

San Bernardino City Unified School District

Minutes of a Special Meeting of the Board of Education

**MINUTES
ADOPTED
8/15/06**

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

July 25, 2006

5:30 p.m.

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

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 - Recognition of Rotary Life Scholars

The Rotary Life Program is a challenging leadership opportunity combining scholarship, savings, and vocational information activities. Students are selected annually from all public and private schools in San Bernardino after a series of written and oral competitions to become Rotary Life Scholars. Members of the Rotary Life Class of 2006 who received certificates of recognition from the Board included Logan Mickel Byers, Scott Clayton, Anna Delgado, Marco Delgado, Patrick Edgett, and Brian Curtis Ensman, Arroyo Valley High School; Tiffany Holguin and Timothy Wang, Cajon High School; Noren Popat, Middle College High School; Kymberly Allen and Kathryn Alexis Laney, San Gorgonio High School; Anthony Ferguson, Redlands East Valley High School; and Elisabeth Silvius, Aquinas High School.

SESSION THREE - Public Hearing

3.0 - Public Hearing

3.1 - Public Hearing and Resolution of the Board of Education of the San Bernardino City Unified School District Certifying the Environmental Impact Report for the Construction, and Operation of Curtis High School No. 8 and the New Curtis Middle School; Adopting the Mitigation Monitoring Program; Adopting Written Findings Pursuant to the California Environmental Quality Act (CEQA); Adopting a Statement of Overriding Considerations; and Delegating Authority to Staff to Execute the Notice of Determination and Authorizing Payment of Fish and Game Fees

President Brown opened the public hearing and asked if anyone wished to comment. Hearing no response, Dr. Brown closed the public hearing.

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

RESOLUTION OF THE BOARD OF EDUCATION OF THE SAN BERNARDINO CITY UNIFIED SCHOOL DISTRICT APPROVING THE ENVIRONMENTAL IMPACT REPORT, MITIGATION MEASURES, AND MONITORING PROGRAM FOR THE CONSTRUCTION, AND OPERATION OF THE PROPOSED CURTIS HIGH SCHOOL AND THE NEW MIDDLE SCHOOL; ADOPTING WRITTEN FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND THE CALIFORNIA EDUCATION CODE; AND DELEGATING AUTHORITY TO STAFF TO EXECUTE THE NOTICE OF DETERMINATION, MITIGATED NEGATIVE DECLARATION AND PAYMENT OF FISH AND GAME FEES

WHEREAS, the District proposes to construct a new middle school to house approximately 1,200 students (Grades 6-8) currently attending the existing Curtis Middle School and the renovation of the existing Curtis Middle School for conversion to Curtis High School Number 8 housing approximately 2,700 students (Grades 9-12). The proposed high school and middle school sites are located adjacent to one another northwest of the intersection of Del Rosa Drive and 9th Street in the City of San Bernardino (Property); and

WHEREAS, prior to beginning construction of school facilities exceeding a specified size of 10,000 square feet, the District must comply with the California Environmental Quality Act (CEQA); and

WHEREAS, pursuant to CEQA, an Initial Study for the Project (Initial Study) has been prepared to ascertain whether the Project may have significant effects on the environment; and

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WHEREAS, potential significant effects were identified, and as such, an Environmental Impact Report (EIR) was prepared pursuant to CEQA and the State CEQA Guidelines; and

WHEREAS, the District, as the Lead Agency for the Project, provided copies of the Draft EIR to the public for review and comment pursuant to Public Resources Code Sections 21091 and 21092; and

WHEREAS, two comments from either the public or interested agencies were received; and

WHEREAS, the Staff has carefully reviewed the proposed Final EIR consisting of the Draft EIR, comment letters, responses to comments, errata, public notification records and all other relevant information contained in the administrative record for the Project; and

WHEREAS, the Board has determined that the High School #8 school site contains one or more high pressure pipelines and a risk assessment will be conducted to identify any potential hazards.

NOW THEREFORE, the Board of the School District hereby finds, determines, declares, orders and resolves as follows:

Section 1 – Recitals. That all of the recitals set forth above, are true and correct.

Section 2 – Compliance with CEQA. That the Board reviewed and considered the information contained in the Final EIR including without limitation, the Draft EIR, comment letters, responses to comments, errata and public notification records.

The Board hereby makes the following specific findings with respect to the Final EIR:

- (a) The Final EIR prepared for the Project contains a complete and accurate reporting of the environmental impacts of the Project; and
- (b) The Final EIR has been completed in compliance with the CEQA and CEQA Guidelines; and
- (c) On the basis of the whole record before the Board, including the Final EIR, the Project will have significant impacts on the environment related to short-term air quality, cumulative air quality and cumulative loss of agricultural resources as discussed in the Draft EIR and as specified in Findings included in Attachment A; and
- (d) The significant impacts have been considered and are overridden by other considerations enumerated in the Statement of Overriding Considerations, Attachment B; and
- (e) Pursuant to Education Code Section 17213, the District has given notice to and consulted with the South Coast Air Quality Management District (AQMD) requesting identification of facilities located within 1/4-mile of the proposed project site, which might reasonably be anticipated to emit hazardous air emissions or acutely hazardous materials, substances, or waste; and
- (f) AQMD has been contacted and has identified no facilities or operations that are located within 1/4-mile of the site; and

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- (g) Pursuant to PRC Section 21181.8 and Education Code Section 17213(a), the proposed project site is not the site of a current or former hazardous waste disposal site or solid waste disposal site, a hazardous substance release site, a site which contains one or more pipelines which carry hazardous substances, materials, or wastes, or a site that is within 500 feet of a freeway or busy traffic corridor that would create a health hazard or exposure to high level pollutants; and
- (h) The Final EIR reflects the independent judgment of the District.

Section 3 – Location and Custodian of Records. The location and custodian of records with respect to all of the relevant documents and any other material which constitutes the administrative record for the Environmental Impact Report, is as follows:

Wael Elatar, Facilities Administrator
San Bernardino City Unified School District
Facilities Management
777 North “F” Street
San Bernardino, CA 92410

Section 4 – Wildlife Findings. The proposed Project will have no adverse impacts, either individually or cumulatively, on wildlife resources or the habitat upon which the wildlife depends as defined in Fish and Game Code Section 711.2, but will require mitigation to resources governed by the State Department of Fish and Game. Therefore, the project is subject to Fish and Game fees as enumerated in Section 711.4 of the Fish and Game Code.

Section 5 – Adoption of the Final EIR, Findings, Overriding Considerations and Mitigation Monitoring and Reporting Program. The Board hereby adopts the Final EIR, Findings (Attachment A), Statement of Overriding Considerations (Attachment B) and the Mitigation Monitoring and Reporting Program.

Section 6 – Delegation of Authority. The Board hereby authorizes staff to execute the Notice of Determination for the Final EIR and project approval and the payment of Fish and Game Fees and file each with the County of San Bernardino and to incur costs in the amount of the Fish and Game fees and filing fees associated therewith in the amount not to exceed \$1,100.00.

Section 7 – Pipeline Risk Assessment. The Board hereby authorizes staff to take any and all corrective measures to mitigate all high pressure pipelines within 1,500 feet from the High School #8 school site.

Judi Penman arrived at 6:00 p.m.

SESSION FOUR - Administrative Presentation

4.0 - Administrative Presentation

4.1 - Update on Planning for Pacific High School Career Academy Program

Dr. Dayton Gilleland, Assistant Superintendent, Educational Services; Mrs. Judy Kissinger, Secondary Education Director; and Mrs. Lorie Jacobson, Pacific High School Principal, presented an update on planning for the Pacific High School Career Academy Program (see page ____).

Danny Tillman stated that this program will change the tone and attitude of the campus and all students need to feel they are a part of this. Mr. Tillman asked the presenters to work with the Superintendent to ensure they have enough funding for the program to be successful.

Teresa Parra recommended that Pacific High School teachers visit Kearney High School in San Diego to see how excited their teachers are about their program. Mrs. Parra recommended including community stakeholders as a funding source. Dr. Delgado reported that he recently spoke with a representative from the Stupski Foundation who is interested in working with our district and he is scheduled to speak with representatives from the Gates Foundation next month. Teresa Parra stated that this is a good thing for the community and District.

Elsa Valdez stated that she likes the concept and it will give our students an advantage. Dr. Valdez asked what the plans are to address juniors who haven't passed the CAHSEE. Dr. Gilleland stated that the emphasis will be on the CAHSEE until they pass. Dr. Valdez suggested getting the trade unions involved. Mrs. Jacobson stated that they have been working on this. The list presented tonight is a partial list.

Tony Dupre asked if they were looking at other fields for pathways. Dayton Gilleland stated that they will continue to add new pathways if they relate. Mr. Dupre asked that students be taught about proper business etiquette and dress. Judy Kissinger replied that students participating in the ASTERISK Program this summer are dressing professionally and developing portfolios.

Marlin Brown stated that it takes a community to train our students. We want students to become established in this community. Dr. Brown asked Staff to update the Board on how each academy is progressing.

Dr. Delgado reported that 100 students are currently participating in the ASTERISK program. This is a prelude of what we are going to see from our high schools. He is impressed with the students who have responded well to business coaching.

As a component of the Blueprint for Success, Smaller Learning Communities is a part of what all high schools should be doing. Under the circumstances, Staff felt something needed to be done at Pacific faster. Unless our students pass the CASHEE there is no point in having a good

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program so the CASHEE needs to be our emphasis. Dr. Delgado thanked members of the Pacific High School staff and business partners who were in attendance.

SESSION FIVE - Administrative Reports

5.0 - Administrative Reports

5.1 - Acknowledge Receipt of Initial Contract Proposal From San Bernardino Teachers Association (SBTA)

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

Article XXVIII, Section 2, of the Collective Bargaining Agreement between the District and the San Bernardino Teachers Association (SBTA), provides after May 1, 2003, either Party may submit an initial proposal for renegotiation of wages as set forth in Article XI. In addition, the Association and the District each may submit two (2) additional Articles of this Agreement for renegotiation along with wages. On July 14, 2006, the Employee Relations Division received the initial proposal from SBTA, as follows:

Article XI – Wages

Article XIV – Hours of Employment

Open one additional article or propose a new article or the parties may mutually agree to consider any additional Articles or issues within the scope of negotiations.

It is recommended that the Board of Education receives the Initial Contract Proposal from the San Bernardino Teachers Association.

5.2 - Appointment of Personnel Commissioner Education Code Requirements

The Board of Education has requested information relevant to the procedures for appointing their representative to the vacant Personnel Commission position.

Personnel Commissioner Appointment
Information per Governing Board Request on 7/18/06
By Sherry G. Gordon, Attorney, AALRR &
Employee Relations Division

July 20, 2006

Mr. Jess Flores resigned his position on the Personnel Commission on April 26, 2006. His term on the Commission would have expired at noon on December 1, 2006. Education Code section 45248(a) provides:

“Appointment to vacancies occurring subsequent to the initial appointment shall be made by the original appointing authority either for a new full term or to fill an unexpired term. The procedures required in Sections 45245 and 45246 shall be followed in the appointment and recommendation for appointment to fill vacancies occurring subsequent to the initial appointments”.

Education Code section 45245, which is referenced above, merely makes it clear that the Commission is comprised of one member chosen by the District, one chosen by the classified employees and one chosen by those two members.

Thereafter Education Code section 45246(a) sets forth the time frames and procedures to be followed for *initial* appointments after the adoption of a personnel commission. Education Code section 45246(b) applies in circumstances where a subsequent vacancy will exist on December 1st, i.e. when an appointee’s term is ending. Education Code section 45246(c) applies when the vacancy is in the position nominated by the classified employees. None of these subsections applies in the current circumstances.

Subsection(d) requires that Board action to appoint its nominee occur in the window period after 30 days and within 45 days of the dates specified in subsection (a) and paragraph one of subsection (b) of section 45246. That window would have been within thirty days and before 45 days of adoption of the merit system (*not applicable here*) **or** the public announcement of “the name of the person it intends to appoint or reappoint, if the vacancy is its appointee.” In this case, the relevant window under the requirements of Education Code section 45246(d) is “after 30 and within 45 days from the Board’s announcement of its nominee.” The nominee was announced on June 6, 2006. Thereafter the Board appointed the nominee on July 18, 2006, which places the appointment within the statutory window.

Education Code section 45246(d) further provides that the Governing Board “in open hearing shall provide the public and employees and employee organizations the opportunity to express their views on the qualifications of those persons recommended by the governing board for appointment.” Subsection (d) does not place any preconditions on the opportunity to express views. For instance, it does not provide for

any minimum amount of time that must be allowed for a hearing. It does not mandate that the public, employees and employee organization be allowed to question the appointee. It does require that at a minimum, they be allowed to “express their views.” This opportunity was afforded at the July 18th Board meeting.

Since Mr. Jess Flores was the District’s appointee to the Commission and since he resigned mid-term, the Governing Board was correct in appointing a replacement for the balance of his term. The Board’s action during the July 18th meeting corrected the Resolution it was asked to consider and made the appointment for the balance of Mr. Flores’ term. The Board’s appointee will have to be reappointed or replaced in the near future because the term ends on December 1, 2006. See Education Code 45246(b) for the applicable timelines and procedures.

Abe Flory, Personnel Commission Director, stated that no one has presented Delfina Bryant’s qualifications and this is a serious flaw in the Board’s action and report. Mr. Flory stated that the Board can re-announce its appointment and restart the timeline. The Board followed the law and Ed Code. He respects Sherry Gordon, but the report is flawed. Mr. Flory hopes the District does better than the minimum.

Sherry Gordon stated that it is her law firm’s opinion that the Board followed the law. Ms. Gordon stated that the legislation was not written explicitly, but it is not Mr. Flory’s job to decide what changes should be made to the law. The Board followed the law. By starting over, the Board would be further out of compliance. The Board did what was required under the law and it is time to move on.

Danny Tillman stated that Delfina Bryant will do a good job on the commission. He feels comfortable with the selection and all Board members know her well.

SESSION SIX – Other Matters Brought By Citizens

6.0 - Other Matters Brought by Citizens

Gil Navarro, education advocate, stated that Action Item 10.2 doesn’t list the qualifications or criteria for the groups on the committee and asked who to contact. Dr. Delgado stated that the District selects the representatives. Mr. Navarro stated that he would like to apply and recommended that a parent category and a DELAC committee member be added to the committee. Dr. Delgado stated that we are following the format that was used in 2000.

Mr. Navarro stated that he had recommended to Cadonna Peyton that she include the Board vote in her article in the *Press Enterprise* about the SAP system. Mr. Navarro asked Dr. Brown what he is going to do differently the next time Staff recommends a new software system.

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Ron Fletcher, CWA member, presented a report on the number of substitute teachers that worked during the last school year. Mr. Fletcher asked Board members to tell him what they would like to know. Danny Tillman asked why a substitute teacher who works so many days doesn't want to be a full-time teacher. Mr. Fletcher stated that they don't want the responsibility and don't want to be tied down.

SESSION SEVEN - Reports and Comments

7.0 - Report by Board Members

Danny Tillman asked what it will take to move forward to make improvements at Arroyo Valley High School athletic fields. Dr. Delgado stated that John Peukert is getting cost estimates. Maintenance and Operations staff members have been working hard to fix the field. Mohammad Islam will look for a source of funding. Mr. Tillman asked Staff to agendize it. Marlin Brown asked if the other high schools have needs. Mr. Tillman stated that the fields at Arroyo Valley were never done properly. Dr. Brown asked that Staff look to see if the other high schools need help. Dr. Delgado stated that this item will be on the August 1 agenda.

Elsa Valdez reported that the Emmerton PTO fundraiser dinner to replace CAPS materials that were destroyed in an arson fire was a nice event. The staff and students did a great job and most of the money has been raised.

Teresa Parra reported that she attended open houses at two schools in one week and neither school had air conditioning. Dr. Delgado stated that staff is working around the clock on this. Because of the high temperatures for several days, the electrical systems are overheating. Judi Penman stated that when she attended Arrowview Middle School they didn't have air conditioning. They would close the school in the afternoon if it was too hot in September.

Teresa Parra asked what the COLA is now that the Governor's budget has been adopted. Mohammad Islam reported that with equalization funds, the COLA will be 6.2 percent. Mrs. Parra asked if the District was finishing up with negotiations. Dr. Delgado reported that we are working on it and a calendar for meeting dates is being developed.

Marlin Brown reported he saw the movie *An Inconvenient Truth* and the area is currently having a heat wave. He was in Castro Valley last week and it was 108 degrees.

7.1 - Legislative Update

None.

8.0 - Report by Superintendent and Staff Members

Dr. Delgado reminded Board members that their next meeting will held on August 1. Dr. Delgado reported that investigating the education of students from other countries is the goal of ALAS. At the ALAS conference that he attended last week, they saw Mexico's system. Students begin to drop out in Kindergarten and they have no recovery system. By high school, 64 percent have dropped out. Most continue to work in labor type jobs. Recovery needs to be a priority for us. Dr. Delgado thanked the Board for allowing him to attend the conference and represent the District.

Dr. Delgado reported that he, members of his Staff, and representatives from San Bernardino Teachers Association have been holding CO-OP meetings for the last two years to discuss ways to develop trust and openness. CO-OP stands for "Creating Opportunities for One Purpose." They have developed a vision statement and motto and a bond has been established.

SESSION EIGHT - Legislation and Action

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

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

No items were held for later consideration.

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

9.1 - Payment for Services Rendered by Non-Classified Experts and Organizations

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

Cynthia Roth Pahr, through EduClime, to present "C.L.I.M.E. (Classroom Learning to Improve Motor Efficiency)" on August 22, 2006. The cost, not to exceed \$859.00, will be paid from the Special Education Department Account No. 571.

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

Gale Gorke, through Kids Kan, Inc., to present the Odyssey Curriculum to CAPS employees on June 28, and 29, 2006. The cost, not to exceed \$600.00, will be paid from CAPS Account No. 472.

9.2 - Acceptance of Gifts and Donations to the District

From time to time, the District receives requests from organizations and businesses to donate money, equipment, and/or supplies to be used for educational purposes in our schools.

The District has received requests to accept gifts or donations of the following:

SITE	DONOR	DONATION AND PURPOSE	CASH
Warm Springs Elementary School	Lifetouch National School Studios	For using their photography company for school pictures	\$946.00
Hillside Elementary School	Edison International Employee Contributions Campaign	For student incentives and activities	\$176.31
Hillside Elementary School	Edison International Annual Campaign Match	For student incentives and activities	\$176.31
Bradley Elementary School	Lifetouch National School Studios	For attendance incentives and Model Students Program	\$140.00
Roosevelt Elementary School	Lifetouch National School Studios	For student attendance awards and for the Peacebuilder Program	\$808.00
Dr. Howard D. Inghram Elementary School	Lifetouch National School Studios	For student incentives	\$534.00
Arroyo Valley High School	James Lasch	To purchase football equipment	\$500.00
Arroyo Valley High School	Angela C. Glasby	To support the choir festival	\$100.00
Arroyo Valley High School	Margaret Spencer	For the Footsteps to Freedom field trip	\$300.00
The Purchasing Department for San Geronio High School	Desks, Chairs and More	Artco-Bell Prodigy Shell Chair with pneumatic lift to provide atonement for customer inconvenience	\$100.00
San Geronio High School	Frederick and Brenda Garcia	For the cross-country team	\$1,000.00
Riley Elementary School	The Kiwanis Club of San Bernardino	For student awards	\$200.00
Cypress Elementary School	Lifetouch National School Studios	For student awards	\$720.00
Cypress Elementary School	Washington Mutual	For student awards	\$548.04

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Fairfax Elementary School	Lifetouch National School Studios	For student activities, incentives and field trips	\$404.00
Arroyo Valley High School	Inland Empire CAA Churches	For the Footsteps to Freedom field trip	\$365.00
Arroyo Valley High School	Committee to Re-elect Herb Fisher	For the choir field trip	\$100.00

The acceptance of these donations meets all requirements of Board Procedure 3170, Acceptance of Gifts and Donations.

It is recommended that the following resolution be adopted:

BE IT RESOLVED that the Board of Education acknowledges receipt of \$946.00, Lifetouch National School Studios; \$176.31, Edison International Employee Contributions Campaign; \$176.31, Edison International Annual Campaign Match; \$140.00, Lifetouch National School Studios; \$808.00, Lifetouch National School Studios; \$534.00, Lifetouch National School Studios; \$500.00, James Lasch; \$100.00, Angela C. Glasby; \$300.00, Margaret Spencer; Artco-Bell Prodigy Shell Chair with pneumatic lift, Desk, Chairs and More; \$1,000.00, Frederick and Brenda Garcia; \$200.00, The Kiwanis Club of Greater San Bernardino; \$720.00, Lifetouch National School Studios; \$548.04, Washington Mutual; \$404.00, Lifetouch National School Studios; \$365.00, Inland Empire CAA Churches; and \$100.00, Committee to Re-elect Herb Fisher.

9.3 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the addition of \$400,000.00 in the budgeting of expenditures and revenues for the restricted program, High Priority Schools Grant Program (HPSGP) Planning Grants (473).

9.4 - Bid No. NSB2005/06-5, Pump Fill and Chiller/Film

BE IT RESOLVED that the bid received from Duray/J.F. Duncan Industries, Inc., Downey, CA, be rejected in its entirety, as not bid as specified (no business license).

BE IT FURTHER RESOLVED that Bid No. NSB2005/06-5, Pump Fill and Chiller/Film, be awarded to the lowest responsible bidder meeting District specifications, Kamran & Company, Inc., Santa Barbara, CA, based on the total bid with trade-ins (including tax) for Part I and unit price for Part II.

9.5 - Bid No. NSB 2005/06-04, Integrated School Food Service Management Software System

BE IT RESOLVED that Bid No. NSB 2005/06-04, Integrated School Food Service Management Software System, be awarded to the lowest responsible bidder meeting District specifications, School-Link Technologies, Santa Monica, CA.

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BE IT ALSO RESOLVED that the Board of Education approves entering into an agreement with School Link Technologies, Santa Monica, CA, the software vendor for Back of the House Software, for the purchase of the application, customized reports, maintenance, support, and upgrades to the software. The cost will be paid from Nutrition Services Account No. 92.

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

9.6 - Bid No. 22-06, Re-Bid Flooring Installation Contract at the San Bernardino Adult School

BE IT RESOLVED that Bid No. 22-06, Re-Bid Flooring Installation Contract at the San Bernardino Adult School be awarded to Mike's Custom Flooring, San Bernardino, CA, the lowest responsible bidder meeting District specifications. General Fund Account No. 11 will be charged \$119,000.00 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.

9.7 - Cafeteria Warrant Registers, Ending June 30, 2006

BE IT RESOLVED that the Cafeteria Warrant Registers, ending June 30, 2006, 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.

9.8 - Approval to Enter Into a Hold Harmless Agreement with Western Surety Company and to Release Retention Payment in Connection with Aurora Modular Industries' Bankruptcy

BE IT RESOLVED that the Board of Education approves the payment of \$388,730.19 to Western Surety Company, Los Angeles, CA, in consideration of a hold harmless agreement from Western Surety Company that relieves San Bernardino City Unified School District of any and all liabilities in connection with Aurora Modular Industries' bankruptcy, to be paid from Building Fund 21-0000, Account No. 246.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to sign the hold harmless agreement and the release of the funds to Western Surety Company.

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9.9 - Agreement with John Gann to Provide Percussion Techniques for Marching Band and Percussion Ensemble at San Bernardino High School

BE IT RESOLVED that the Board of Education approves entering into an agreement with John Gann, Claremont, CA, to provide percussion techniques for the San Bernardino High School marching band and to develop a percussion ensemble to perform separately and with the symphonic band, effective August 15, 2006, through June 30, 2007. The cost of services, not to exceed \$2,500.00, will be paid from the Restricted General Fund—No Child Left Behind, 21st Century Community Learning Center, Account No. 564.

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

9.10 - Agreement with San Bernardino Community College District to Provide the San Bernardino Valley College Football Field for the San Gorgonio High School Football Season

BE IT RESOLVED that the Board of Education approves entering into an agreement with San Bernardino Community College District to provide the San Bernardino Valley College Football Field on seven dates, including two potential playoff dates, effective September 8, 2006, through December 1, 2006. A security force of 10 will be provided by San Gorgonio High School for each game. The fee, not to exceed San Bernardino Community College District standard rates, will be paid from ticket revenues and from San Gorgonio High School Associated Student Body funds, if required.

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

9.11 - Agreement with Brett McCluskey to Provide Piano Assistance to the Choral Director at Arroyo Valley High School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Brett McCluskey, San Bernardino, CA, to provide piano assistance to the Arroyo Valley High School's choral director for daily practice, school performances, competitions, and recitals, effective August 28, 2006, through June 14, 2007. The fee, not to exceed \$7,700.00, will be paid from the Unrestricted General Fund—Instructional Needs Assessment Program, High Schools, Account No. 203.

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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9.12 - Agreement with Anthony Paul Lucey to Provide Mentoring Program for Students of the Educators for Tomorrow Teaching Academy at Arroyo Valley High School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Anthony Paul Lucey, Highland, CA, to provide a mentoring program to students of the Educators for Tomorrow Teaching Academy at Arroyo Valley High School, effective July 26, 2006, through June 30, 2007. The fee, not to exceed \$20,400.00, will be paid from the Restricted General Fund—CAL Partnership Planning Grant, Account No. 481.

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

9.13 - Renewal of the Agreement with Paul Gonsier, M.S.W., L.C.S.W., to Provide Consultant Services for the Social Services Program Provided at Arroyo Valley High School

BE IT RESOLVED that the Board of Education approves renewing the consultant agreement with Paul Gonsier, M.S.W., L.C.S.W., Riverside, CA, to provide consultant services for the Social Services Program provided to students at Arroyo Valley High School, effective September 1, 2006, continuing through June 15, 2007. The total cost, not to exceed \$20,000.00, will be paid from the Restricted General Fund – Economic Impact Aid, State Compensatory Education, Account No. 420.

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

9.14 - Renewal of the Agreement with Robin George to Provide Tall Flag/Drill Instructor and Choreographer Services to District Students Enrolled at Arroyo Valley High School

BE IT RESOLVED that the Board of Education approves renewing the agreement with Robin George to provide tall flag/drill instructor and choreographer services to District students enrolled at Arroyo Valley High School, effective July 26, 2006, continuing through June 15, 2007. The cost, not to exceed \$5,500.00, will be paid from the Unrestricted General Fund—Instructional Needs Assessment Program, Account No. 203.

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

9.15 - Renewal of the Agreement with Tonya N. Andrade to Work With Career Exploration, Character Education, and Assist Smaller Learning Coordinator

BE IT RESOLVED that the Board of Education approves rescinding Board Resolution to award Bid No. 11-06, Copier Paper and Paper Goods, as approved on June 20, 2006, Agenda Item No. 10.15, as awarded to Unisource Corporation, Uniontown, OH. The Purchasing Department requests that the bid from Unisource Corporation, for Line Items 16, 17, 18, 19, 20, 21, 31, 32,

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33, 34, 35 and 36, be rescinded as of July 26, 2006, as the vendor is no longer able to provide the product as bid.

BE IT ALSO RESOLVED that the Board of Education awards Bid No. 11-06, Copier Paper and Paper Goods, to the next lowest bidders as follows: Line Items 16, 31, and 32 to Office Depot, San Bernardino, CA; Line Item 17 to Xpedx, City of Industry, CA; Line Items 18, 19, 20, and 21 to Kirk Paper, Downey, CA; and Line Items 33, 34, 35, and 36 to Ricoh Corporation, Uniontown, OH.

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

9.18 - Revision to Renewal of the Agreement with Pacific Hearing Services to Provide Audiological Services to Special Education Students

BE IT RESOLVED that the Board of Education approves revising the Board Resolution to renew the agreement with Pacific Hearing Services, Upland, CA, as approved on June 20, 2006, Agenda Item No. 10.82, to provide audiological services to special education students, effective July 1, 2006, through June 30, 2007. The cost was submitted incorrectly at not to exceed \$20,000.00. The correct cost, not to exceed \$50,000.00, will be paid from the Restricted General Fund—Special Education, Account No. 827.

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

9.19 - Amendment No. 3 to the Agreement with Edward V. Regan for Inspection Services for the Juanita Blakely Jones Elementary School

BE IT RESOLVED that the Board of Education approves amending the agreement with Edward V. Regan, Division of State Architect (DSA) Inspector, San Clemente, CA for inspection services for the Juanita Blakely Jones Elementary School project. This amendment will add an additional \$30,000.00, for a new aggregate total not to exceed \$360,000.00. The additional cost will be paid from Building Fund 21, Resource 0000, and/or School Facilities Program Fund 35, Account Number JNS. All other terms and conditions remain the same.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, to sign said Amendment No. 3.

9.20 - 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 one-year awarded term, the District will present new Board-approved computer and peripheral surplus lists to the awarded bidder with option to buy using Attachment

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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 declare 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 July 17, 2006.

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

9.21 - Extended Field Trip, San Bernardino High School, ASB Leadership Camp, Lake Arrowhead, California

BE IT RESOLVED that the Board of Education approves the extended field trip for thirty students and four District employee chaperones to attend the ASB Leadership Camp, Lake Arrowhead, CA, August 15-17, 2006. The cost of the trip, not to exceed \$4,700.00, including meals and lodging for thirty students and four District employee chaperones, will be paid from San Bernardino High School Account No. 564, private donations, and fundraising. Transportation will be by private vehicle driven by chaperones. Names of the students are on file in the Business Services Office.

9.22 - Extended Field Trip, San Gorgonio High School, National Cheerleaders Association Cheer Camp, University of California at San Diego, San Diego, California

BE IT RESOLVED that the Board of Education approves the extended field trip for thirty-one San Gorgonio High School cheerleaders, one District employee chaperone, and one volunteer chaperone to attend the National Cheerleaders Association Cheer Camp, University of California at San Diego, San Diego, CA, August 13-16, 2006. The cost of the trip, \$10,560.00, including registration, lodging, and meals for the thirty-one cheerleaders, one District employee chaperone, and one volunteer chaperone, will be paid from private donations. Transportation by Laidlaw Bus Lines, \$1,200.00, will be paid from San Gorgonio High School Account No. 202. Names of the students are on file in the Business Services office.

9.23 - Extended Field Trip, Arroyo Valley High School, Cross Country Team Running Camp, Barton Flats Campground, San Bernardino National Forest, California

BE IT RESOLVED that the Board of Education approves the extended field trip for twenty Arroyo Valley High School Cross Country Team members and four District employee chaperones to attend the Cross Country Team Running Camp, Barton Flats Campground, San Bernardino National Forest, CA, August 6-13, 2006. The cost of the trip, not to exceed \$1,512.00, including meals and lodging for twenty Cross Country Team members and four District employee chaperones, will be paid from Arroyo Valley High School ASB Account.

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Transportation by Laidlaw Bus Lines, \$364.24, will be paid from Arroyo Valley High School Account No. 203B. Names of the students are on file in the Business Services office.

9.24 - Extended Field Trip, San Gorgonio High School, Cross Country Team Running Camp, Mammoth Lakes, California

BE IT RESOLVED that the Board of Education approves the extended field trip for twenty-one San Gorgonio High School students, three District employee chaperones, and one volunteer chaperone to attend the Cross Country Team Running Camp, Mammoth Lakes, CA, August 5-12, 2006. The cost of the trip, not to exceed \$3,591.00, including meals and lodging for twenty-one students, three District employee chaperones, and one volunteer chaperone, will be paid from San Gorgonio High School Booster club and private donations. Transportation by three America's Xpress Rental vans, \$2,296.00, will be paid from San Gorgonio High School Booster club and private donations. Names of the students are on file in the Business Services office.

9.25 - Extended Field Trip, Cajon High School, United Spirit Association Cheer Camp, University of California at Irvine, Irvine, California

BE IT RESOLVED that the Board of Education approves the extended field trip for twenty-five Cajon High School cheerleaders and two District employee chaperones to attend the United Spirit Association Cheer Camp, University of California at Irvine, Irvine, CA, August 9-12, 2006. The cost of the trip, \$8,370.00, including lodging and meals for twenty-five Cajon High School cheerleaders and two District employee chaperones, will be paid from Cajon High School ASB Account, fundraising, and private donations. Transportation by Laidlaw Bus Lines, \$552.74, will be paid from Cajon High School Account No. 202. Names of the students are on file in the Business Services office.

9.26 - Extended Field Trip, Arroyo Valley High School, United Spirit Association Cheer Camp, University of California at Santa Barbara, Santa Barbara, California

BE IT RESOLVED that the Board of Education approves the extended field trip for thirty Arroyo Valley High School cheerleaders, two District employee chaperones, and one volunteer chaperone to attend the United Spirit Association Cheer Camp, University of California at Santa Barbara, Santa Barbara, CA, August 14-17, 2006. The cost of the trip, \$10,125.00, including lodging and meals for the thirty cheerleaders, two District employee chaperones, and one volunteer chaperone, will be paid from Arroyo Valley High School ASB Account. Transportation by Laidlaw Bus Lines, \$1,485.18, will be paid from Arroyo Valley High School Account No. 503. Names of the students are on file in the Business Services office.

9.27 - Extended Field Trip, Kimbark Elementary School, Catalina Island Marine Institute, Toyon Bay, Catalina Island, California

BE IT RESOLVED that the Board of Education approves an extended field trip for fifty-seven Kimbark Elementary School sixth grade students and five District employee chaperones to attend

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Catalina Island Marine Institute (CIMI), Toyon Bay, Catalina Island, CA, October 18-20, 2006. The cost of the trip, \$12,383.00, including meals and lodging for fifty-seven students and five District employee chaperones, will be paid from Kimbark Elementary School Account No. 610. Transportation by Laidlaw Bus Lines, \$1,600.00, will be paid from Kimbark Elementary School Account No. 419. Names of the students are on file in the Business Services office.

9.28 - 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)11/02/93 **(S)10/11/92 *(S)02/07/92

*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.

9.29 - 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.

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9.30 - 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:

02/07/90 10/26/92

9.31 - 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:

9.32 - Revocation of Suspension of Expulsion

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

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

9.33 - 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:

09/05/91	06/02/91	08/29/91	04/02/91	04/12/89	10/05/89
10/17/91	09/27/91	08/25/91	06/21/93	10/14/91	11/23/88
02/28/89	06/06/90				

9.34 - 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

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assault, possession of an explosive device, and/or the sale of an illegal substance. The following school(s) have not followed this Education Code requirement:

10.0 - Action Items

10.1 - Presentation of San Bernardino Teachers Association (SBTA) Initial Contract Proposal to the District

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

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

10.2 - Recommendation for Appointment to Superintendent's Naming of Schools Committee

The District has begun the process of building three new schools. While the Board of Education has the sole responsibility of naming a school, the Superintendent has recommended the establishment of a committee to advise and assist the Board in the selection of names for the three new schools. This committee will make a recommendation to the Board who will then make the final decision.

Each Board member has been asked to submit their recommendation for a representative to serve on this committee. The following groups may also be represented on this naming committee:

- Superintendent's Office
- Citizen's Oversight Committee
- Five-Year Housing Committee
- Mayor's Office/City
- PTA
- Unions
- School Principals
- Community Members
- Local Businesses

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

BE IT RESOLVED that the Board of Education approves the establishment of a Superintendent's Naming of Schools Committee to advise and assist the Board in the selection of names for three new schools.

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Teresa Parra reported that Graciano Gomez will serve as her representative on the committee, and Elsa Valdez stated that Dr. Barbara Flores will be her representative. Dr. Brown asked the other Board members to submit the names of their representatives.

10.3 - Personnel Report #2, dated July 25, 2006

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

BE IT RESOLVED that the Personnel Report #2, dated July 25, 2006, be approved as presented (see page ____). Personnel actions included in this report are in accordance with policies of the Board of Education, the rules and regulations of the Personnel Commission, and the District's Affirmative Action Plan.

SESSION NINE - Closed Session

11.0 - Closed Session

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

Student Matters/Discipline

Conference with Labor Negotiator

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

Public Employee Discipline/Dismissal/Release

Conference with Labor Negotiator

District Negotiator: Arturo Delgado
Unrepresented Employees: Assistant Superintendents
Deputy Superintendent

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

BE IT RESOLVED that the Board of Education approves a monthly \$100.00 allowance for cell phones for Assistant Superintendents and Deputy Superintendent, effective July 1, 2006.

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SESSION TEN - Closing

12.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 8:00 p.m.

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, August 1, 2006, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.