordance with this subsection (b).

(c) Any funds remaining in the Rebate Fund after redemption of all the Bonds and any amounts described in paragraph (2) of subsection (d) of this Section, or provision made therefor satisfactory to the District, including accrued interest, shall be remitted to the District.

(d) Subject to the exceptions contained in subsection (b) of this Section to the requirement to calculate the “rebate amount” and make deposits to the Rebate Fund, the District shall pay to the United States, from amounts on deposit in the Rebate Fund,

(1) not later than 60 days after the end of (i) the fifth Bond Year, and (ii) each fifth Bond Year thereafter, an amount that, together with all previous rebate payments, is equal to at least 90% of the “rebate amount” calculated as of the end of such Bond Year in accordance with Section 1.148-3 of the Treasury Regulations; and

(2) not later than 60 days after the payment of all Bonds, an amount equal to 100% of the “rebate amount” calculated as of the date of such payment (and any income attributable to the “rebate amount” determined to be due and payable) in accordance with Section 1.148-3 of the Treasury Regulations.

(e) In the event that, prior to the time any payment is required to be made from the Rebate Fund, the amount in the Rebate Fund is not sufficient to make such payment when such payment is due, the District shall calculate (or have calculated) the amount of such deficiency and deposit an amount equal to such deficiency into the Rebate Fund prior to the time such payment is due.

(f) Each payment required to be made pursuant to subsection (d) of this Section shall be made to the Internal Revenue Service, on or before the date on which such payment is due, and shall be accompanied by Internal Revenue Service Form 8038-T, such form to be prepared or caused to be prepared by the District.

(g) In the event that immediately following the calculation required by subsection (b) of this Section, but prior to any deposit made under said subsection, the amount on deposit in the Rebate Fund exceeds the “rebate amount” calculated in accordance with said subsection, the District shall withdraw the excess from the Rebate Fund and credit such excess to the Debt Service Fund.

(h) The District shall retain records of all determinations made hereunder until six years after the complete retirement of the Bonds.

(i) Notwithstanding anything in this Resolution to the contrary, the Rebate Requirement shall survive the payment in full or defeasance of the Bonds.

SECTION 14. Security for the Bonds. There shall be levied on all the taxable property in the District, in addition to all other taxes, a continuing direct *ad valorem* tax annually during the period the Bonds are outstanding in an amount sufficient to pay the principal and Accreted Value of and interest on the Bonds when due, which moneys when collected will be placed in the Debt Service Fund of the District, which fund is irrevocably pledged for the payment of the principal and Accreted Value of and interest on the Bonds when and as the same fall due.

The moneys in the Debt Service Fund, to the extent necessary to pay the principal and Accreted Value of and interest on the Bonds as the same become due and payable, shall be transferred by the Treasurer-Tax Collector of the County to the Bond Registrar which, in turn, shall pay such moneys to DTC to pay the principal and Accreted Value of and interest on the Bonds. DTC will thereupon make payments of principal and Accreted Value and interest on the Bonds to the DTC Participants who will thereupon make payments of principal and Accreted Value and interest to the beneficial owners of the Bonds. Any moneys remaining in the Debt Service Fund after the Bonds and the interest thereon have been paid, or provision for such payment has been made, shall be transferred to the General Fund of the District, pursuant to the Education Code Section 15234.

SECTION 15. Arbitrage Covenant. The District covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code and the applicable regulations prescribed under that Section or any predecessor section. Calculations for determining arbitrage requirements are the sole responsibility of the District.

SECTION 16. Conditions Precedent. The Board determines that all acts and conditions necessary to be performed by the Board or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding general obligations of the District have been performed and have been met, or will at the time of delivery of the Bonds have been

performed and have been met, in regular and due form as required by law; that the full faith, credit and revenues of the District are pledged for the timely payment of the principal of and interest on the Bonds; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds.

SECTION 17. Official Statement. The District's bond counsel is hereby authorized to prepare a Preliminary Official Statement and an Official Statement relating to the Bonds to be used in connection with the offering and sale of the Bonds. The District and the Underwriters are hereby authorized to distribute copies of the Preliminary Official Statement and the Official Statement to persons who may be interested in the purchase of the Bonds and are directed to deliver copies of any final Official Statement to the purchasers of the Bonds, in such time and manner as to conform with the requirements of Rule 15c2-12 of the Securities and Exchange Commission. Execution of the Official Statement shall conclusively evidence the District's approval of the Official Statement. The Superintendent and Assistant Superintendent, Business and Finance, each alone, are authorized to execute the Official Statement and deem "final" pursuant to Rule 15c2-12 of the Securities Exchange Act of 1934 the Preliminary Official Statement prior to its distribution.

SECTION 18. Insurance. In the event the District purchases bond insurance for the Bonds, and to the extent that the Bond Insurer makes payment of the principal, interest or Accreted Interest on the Bonds, it shall become the owner of such Bonds with the right to payment of principal, interest or Accreted Interest on the Bonds, and shall be fully subrogated to all of the Owners' rights, including the Owners' rights to payment thereof. To evidence such subrogation (i) in the case of subrogation as to claims that were past due interest components, the Bond Registrar shall note the Bond Insurer's rights as subrogee on the registration books for the Bonds maintained by the Bond Registrar upon receipt of a copy of the cancelled check issued by the Bond Insurer for the payment of such interest to the Owners of the Bonds, and (ii) in the case of subrogation as to claims for past due Principal or Accreted Value, the Bond Registrar shall note the Bond Insurer as subrogee on the registration books for the Bonds maintained by the Bond Registrar upon surrender of the Bonds by the Owners thereof to the Bond Insurer or the insurance trustee for the Bond Insurer.

SECTION 19. Defeasance. All or any portion of the outstanding maturities of the Bonds may be defeased prior to maturity in the following ways:

(a) Cash: by irrevocably depositing with an independent escrow agent selected by the District an amount of cash which together with amounts then on deposit in the Debt Service Fund (as hereinafter defined) is sufficient to pay all Bonds outstanding and designated for defeasance, including all principal and interest and premium, if any; or

(b) United States Obligations: by irrevocably depositing with an independent escrow agent selected by the District noncallable United States Obligations together with cash, if required, in such amount as will, in the opinion of an independent certified public accountant, together with interest to accrue thereon and moneys then on deposit in the

Debt Service Fund together with the interest to accrue thereon, be fully sufficient to pay and discharge all Bonds outstanding and designated for defeasance (including all principal and interest represented thereby and prepayment premiums, if any) at or before their maturity date;

then, notwithstanding that any of such Bonds shall not have been surrendered for payment, all obligations of the District with respect to all such designated outstanding Bonds shall cease and terminate, except only the obligation of the Bond Registrar or an independent escrow agent selected by the District to pay or cause to be paid from funds deposited pursuant to paragraphs (a) or (b) of this Section, to the owners of such designated Bonds not so surrendered and paid all sums due with respect thereto.

For purposes of this Section, United States Obligations shall mean:

Direct and general obligations of the United States of America, or obligations that are unconditionally guaranteed as to principal and interest by the United States of America, including (in the case of direct and general obligations of the United States of America) evidences of direct ownership of proportionate interests in future interest or principal payments of such obligations. Investments in such proportionate interests must be limited to circumstances where (a) a bank or trust company acts as custodian and holds the underlying United States obligations; (b) the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor of the underlying United States obligations; and (c) the underlying United States obligations are held in a special account, segregated from the custodian's general assets, and are not available to satisfy any claim of the custodian, any person claiming through the custodian, or any person to whom the custodian may be obligated; provided that such obligations are rated or assessed "AAA" by Standard & Poor's, a Division of the McGraw-Hill Companies or "Aaa" by Moody's Investors Service.

SECTION 20. Nonliability of County. Notwithstanding anything to the contrary contained herein, in the Bonds or in any other document mentioned herein, neither the County, nor its officials, officers, employees or agents shall have any liability hereunder or by reason hereof or in connection with the transactions contemplated hereby, the Bonds are not a debt of the County or a pledge of the County's full faith and credit, and the Bonds and any liability in connection therewith shall be paid solely from the moneys of the District.

SECTION 21. Indemnification of County. The District shall defend, indemnify and hold harmless the County, its officials, officers, agents and employees ("Indemnified Parties") against any and all losses, claims, damages or liabilities, joint or several, to which such Indemnified Parties may become subject based in whole or in part upon any acts or omission related to the Bonds, except with regard to the County's responsibilities under Section 23 hereof. The District shall also reimburse the Indemnified Parties for any legal or other costs and expenses incurred in connection with investigating or defending any such claims or liabilities.

SECTION 22. Reimbursement of County Costs. The District shall reimburse the County for all costs and expenses incurred by the County, its officials, officers, agents and employees in issuing or otherwise in connection with the Bonds.

SECTION 23. Request to County to Levy Tax. The Board of Supervisors and officers of the County are obligated by statute to provide for the levy and collection of property taxes in each year sufficient to pay all principal and interest coming due on the Bonds in such year, and to pay from such taxes all amounts due on the Bonds. The District hereby requests the Board of Supervisors to annually levy a tax upon all taxable property in the District sufficient to redeem the Bonds, and to pay the principal, redemption premium, in any, and interest thereon as and when the same become due.

SECTION 24. Other Actions. Officers of the Board are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to proceed with the issuance of the Bonds and otherwise carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

SECTION 25. Resolution to County Treasurer-Tax Collector. The Secretary of this Board is hereby directed to provide a certified copy of this Resolution to the Treasurer-Tax Collector of San Bernardino County immediately following its adoption.

SECTION 26. Continuing Disclosure. The District hereby covenants and agrees that it will comply with and carry out all of the provisions of that certain Continuing Disclosure Certificate executed by the District and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof. Any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the District to comply with its obligations under this Section. Noncompliance with this Section shall not result in acceleration of the Bonds.

SECTION 27. Authorized Actions. Officers of the Board and District officials and staff are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to proceed with the issuance of the Bonds and otherwise carry out, give effect to and comply with the terms and intent of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

SECTION 28. Recitals. All the recitals in this Resolution above are true and correct and this Board so finds, determines and represents.

SECTION 29. Effective Date. This Resolution shall take effect immediately upon its passage.

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PASSED AND ADOPTED this 20<sup>th</sup> day of February, 2007, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTENTIONS:

\_\_\_\_\_  
President, Board of Education  
San Bernardino City Unified School District

Attest:

\_\_\_\_\_  
Secretary, Board of Education  
San Bernardino City Unified School District

I, \_\_\_\_\_, do hereby certify that the foregoing is a true and correct copy of Resolution No. \_\_\_\_\_, which was duly adopted by the Board of Education of the San Bernardino City Unified School District at a meeting thereof held on the 20<sup>th</sup> day of February, 2007, and that it was so adopted by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTENTIONS:

By: \_\_\_\_\_  
Secretary

San Bernardino City Unified School District

CERTIFICATION OF MINUTES

The Board met in regular session on the 20th day of February 2007, at the usual meeting place thereof. The meeting was called to order at 5:30pm.

Members present:

Members absent:

The adoption of the following resolution and order was moved by Member \_\_\_\_\_, seconded by Member \_\_\_\_\_, and a vote being taken, the said resolution and order was adopted by the following votes of members present at that time.

AYES:

NOES:

9.7 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$100.00, Amazon Graphics; \$400.00, Barbara Williams; \$13,000.00, Southern California Edison; \$3,000.00, East Valley Water District; \$356.00, Paulina Navarro Larios; 2005 Toyota Corolla, T-Ten School- Riverside Community College; and two V-6 engines, T-Ten School- Riverside Community College.

9.8 - 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:

Animal Ambassadors at Oak Tree Village to present a science assembly on February 27, 2007. The cost, not to exceed \$500.00, will be paid from Kimbark Elementary School ASB Funds.

Americana Unlimited through the Orange County Performing Arts Center to present "Accomplished Women in History," on February 28, 2007. The cost, not to exceed \$650.00, will be paid from Palm Avenue Elementary School CAPS Account No. 581.

Boxtales Theater Company through the Orange County Performing Arts Center to present "Jambo Watoto," on April 11, 2007. The cost, not to exceed \$1,050.00, will be paid from Palm Avenue Elementary School CAPS Account No. 581.

Danza Azteca Xochipilli through the Orange County Performing Arts Center to present "Dances of the Aztec," on May 4, 2007. The cost, not to exceed \$600.00, will be paid from Palm Avenue Elementary School CAPS Account No. 581.

David Prather through the Orange County Performing Arts Center to present "Bring Poetry to Life," on May 11, 2007. The cost, not to exceed \$825.00, will be paid from Palm Avenue Elementary School CAPS Account No. 581.

The Art of Puppetry through the Orange County Performing Arts Center to present "Peter and the Wolf," on June 16, 2007. The cost, not to exceed \$775.00, will be paid from Palm Avenue Elementary School CAPS Account No. 581.

Kites for Kids to present a kite assembly on April 26, 2007. The cost, not to exceed \$450.00, will be paid from Ramona-Alessandro Elementary School Account No. 419.

All for Kidz, Inc., to present "The Ned Show," on February 22, 2007. There will be no cost for this performance.

Ann Ran Suer to coordinate a school Drill Team and Drum Squad beginning February 26, 2007, to June 27, 2007. The cost, not to exceed \$1,080.00, will be paid from Rio Vista Elementary Account No. 565.

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Chameleons through the Orange County Performing Arts Center to present “Wonder of Words,” on March 1, 2007. The cost, not to exceed \$700.00, will be paid from Inghram Elementary School Account No. 501.

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

Trinity Learning Resource Center, Inc. to present “Basic Life Skills,” on a weekly basis beginning January 30, 2007, to June 5, 2007. The cost, not to exceed \$4,387.00, will be paid from Urbita Elementary School Account No. 472.

#### 9.9 - Payment for Services Rendered by Non-Classified Experts and Organizations

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

Larry Bell, with Multicultural America, Inc., to present a day-long workshop on March 29, 2007, “The Power of a Teacher through High Expectations.” The workshop includes research on the power of teacher expectations, why every teacher can reach every student, overcoming seven self-defeating characteristics of low-achieving students, enhancing respect in the classroom, and common mistakes with at-risk students. The workshop will be conducted at the District’s Professional Development Center for approximately 130 District teachers from various elementary and middle schools. The cost, not to exceed \$8,800.00, will be paid from the Restricted General Fund – Medi-Cal Billing, Account No. 585.

WestEd to provide two five-day trainings, “Strategic Literacy Initiative” between March 1, 2007, and June 26, 2007. The program is designed for middle and high school teachers and instructional leaders to implement the Reading Apprenticeship approach at their schools. The cost, not to exceed \$64,000.00, will be paid from Restricted General Fund – Staff Development: Mathematics and Reading (AB466), Account No. 490.

Magda Georges-Phillips to present two four-hour workshops, “Research-Based Adult Reading Instruction.” Session 1 will be conducted on March 16, 2007, and Session 2 will be conducted on March 23, 2007. The workshops will assist instructors in using proven approaches to help students learn to read or improve their reading skills. The fee, not to exceed \$500.00, will be paid from the Restricted General Fund – Inland Counties Regional Resource Center, Account No. 140.

Danielle Elgan to present two three hour workshops, “Understanding the Adult Learner.” Session 1 will be conducted on March 9, 2007, and Session 2 will be conducted on March 30, 2007. Participants will explore the unique characteristics of adult learners as well as adult motivation, needs, and self-conception and their effect on learning. They will also explore effective methods and materials for facilitating adult learning and ways to create learning environments that are responsive to the adult learners. The fee, not to exceed \$260.00, will be paid from the Restricted General Fund – Inland Counties Regional Resource Center, Account No. 140.

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Carol Cronk, San Bernardino County Superintendent of Schools, Curriculum and Instruction Department, to provide consultation services regarding the Noyce Scholarship Program with the District and California State University San Bernardino, effective February 20, 2007, through June 30, 2007. The cost, not to exceed \$7,000.00, will be paid from Restricted General Fund – Title II Human Resources, Account No. 537.

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

Jolene Redvale to provide a series of Science Saturday programs to District 4-6 grade teachers, February 3, and March 10, 2007. The cost, not to exceed \$1,040.00, will be paid from Restricted General Fund – Title II, Elementary Math and Science, Account No. 542.

Britt Leatham to provide a series of Science Saturday programs to District K-3 grade teachers, November 4, 2006, and February 3, and March 10, 2007. The cost, not to exceed \$1,560.00, will be paid from Restricted General Fund – Title II, Elementary Math and Science, Account No. 542.

9.11 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$1,439,092.00 in the budgeting of expenditures and revenues for the restricted program, School Based Coordination Program, School Improvement Program and Economic Impact Aid (419/420/423).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$17,692.00 in the budgeting of expenditures and revenues for the restricted program, California Peer Assistance and Review Entitlement (429).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$6,791.00 in the budgeting of expenditures and revenues for the restricted program, Tobacco-Use Prevention Education (TUPE) Entitlement (471).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$2,407.00 in the budgeting of expenditures and revenues for the restricted program, After School Education and Safety (ASES) Program Grant (472).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$1,448,664.00 in the budgeting of expenditures and revenues for the restricted program, Title I, Part A Basic Grant (501/524).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$223,438.00 in the budgeting of expenditures and revenues for the restricted program, Title II, Part D, Enhancing Education Through Technology (516).

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BE IT ALSO RESOLVED that the Board of Education approves the addition of \$1,658.00 in the budgeting of expenditures and revenues for the restricted program, Title V, Part A Innovative Education Program Strategies (529/530).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$49,834.00 in the budgeting of expenditures and revenues for the restricted program, Title II, Part A Improving Teacher Quality (536-538/541/542).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$101,866.00 in the budgeting of expenditures and revenues for the restricted program, Title IV, Part A Safe and Drug-Free Schools and Communities (555).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$7,635.00 in the budgeting of expenditures and revenues for the restricted program, 21<sup>st</sup> Century Community Learning Centers (CCLC) Program Grant (565).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$104.00 in the budgeting of expenditures and revenues for the restricted program, 21<sup>st</sup> Century Community Learning Centers Grant – Family Literacy (577).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$77,262.00 in the budgeting of expenditures and revenues for the restricted program, 21<sup>st</sup> Century Community Learning Centers (CCLC) Program Grant (580).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$102,847.00 in the budgeting of expenditures and revenues for the restricted program, 21<sup>st</sup> Century Community Learning Centers (CCLC) Program Grant (581).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$686.00 in the budgeting of expenditures and revenues for the restricted program, 21<sup>st</sup> Century Community Learning Centers Grant – Family Literacy (582).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$43,875.00 in the budgeting of expenditures and revenues for the restricted program, 21<sup>st</sup> Century Community Learning Centers (CCLC) Program Grant (583).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$14,175.00 in the budgeting of expenditures and revenues for the restricted program, 21<sup>st</sup> Century Community Learning Centers (CCLC) Program Grant (584).

BE IT FURTHER RESOLVED that the Board of Education approves the reduction of \$1,545.00 in the budgeting of expenditures and revenues for the restricted program, Federal Preschool Grant (592).

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9.12 - Board Members' Inservice and Business Expense Report for the Quarter Ending December 31, 2006

BE IT RESOLVED that the Board of Education ratifies the total amount of \$722.50 expended from the Board of Education's individual inservice and business accounts for the quarter ending December 31, 2006.

9.13 - Cafeteria Warrant Register, Ending January 31, 2007

BE IT RESOLVED that the Cafeteria Warrant Register, ending January 31, 2007, be approved.

BE IT FURTHER RESOLVED that the Board of Education authorizes Gene Fortajada, Accounting Services Director; John A. Peukert, Assistant Superintendent, Facilities/Operations; Adriane Robles, Nutrition Services Director; or Laura Breuer, Nutrition Services Business Manager, to sign disbursements. Two signatures are required on all cafeteria warrants.

9.14 - Commercial Warrant Registers For Period From January 16 Through January 31, 2007

BE IT RESOLVED that the Commercial Warrant Register for period from January 16, 2007, through January 31, 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.

9.15 - Bid No. 34-06, Service Vehicles

BE IT RESOLVED that Bid No. 34-06, Service Vehicles, be awarded to the lowest responsible bidder by line item, based on the unit prices bid, meeting District specifications, for a total bid award as follows:

<u>BIDDER</u>	<u>TOTAL BID AWARD TAX INCLUDED</u>	<u>LINES AWARDED</u>
Burch Ford La Habra, CA	\$128,327.18	Lines 1, 10, 13, 15 and 16
Fairview Ford San Bernardino, CA	\$154,145.01	Lines 2, 5, 6, 7, 8, 9 and 12
Lake Chevrolet Lake Elsinore, CA	\$134,272.66	Lines 4, 11, 17 and 18
Raceway Ford Riverside, CA	\$47,306.56	Line 3

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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 five years total.

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

9.16 - Bid No. 35-06, High Density Movable Filing Systems and Accessories

BE IT RESOLVED that low bid for Line Items No. 1 and No. 2 be rejected as not meeting minimum qualifications as per bid specifications.

BE IT ALSO RESOLVED that Bid No. 35-06, High Density Movable Filing Systems and Accessories, be awarded to Compact Storage Specialist, Corona, CA, the lowest responsible bidder by line item, based on the unit prices bid, meeting District specifications.

BE IT ALSO RESOLVED that the lowest responsible bidder by line item be awarded general percentage discounts from manufacturer's current catalog price lists for their full line of products.

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 five years total.

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

9.17 - Bid No. 37-06, Re-Bid Seal Coat Projects at 12 District School Sites

BE IT RESOLVED that the bid from Pacific Striping be rejected as not meeting minimum qualifications per bid specifications.

BE IT ALSO RESOLVED that Bid No. 37-06, Re-Bid Seal Coat Projects at 12 District Sites be awarded to MGB Construction, Riverside, CA, the lowest responsible bidder meeting District specifications. Deferred Maintenance Fund 14 will be charged \$229,640.00 for this purchase.

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

9.18 - Agreement with The Princeton Review to Conduct ACES Training for Staff and CAHSEE Preparation Classes for Students at San Bernardino High School

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with The Princeton Review, Irvine, CA, to provide the ACES professional development program to 85

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teachers, and CAHSEE test preparation classes and intervention classes to students at risk of not passing CAHSEE, effective February 14, 2007, through March 18, 2007. The fee, not to exceed \$44,875.00, will be paid from the Restricted General Fund – CAHSEE Intensive Instruction and Services, Account No. 403.

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

9.19 - Agreement with the Parent Institute for Quality Education to Provide Training for Parents of District Students Enrolled at Arroyo Valley High School

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with the Parent Institute for Quality Education, El Monte, CA, to provide training for approximately 114 parents of District students enrolled at Arroyo Valley High School, effective February 9, 2007, continuing through March 30, 2007. The training will provide the skills and techniques that will enable parents to address the educational needs of their school-aged children. The cost, not to exceed \$8,000.00, will be paid as follows: \$4,000.00 from the Restricted General Fund – High Priority Schools Grant Program, Account 473, and \$4,000.00 from the Restricted General Fund – Elementary Secondary Education Act, Account No. 501.

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

9.20 - Agreement with the Parent Institute for Quality Education to Provide Training for Parents of District Students Enrolled at Arrowview Middle School

BE IT RESOLVED that the Board of Education approves entering into an agreement with the Parent Institute for Quality Education, El Monte, CA, to provide training for approximately 100 parents of District students enrolled at Arrowview Middle School, effective April 11, 2007, continuing through June 6, 2007. The training will provide the skills and techniques that will enable parents to address the educational needs of their school-aged children. The cost, not to exceed \$7,000.00, 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.

9.21 - Agreement with Ja'sher L. Griffin to Assist in the Smaller Learning Community Program at Arroyo Valley High School

BE IT RESOLVED that the Board of Education ratifies entering into an agreement with Ja'sher L. Griffin, Highland, CA, to assist in the Smaller Learning Community (SLC) program at Arroyo Valley High School, effective February 1, 2007, through June 30, 2007. Mr. Griffin will provide career assessment to students and collect data for the SLC program. The fee, not to exceed

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\$5,000.00, will be paid as follows: \$2,500.00 from the Restricted General Fund – CAL Partnership Planning Grant, Account No. 481, and \$2,500.00 from the Restricted General Fund – Smaller Learning Environments-Arroyo Valley, Account No. 376.

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

9.22 - Amendment to the Board Resolution for the Agreement with the San Bernardino County Superintendent of Schools to Provide Training for the UCLA Introduction to Algebra for District Teachers as Approved on January 16, 2007, Agenda Item No. 9.13

BE IT RESOLVED that the Board of Education approves amending the Board Resolution for the agreement with the San Bernardino County Superintendent of Schools to provide training for the UCLA Introduction to Algebra for District teachers, as approved on January 16, 2007, Agenda Item No. 9.13. The amendment is necessary to change the description of work to consultation for curriculum design and development for secondary math programs, and to reduce the fee by \$5,000.00, from \$10,000.00 to an amount not to exceed \$5,000.00. The fee will be paid from the Restricted General Fund – Title II Secondary Math/Science, Account No. 541. All other terms and conditions will remain the same.

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

9.23 - Amendment No. 1 to Renewal of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Advanced Education Service-Live Oak School

BE IT RESOLVED that the Board of Education approves amending the agreement with Advanced Education Service-Live Oak School, Mentone, CA, as approved by the Board on June 20, 2006, Agenda Item No. 10.78. Amendment No. 1 is necessary to increase the daily rate from \$124.61 to \$129.59 based on the negotiated rate increase of 4 percent. The cost, not to exceed \$129.59 per day, and other approved related services at agreed-upon rates, will be paid from Restricted General Fund – Special Education-Non-Public, Account No. 824. All other terms and conditions will remain the same.

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

9.24 - Amendment No. 1 to Renewal of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Altus Academy

BE IT RESOLVED that the Board of Education approves amending the agreement with Altus Academy, Rialto, CA, as approved by the Board on June 20, 2006, Agenda Item No. 10.52. Amendment No. 1 is necessary to increase the daily rate from \$138.00 to \$143.52 based on the negotiated rate increase of 4 percent. The cost, not to exceed \$143.52 per day, and other

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approved related services at agreed-upon rates, will be paid from Restricted General Fund – Special Education-Non-Public, Account No. 824. All other terms and conditions will remain the same.

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

9.25 - Amendment No. 1 to Renewal of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Childhelp USA

BE IT RESOLVED that the Board of Education approves amending the agreement with Childhelp USA, Beaumont, CA, as approved by the Board on June 20, 2006, Agenda Item No. 10.69. Amendment No. 1 is necessary to increase the daily rate from \$132.18 to \$137.47 based on the negotiated rate increase of 4 percent. The cost, not to exceed \$137.47 per day, and other approved related services at agreed-upon rates, will be paid from Restricted General Fund – Special Education-Non-Public, Account No. 824. All other terms and conditions will remain the same.

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

9.26 - Amendment No. 1 to Renewal of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Citrus Canyon High School

BE IT RESOLVED that the Board of Education approves amending the agreement with Citrus Canyon High School, Beaumont, CA, as approved by the Board on June 20, 2006, Agenda Item No. 10.71. Amendment No. 1 is necessary to increase the daily rate from \$129.90 to \$135.10 based on the negotiated rate increase of 4 percent. The cost, not to exceed \$135.10 per day, and other approved related services at agreed-upon rates, will be paid from Restricted General Fund – Special Education-Non-Public, Account No. 824. All other terms and conditions will remain the same.

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

9.27 - Amendment No. 4 to Renewal of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Keystone School

BE IT RESOLVED that the Board of Education approves amending the agreement with Keystone School, Grand Terrace, CA, as approved by the Board on August 1, 2006, Agenda Item No. 7.21. Amendment No. 4 is necessary to increase the daily rate from \$148.20 to \$154.13 based on the negotiated rate increase of 4 percent. The cost, not to exceed \$154.13 per day, and other approved related services at agreed-upon rates, will be paid from Restricted General Fund – Special Education-Non-Public, Account No. 824. All other terms and conditions will remain the same.

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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.

9.28 - Amendment No. 1 to Renewal of the Agreement for Nonpublic, Nonsectarian School/Agency Services with New Haven Youth & Family Services, Inc.

BE IT RESOLVED that the Board of Education approves amending the agreement with New Haven Youth & Family Services, Inc., Vista, CA, as approved by the Board on June 20, 2006, Agenda Item No. 10.61. Amendment No. 1 is necessary to increase the daily rate from \$130.53 to \$132.00 based on the negotiated rate increase. The cost, not to exceed \$132.00 per day, and other approved related services at agreed-upon rates, will be paid from Restricted General Fund – Special Education-Non-Public, Account No. 824. All other terms and conditions will remain the same.

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

9.29 - Amendment No. 1 to Renewal of the Agreement for Nonpublic, Nonsectarian School/Agency Services with North Valley Schools

BE IT RESOLVED that the Board of Education approves amending the agreement with North Valley Schools, San Bernardino, CA, as approved by the Board on August 15, 2006, Agenda Item No. 9.33. Amendment No. 1 is necessary to increase the daily rate from \$133.90 to \$135.68 based on the negotiated rate increase. The cost, not to exceed \$135.68 per day, and other approved related services at agreed-upon rates, will be paid from Restricted General Fund – Special Education-Non-Public, Account No. 824. All other terms and conditions will remain the same.

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

9.30 - Amendment No. 1 to Renewal of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Odell Young Alternative School

BE IT RESOLVED that the Board of Education approves amending the agreement with Odell Young Alternative School, San Bernardino, CA, as approved by the Board on June 20, 2006, Agenda Item No. 10.62. Amendment No. 1 is necessary to increase the daily rate from \$130.00 to \$135.20 based on the negotiated rate increase of 4 percent. The cost, not to exceed \$135.20 per day, and other approved related services at agreed-upon rates, will be paid from Restricted General Fund – Special Education-Non-Public, Account No. 824. All other terms and conditions will remain the same.

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

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9.31 - Amendment No. 1 to Renewal of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Regency High School

BE IT RESOLVED that the Board of Education approves amending the agreement with Regency High School, San Bernardino, CA, as approved by the Board on June 20, 2006, Agenda Item No. 10.64. Amendment No. 1 is necessary to increase the daily rate from \$153.82 to \$159.97 based on the negotiated rate increase of 4 percent. The cost, not to exceed \$159.97 per day, and other approved related services at agreed-upon rates, will be paid from Restricted General Fund – Special Education-Non-Public, Account No. 824. All other terms and conditions will remain the same.

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

9.32 - Amendment No. 2 to Renewal of the Agreement for Nonpublic, Nonsectarian School/Agency Services with Somerset

BE IT RESOLVED that the Board of Education approves amending the agreement with Somerset, San Bernardino, CA, as approved by the Board on August 1, 2006, Agenda Item No. 7.18. Amendment No. 2 is necessary to increase the daily rate from \$144.00 to \$149.76 based on the negotiated rate increase of 4 percent. The cost, not to exceed \$149.76 per day, and other approved related services at agreed-upon rates, will be paid from Restricted General Fund – Special Education-Non-Public, Account No. 824. All other terms and conditions will remain the same.

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

9.33 - Request to Rescind Board Approval for Renewal of the Affiliation Agreement with Linda Valley Care Center

BE IT RESOLVED that the Board of Education approves rescinding renewal of the agreement with Linda Valley Care Center, Loma Linda, CA, to provide a clinical site for students enrolled in the Adult School's Vocational Nurse, Certified Nurse Assistant, and Home Health Aide programs, as approved on November 21, 2006, Agenda Item No. 8.23. Linda Valley Care Center has advised the District that they do not wish to renew. There is no cost to the District for this rescission.

9.34 - Notice of Completion, Bid No. 30-03, Bid Package 02 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 Contractor listed below:

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Category 02 – Earthwork  
Compaction Plus  
Brea, CA

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

9.35 - 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 9, 2007.

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

9.36 - Extended Field Trip, Cajon High School, United Spirit Association Cheer Nationals, Anaheim, California

BE IT RESOLVED that the Board of Education approves the extended field trip for fourteen students and two District employee chaperones to attend the United Spirit Association Cheer Nationals, Anaheim, California on March 24 - 25, 2007. The cost of the trip, \$2,800.00, including meals and lodging for fourteen students and two District employee chaperones, will be paid by fundraisers. Transportation by Laidlaw, \$980.00, will be paid from Cajon High School ASB Funds. Names of the students are on file in the Business Services office.

9.37 - Transfer Title to Part of Parkside Elementary School Site from the District to the State of California Department of Transportation for the Construction of Public Highway

BE IT RESOLVED that the Board of Education approves entering into an agreement and execution of the grant deeds with the State of California Department of Transportation (“Grantee”) for a right-of-way title to part of Parkside Elementary School site for the construction and maintenance of public highway improvements. The affected portion is approximately 75 square feet of sidewalk concrete located at two corners of the school site as

described in “Exhibit A” and as shown in the map “Exhibit B” (see page 56.3). The payment for the right of possession, interest conveyed by the title and use of the subject property by the State, including the right to remove and dispose of improvement is \$1,500.00 and shall be deposited into Fund 25 – Developers fee. 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.

9.38 - Transfer Title to Part of Golden Valley Middle School Site from the District to the State of California Department of Transportation for the Construction of Public Highway

BE IT RESOLVED that the Board of Education approves entering into an agreement and execution of the grant deeds with the State of California Department of Transportation (“Grantee”) for a right-of-way title to part of Golden Valley Middle School site for the construction and maintenance of public highway improvements. The affected portion (Document No. 20345-1) is approximately 61 square feet of sidewalk concrete located at the northwest corner of Parkdale Drive (formerly 37<sup>th</sup> Street) and Waterman Avenue as described in the attached Exhibit A and as shown in the map “Exhibit B.” The payment for the right of possession, interest conveyed by the title and use of the subject property by the State, including the right to remove and dispose of improvement is \$1,500.00 and shall be deposited into Fund 25 – Developers fee. 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.

9.40 - 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)01/29/90	*(S)08/10/92	*(S)05/18/91	*(S)10/08/91	*(S)10/25/89	*(S)03/20/98
*(S)08/03/93	*(S)02/19/93	*(S)12/28/90	*(S)06/05/93	*(S)06/14/92	*(S)10/26/93
*(S)11/19/89	***(S)06/22/93	***(S)03/06/93	*(S)11/08/90	*(S)01/04/91	***(S)08/06/91
*(S)09/19/94	*(S)09/17/91				

\*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.

9.41 - 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.

9.42 - 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:

10/22/93      09/27/90      03/06/89      12/17/93      11/25/92      02/21/93

9.43 - 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:

9.44 - 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:

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

9.45 - 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:

10/30/91	11/04/92	08/11/90	01/18/92	09/02/89	03/30/92
06/19/91	06/12/90	01/16/91	09/18/91	09/09/90	04/30/94
12/28/90	12/24/92	07/08/92	01/31/92	01/02/93	02/02/92
10/08/89	09/10/91	05/21/91	05/02/90	09/05/92	10/22/92
09/29/91	07/11/90	07/24/92	12/18/90	02/29/92	07/24/90
09/21/90	04/05/89	12/27/89	02/04/92	04/19/88	11/13/91
07/25/93	01/09/89	08/27/89			

9.46 - Failure to Recommend Mandatory Expulsion 48915

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

9.10 - Business and Inservice Meetings

Louise Ayala stated that she is uncomfortable with Elsa Valdez attending a political organization and the District shouldn't support it. Dr. Valdez stated that our schools are very diverse and we support other groups and events that help students, such as the Underground Railroad and Sankofa. Ms. Ayala stated that CSBA offers diverse conferences and believes that Board members should pay for their own expenses. Teresa Parra asked why the District is paying for representatives from Our Lady of the Assumption School. Dr. Delgado stated that the District is obligated to because we receive categorical funds. Judi Penman stated that it isn't appropriate for the District to pay for Board members' membership dues.

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

BE IT RESOLVED that the Board of Education approves the attendance and participation of the following individuals in scheduled business and inservice meetings:

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TERRY KONDRACK  
REBECCA FORBUSH  
(Board Representative,  
Our Lady of the Assumption School)

To attend Guided, Shared, Interactive and Modeled Writing: For Beginning and Developing Writers at the Shilo Inn Hilltop, Pomona, CA on March 6, 2007. The amount, not to exceed \$210.81 per person, will be paid from Accountability Unit Account No. 536.

BECKY RYAN  
(Board Representative,  
Our Lady of the Assumption School)

To attend Strengthening Your Students' Writing Skills at the Shilo Inn Hilltop, Pomona, CA on March 13, 2007. The cost, not to exceed \$213.13, will be paid from Accountability Department Account No. 536.

TOM AINSWORTH  
(Parent, Roosevelt Elementary School)

To attend the California Association for the Gifted Conference at the Santa Clara Convention Center, Santa Clara, CA, March 3-4, 2007. The cost, not to exceed \$600.00, will be paid from Accountability Department Account No. 585.

BE IT FURTHER RESOLVED that the Board of Education ratifies the attendance and participation of the following individuals in a scheduled business and inservice meeting:

ELSA VALDEZ  
(Governing Board Member)

Attend the NALEO Education Leadership Initiative Policy Institute, in Universal City, CA, February 16-18, 2007. Total cost, not to exceed \$200.00, will be paid from Board of Education Account No. 066.

RHONDA EARLY  
(Parent/Community Member)

To attend the California Schools Personnel Commissioners Association Annual Conference at the Westin, Long Beach, CA on February 15-18, 2007. The cost, not to exceed \$1,061.00, will be paid from Superintendent's Account No. 067.

9.39 - Master Service Agreements for Labor Compliance Consultant Services for Construction of New Schools and Modernization of Existing Schools Throughout the District

Teresa Parra questioned why the District is selecting two consultant firms. John Peukert stated that this is due to the large number of projects we have. We will be going into hardship and one company can't take on the entire load.

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

BE IT RESOLVED that the Board of Education approves entering into Master Service Agreements with the following providers of Labor Compliance consulting services for construction of new schools and modernization projects, effective February 21, 2007, through February 28, 2011.

- 1) Golden State Labor Compliance, Palmdale, CA
- 2) TSG Enterprises, Inc. dba The Solis Group, Pasadena, CA

The cost of these services will be paid from Funds 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 agreements.

**10.0 - Action Items**

**10.1 - 2007 California School Boards Association (CSBA) Delegate Assembly Election**

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

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

- Sue Brown, Yucaipa-Calimesa Joint Unified School District
- Tommy E. Courtney, Lucerne Valley Unified School District\*
- Karen L. Gray, Silver Valley Unified School District\*
- Karen S. Morgan, Victor Elementary School District\*
- Kathy A. Thompson, Central School District\*
- Charles J. Uhalley, Chaffey Joint Union High School District\*

\*Denotes incumbent

**10.2 - Amendment to Employee Use of Technology Policy (Second Reading)**

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

BE IT RESOLVED that the Board of Education adopts the Employee Use of Technology Policy as presented.

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10.3 - Amendment to Student Use of Technology Policy (Second Reading)

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

BE IT RESOLVED that the Board of Education adopts the Student Use of Technology Policy as presented.

10.4 - Personnel Report #16, dated February 20, 2007

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

BE IT RESOLVED that the Personnel Report #16, dated February 20, 2007, be approved as presented (see page 56.4). Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

**SESSION NINE - Closed Session**

**11.0 - Closed Session**

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

**Student Matters/Discipline**

**Conference with Labor Negotiator**

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

**Public Employee Discipline/Dismissal/Release**

**Superintendent's Evaluation**

**SESSION TEN - Closing**

**12.0 - Adjournment**

By the affirmative vote of the members, the meeting was adjourned at 9:15 p.m.

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The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, March 6, 2007, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.