

San Bernardino City Unified School District

Minutes of a Special Meeting of the Board of Education

**MINUTES
ADOPTED
2/15/05**

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

January 11, 2005

5:30 p.m.

Present: President Elsa Valdez; Vice President Teresa Parra; Board Members Marlin Brown, Antonio Dupre, Judi Penman, Lynda Savage, and Danny Tillman; Superintendent Arturo Delgado; Deputy Superintendent Judy White; Assistant Superintendents Mel Albiso, Narciso Cardona, Dayton Gilleland, Mohammad Islam, Yolanda Ortega, John Peukert, Paul Shirk, and Harold Vollkommer; and Superintendent's Assistant Mary Beth Gosnell. Minutes recorded by Administrative Assistant Jennifer Owens.

SESSION ONE - Opening

1.0 - Opening

1.1 - Call to Order

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

1.2 - Pledge of Allegiance to the Flag

Under the direction of Major Williams, members of the Arroyo Valley High School Color Guard presented the colors and led the audience in the Pledge of Allegiance to the Flag of the United States of America.

SESSION TWO – Student Report/School Showcase

2.0 - Student Report/School Showcase

2.1 - Arroyo Valley High School

Student Board Representative Kimberlee Benton reported on activities taking place at the District high schools. Principal Karen Craig introduced Visual Arts teacher Keith Brockie to present the School Showcase.

Board member Antonio Dupre arrived at 5:45 p.m.

Mr. Brockie shared a PowerPoint presentation of the different classes offered through the Visual Arts Program. Students Anna Delgado, Jacob Mercado-Knowles, Darin Vartanian, and Logan Byers discussed their work and experiences in the art programs.

SESSION THREE - Administrative Presentation

3.0 - Administrative Presentation

3.1 - Suspension/Expulsion Update

Mr. Narciso Cardona, Assistant Superintendent, Student Services; Dr. Paul Shirk, Assistant Superintendent, Research/Systems Analysis; and Mr. Ray Culberson, Director of Youth Services, presented end-of-the-year data on District suspensions and expulsions including comparison information collected since the 1997-98 school year. This report included an update on progress toward implementation of Suspension/Expulsion Committee recommendations and plans for the 2004-2005 school year (see page ____).

Board member Judi Penman arrived at 6:15 p.m.

Board members offered suggestions of strategies to reduce suspension and expulsion rates:

Scale down the proposed alternative middle school program and do what we can with the available funding.

Schools could start their own charters which don't have to meet Field Act requirements.

Be more proactive to meet the needs of ninth grade students.

Engage parents to get them more involved.

Make opportunity classes more of an opportunity for students.

Gil Navarro, MAPA Chair, stated that African American students are being targeted for suspensions and expulsions. Mr. Navarro stated that a Board policy is necessary to require principals to use the discipline matrix and SST process.

Micaela Cruz stated that the District should have alternatives for some of the students and offer anger management classes.

Patty Taylor, SBTA President, thanked Staff for the additional middle school counselors.

Linda Hart stated that the implementation plan lacks cultural diversity and asked to be involved in the process. Ms. Hart asked how many suspended students were cited. President Valdez suggested that Ms. Hart meet with Mr. Cardona at a later date to discuss this.

Barbara Sokoloff, retired middle school teacher, stated that it is important for misbehaving students to be suspended. This is a growing up period and school personnel need to teach them how to deal with power.

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Tracylynn Sharritt reported that her daughter was battered by another student at a park. City Police responded and a court case is pending. Her daughter had to transfer to another middle school for her safety, but her former teacher told the students where her daughter is currently attending. Ms. Sherritt believes we are coddling misbehaving students.

President Valdez moved Session Five – Other Matters Brought by Citizens forward on the agenda.

SESSION FIVE – Other Matters Brought By Citizens

5.0 - Other Matters Brought by Citizens

Linda Thacker, chairperson of Muscoy Advisory Commission, reported that she received a letter informing her that her property is being assessed because of the proposed new middle school in the Muscoy area. Ms. Thacker stated that the majority of the residents are opposed to a new school and she is circulating a petition. Danny Tillman stated that the District will build 26 new schools. Mr. Tillman reported that he and Mr. Dupre will meet with the Muscoy residents to listen to their concerns. Myra Hazlett stated that a new school would bring in traffic. The area has no sidewalks, sewers, or lights. The District can't replace their lifestyle no matter what the price. Tony Dupre stated that they will meet with them to hear their concerns; however, student population is growing in that area and a new school is necessary.

Rev. Dennis Brown, consultant, stated that District schools aren't using his services for tobacco and drug use preventions. Dr. Valdez stated that Narciso Cardona would contact him to discuss this further.

Gil Navarro stated that Jan Pratt doesn't have a City business license and the Board is being asked to approve a contract with her tonight. The District should require consultants to have their business license before giving them a contract.

SESSION FOUR - Administrative Reports

4.0 - Administrative Reports

4.1 - Proposed Amendment to Affirmative Action Program for Equal Employment Opportunity Policy, Proposed Amendment to Non-discriminatory Harassment Policy, Proposed Amendment to Uniform Complaint Policy, and Non-discriminatory Harassment Policy – Students (Second Reading)

To update and ensure that the District is in compliance with state and federal statutes and regulations including but not limited to Fair Employment and Housing Act (FEHA), Education Code Sections 200-220, Title VI and Title VII of the Civil Rights Act of 1964 as amended, Title IX of the Educational Act of 1972, Education Code §35186(f), and the Americans with Disabilities Act, it is recommended that the following proposed revised Board policies be adopted as a second reading:

AFFIRMATIVE ACTION PROGRAM FOR EQUAL EMPLOYMENT OPPORTUNITY

Statement of Policy

The Board of Education of the San Bernardino City Unified School District, in compliance with Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, the federal Family and Medical Leave Act, California Family Rights Act and Fair Employment and Housing Act, reaffirms its policy as an Equal Opportunity/Affirmative Action employer to ensure that all persons are provided equal opportunity in employment and education and to prohibit discrimination on the basis of race, ***ethnic group identification***, color, sex, sexual orientation, gender (identity or expression), age, national origin, ancestry, marital status, physical disability, mental disability, medical condition, religion, family care and medical leave entitlement, or veteran's status, and to make reasonable accommodations to the physical and mental limitations of qualified individuals with disabilities to the extent feasible.

The Board recognizes its legal and moral responsibility to society, in general, and specifically to ensure that progress is being made toward increasing the level of representation of minorities, women, and the disabled in the work force with their availability in the labor pool. Therefore, an Affirmative Action Employment Program was adopted in 1973 and institutionalized as an ongoing commitment to ensure that all employment actions such as recruitment, hiring promotions and placement decisions are made solely on the basis of an individual's merit and qualifications without regard to race, ***ethnic group identification***, color, sex, sexual orientation, gender (identity or expression), age, national origin, ancestry, marital status, physical disability, mental disability, medical condition, religion, family care leave entitlement or veteran's status, and all other personnel activities which include, but are not limited to, benefits, transfers, demotions, training, and upward mobility programs.

Beyond complying with the letter of the law, the District recognizes that within our pluralistic society the educational institution has an obligation to promote cultural, racial, and human understanding within the communities it serves. An effective method of achieving this objective is to provide students with a District staff which is reflective of both sexes, as well as multiethnic and cultural characteristics of society. For these reasons, the District will continue to design and develop programs and activities to seek out and attract qualified members of "protected groups" which will provide us with a broader diversity of personnel and ultimately reach our desired Affirmative Action goals where they are underutilized.

Note: A copy of the Affirmative Action Program Handbook is on file in the Affirmative Action Office.

Adopted by the Board of Education: June 5, 1980
Revised: September 7, 1996
Revised: May 18, 2004

NONDISCRIMINATORY HARASSMENT POLICY

Purpose: To prevent discriminatory harassment in the work place and educational environment.

Regulation:

1. Policy Statement:

The San Bernardino City Unified School District is committed to providing all employees and students a working and learning environment that is free of discrimination in accordance with applicable state and federal laws. This nondiscriminatory working and learning environment is for the benefit of all District employees (non-supervisory, supervisors and management) and students. All employees are expected to fully comply with this policy. Additionally, non-employees who have contact with the District's employees or students during working or educational hours are expected to conduct themselves in accordance with this policy. Absolutely no one is authorized to engage in conduct prohibited by this policy.

In keeping with this commitment to a nondiscriminatory working environment, the District maintains a strict policy prohibiting sexual harassment, **discrimination and or** harassment based on age over forty, race, **ethnic group identification**, color, sex, religious creed, national origin, ancestry, medical condition*, marital status, physical or mental disability, sexual orientation, gender** or family care and medical leave entitlement in accordance with applicable state and federal laws. This policy prohibits all forms of discriminatory harassment through any means, including nonverbal, verbal (including derogatory comments, slurs, propositions, teasing, jokes or taunts), physical (including gestures, touching, obstructing or otherwise interfering with a person's movement) or visual (including leering, cartoons, drawings, magazines, notes, letters or posters).

This policy prohibits all conduct by which an employee or student because of race, **ethnic group identification** religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition*, marital status, age (**40 and above**) ~~over forty~~, sex, sexual orientation, gender** or family care and medical leave entitlement, is subjected to unwelcome, offensive, intimidating, oppressive or otherwise interfering harassment **or is subject to any discrimination, thereof on district property or district/school related activities. Students and employees will not be excluded on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, and mental or physical disability issues from participation in any educational program, curricular or extracurricular, including all sports and other activities, denied the benefits of participation, or subjected to harassment or other forms of discrimination in such programs.**

*“Medical Condition” is defined, in accordance with the California Fair Employment and Housing Act, as any health impairment related to or associated with a diagnosis of cancer, for which a person has been rehabilitated or cured, based on competent medical evidence.

**“Gender” is defined as the person’s actual sex, or the perception of the person’s sex, and includes the perception of the person’s identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally associated with that person’s sex at birth. The district may require persons to comply with reasonable workplace appearance, grooming, and dress standards consistent with state and federal law, provided that persons are allowed to appear or dress consistently with their gender identity.

2. Sexual Harassment:

All of the foregoing apply to complaints of sexual harassment. For the purpose of clarification, prohibited sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, visual or physical conduct of a sexual nature where: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or education; or (2) submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions effecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with work educational performance or creating an intimidating, hostile, or offensive working or learning environment.

Examples of prohibited harassing acts:

- Unwelcome sexual advances or sexual propositions
- Kidding, teasing, or joking of a sexual nature or of other protected bases delineated in Section 1. above
- Graphic commentary about an individual's body, sexual prowess or sexual deficiencies
- Derogatory or demeaning comments about anyone’s gender in general or gender identity or expression, epithets, slurs or jokes about one's race, color, national origin, religious creed, physical or mental disability, age (40 and over), sex, gender identity or expression, sexual orientation, or marital status
- Leering or staring at someone
- Unwelcome suggestive or insulting sounds such as whistles, kissing sounds, howling, or sucking noises
- Touching, patting, pinching, stroking, squeezing, tickling or brushing against another's body
- Displaying offensive objects, pictures, calendars, cartoons, magazines, videotapes, audio recordings or literature which are sexual in nature
- Unwelcome use of sexually degrading language or innuendoes
- Obscene gestures
- Consensual sexual relationships:

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Romantic or sexual relationship of any employee with elementary or secondary students is clearly prohibited pursuant to state molestation laws concerning adults and children. Romantic or sexual relationships between an adult student and faculty member or between a subordinate employee and his/her superior can raise "serious concerns" where there may be a conflict of interest and abuse of power. Such relationships may lead to favoritism of a student or subordinate employee with whom the teacher or superior is sexually involved and where such favoritism adversely affects other students and/or employees

- Unwanted neck or shoulder massage
- Spreading rumors about a person's sexuality
- Graffiti about a person's sexuality
- Letters, notes, telephone calls, e-mail or materials of a sexual nature
- Stalking a person
- Attempted or actual sexual assault
- Making or threatening reprisals after a negative response to sexual advances
- Impeding or blocking of one's movement
- Repeatedly asking out a person who is not interested

3. Enforcement:

Disciplinary action up to and including termination will be promptly taken against any employee (non-supervisory, supervisor or manager) if it becomes known to management that such person has engaged in conduct prohibited by this policy.

4. No Retaliation:

No employee or students shall be retaliated against, in any manner, for reporting conduct which he/she believes to be a violation of this policy, for participating in an investigation of a possible violation of this policy, or for using the District's Complaint Procedure.

Retaliation against anyone reporting or perceived to have reported sexual harassment behavior is prohibited. Any retaliatory conduct shall be considered a serious violation of this policy and shall be independent of whether a complaint of sexual harassment is substantiated. Moreover, encouraging others to engage in retaliatory conduct also violates this policy.

Examples of prohibited retaliation:

- Unfair grading
- Unfair evaluation
- Unfair assignment
- Public or private ridicule
- Oral or written threats
- Intimidation
- Destruction of property
- Further harassment

5. Complaints:

Individuals who have been subjected to discriminatory harassment have an obligation to immediately report the incident or incidents to their immediate supervisor or the District's Affirmative Action Officer, who is also the District's Title IX Coordinator. The complaint will be processed in accordance with the District's Uniform Complaint Policy and Procedure.

The procedure set forth pursuant to the District's Uniform Complaint Policy and Procedure does not deny the right of any individual to pursue other avenues of remedy under the jurisdiction of any state or federal law.

The confidentiality of the reporting or complaining party will be observed provided it does not interfere with the district's ability to investigate or take corrective action.

6. Notifications:

Pursuant to Educational Code 212.6, a copy of this policy will be displayed in a prominent location in the main administrative building or other areas of the school site. A prominent location is a location where notices regarding the District's rules, regulations, procedures, and standards of conduct are posted.

Also, a copy of this policy will be provided to each person employed by the school district at the beginning of the first quarter or semester of the school year, or at the time that a new employee is hired.

A copy of this written policy on sexual harassment will appear in any District publication that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the District.

Site administrators or immediate supervisors who receive a sexual harassment incident report from any employee, non-employee or the public are required to submit a report to the Affirmative Action Office in order for the Affirmative Action Office to maintain a record of complaints.

Adopted by the Board of Education: June 26, 1984
Revised: January 21, 1992
Revised: July 6, 1993
Revised: February 18, 1997
Revised: December 4, 2001
Revised: May 18, 2004

UNIFORM COMPLAINT POLICY

Purpose: To establish a uniform system of complaint processing that will effectively and expediently address state and federal laws and regulations governing the programs, services, and activities of the District as a public entity and address concerns and issues presented by employees of San Bernardino City Unified School District and its students, parents and the community regarding the operation and delivery of programs, services and activities.

Regulation:

1. Policy Statement:

The Board of Education as the body of governance for the San Bernardino City Unified School District (hereinafter referred as the “District”) is committed to the responsibility of ensuring that the District operates within the appropriate *state and federal* legal parameters in its delivery of service to the student population and community it serves and in its personnel practices. In meeting its legal obligations, the District has developed and established a single complaint procedure to help simplify and facilitate the filing, investigation and disposition or resolution of complaints that are jurisdictional to the District as a public entity in an educational setting.

For purposes of this policy, a complaint shall be defined as a complaint, charge, or derogatory allegation brought by a parent, guardian, or student against the District or employee of the District, or by an employee against another employee of the District that is not covered under the collective bargaining agreements between the District and certificated and classified employees. A member of the community as an individual or interested third party, public agency, or organization may file a complaint if the interested third party, public agency or organization believes an individual or any specific class of individuals has been subjected to discrimination on the basis of *race*, ethnic group identification, *national origin, ancestry, marital status*, religion, age sex, sexual orientation, gender (identity or expression), color, or physical or mental disability, in any program or activity conducted by the District, or alleges a violation by the District of federal or state laws or regulations governing educational programs funded directly by, or that receive or benefit from any state financial assistance, pursuant to Title 5, California Code of Regulations.

In order to expedite and reconcile the various legal and moral obligations in operating a school district, complaints regarding Adult Basic Education, Consolidated Categorical Aid Programs, ~~Vocational~~ *Career Technical and Technical Education and Career Technical and Technical Programs*, Child Care and Development *Programs*, Child Nutrition *Programs*, *Indian Education, Migrant Education, Nutrition Education*, and Special Education programs, and complaints relative to Title VI and VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Age Discrimination

in Employment Act of 1967, Fair Employment and Housing Act, Family and Medical Leave Act, California Family Rights Act, Title IX, Section 504 of the Rehabilitation Act of 1974 and other applicable statutes will be referred to District's Affirmative Action Office, after the complainant has exhausted all attempts to resolve his/her concerns informally at the lowest level possible (i.e., with the employee in question, site administrator, program administrator, etc.). The complaint must be filed in writing in a timely manner, no later than six (6) months from the date when the alleged discriminatory act or conduct that gave rise to the complaint occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination or disputed issue and in a reasonable time for other non-discriminatory issues relative to educational programs of the District.

The Affirmative Action Office will review the complaints to determine whether the District has jurisdiction to accept, investigate and resolve the complaints. Complaints that are under the purview of the Affirmative Action Office will be investigated and processed by the Affirmative Action Office and other complaints will be deferred to other designees who are authorized to investigate complaints based upon the issues addressed in the complaint. ***Complainants and/or respondents will have the opportunity to present relevant information.*** The investigative reports and the recommendations on the disposition of the complaints will be channeled to the Affirmative Action Office to ensure that the time lines of processing the complaints have been met.

The District prohibits retaliation in any form for the filing of a complaint, the reporting of incidents of discrimination, or for participation in the complaint procedures. The District shall ensure that the identity of the complainant alleging discrimination remain confidential as appropriate to the extent necessary to carry out the investigation or proceedings. Furthermore, the District shall ensure that the person(s) responsible for compliance and/or investigations of complaints is knowledgeable about the laws and programs he or she is assigned to investigate.

Pursuant to amendments and additions to the Education Code and state statutes, as a result of the implementation of the settlement in Williams v. State of California, the district's Uniform Complaint Process will be used to help identify and resolve any deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean and safe manner or in good repair, and teacher vacancy or misassignment. The Uniform Complaint Process will also be used to help identify and resolve any emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff.

Adopted by the Board of Education: October 20, 1992
Revised: February 18, 1997
Revised: December 4, 2001
Revised: May 18, 2004
Revised: December 1, 2004

NONDISCRIMINATORY HARASSMENT POLICY—STUDENTS

Purpose: To prevent discriminatory harassment in the educational environment.

Statement of Policy:

The San Bernardino City Unified School District is committed to providing all students a learning environment that is free of discrimination in accordance with applicable state and federal laws. This nondiscriminatory learning environment is for the benefit of all District students and all students are expected to fully comply with this Policy. Additionally, non-District students who have contact with any of the District's students are expected to conduct themselves in accordance with this Policy in any District school or District school-sponsored activity. Absolutely no one is authorized to engage in conduct prohibited by this Policy.

In keeping with this commitment to a nondiscriminatory learning environment, the District maintains a strict policy prohibiting sexual harassment, **discrimination** ~~and or~~ harassment based on race, **ethnic group identification**, color, sex, sexual orientation, **gender**, religious creed, national origin, ancestry, physical disability, ~~and or~~ mental disability in accordance with applicable state and federal laws. This Policy prohibits all forms of discriminatory harassment through any means including nonverbal, verbal (including derogatory comments, slurs, propositions, teasing, jokes, or taunts), physical (including gestures, touching, obstructing, or otherwise interfering with a person's movement) or visual (including leering, cartoons, drawings, magazines, notes, letters or posters).

This policy prohibits all conduct by which any student because of race, **ethnic group identification**, religious creed, color, national origin, ancestry, physical disability, mental disability, sex, or sexual orientation, **or gender** is subject to unwelcome, hostile, offensive, intimidating, oppressive or otherwise interfering harassment in an educational setting. **Moreover, students will not be excluded on the basis of the aforementioned protected bases from participation in any educational program, curricular or extracurricular, including all sports and other activities, denied the benefits of participation, or subjected to harassment or other forms of discrimination in such programs.**

Sexual Harassment:

All of the foregoing applies to complaints of sexual harassment. For the purpose of clarification, prohibited sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature where such conduct has the purpose or effect of substantially interfering with the academic performance or creating an intimidating, hostile, or offensive learning environment.

Examples of Prohibited Behavior:

- Exposing genitals
- Shouting obscenities
- Mooning
- Streaking
- Leaving obscene messages on school computers
- Whistling at other students and/or school employees
- Threatening rape
- Intentionally pressing or rubbing oneself sexually around another person
- Teasing other students and/or school employees about their sexual activity or body
- Unwanted deliberate hugging, kissing, touching, patting, pinching, grabbing, leaning over, or cornering a student or school employee
- Flipping up skirts
- Pulling down someone's pants, shorts or skirt
- Bra, pants, shorts or skirt snapping
- Continual staring at a person's body
- Sexual or dirty jokes
- Actual or attempted rape or sexual assault
- Unwanted pressure for sexual favors or dates
- Making sexual gestures with hands or through body movements
- Unwanted letters or materials of a sexual nature
- Kissing sounds, howling, and smacking lips
- Looking a person up and down
- Sexual rumors
- Comments about the body
- Violating personal space
- Pornographic pictures, posters, drawings or stories
- Offensive displays of sex-related objects
- Offensive graffiti of a sexual nature, racial nature or of any discriminatory basis
- Holding a person against his or her will

Enforcement:

Disciplinary action up to and including expulsion will be promptly taken against any student if it becomes known to the District and proven by school officials that such student has engaged in conduct prohibited by this Policy.

No Retaliation:

No student, employee, or other individuals will be retaliated against, in any manner, for reporting conduct which he or she believes to be a violation of this Policy, for participating in an investigation of a possible violation of this Policy, or for using the District's Uniform Complaint Procedure.

Complaints:

Students who have been subjected to discriminatory harassment have an obligation to immediately report the incident or incidents to their principal or the District's Affirmative Action Officer, who is also the District's Title IX Coordinator. The complaint will be processed in accordance with the District's Uniform Complaint Policy and Procedure. It is encouraged and recommended that students use the District's Uniform Complaint Procedure; however, they may seek recourse by pursuing available remedies outside the District.

Notifications:

Pursuant to Educational Code 212.6, a copy of this policy will be displayed in a prominent location in the main administrative building at each school site of the District. Also, this policy will be a part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable. At the beginning of each school year, the District's sexual harassment policy will be included in the notifications that are sent to parents/guardians and will be disseminated to each staff member annually. This policy will also appear in any school or District publication that sets forth the schools or District's comprehensive rules, regulations, procedures and standards of conduct.

Any teacher, counselor, or District employee who receives a sexual harassment incident report from any student or adult in the educational setting must report this information to the site administrator. Site administrators are required to submit a report to the Affirmative Action Office in order for the Affirmative Action Office to maintain a record of complaints.

Legal references: Educational Codes 200-240, 212.5, & 212.6
Title IX of the Education Amendments of 1972

Adopted by the Board of Education: July 6, 1993
Revised: February 18, 1997
Revised: December 4, 2001

4.2 - Arroyo Valley High School Air Rifle Team

In response to questions raised at the last Board meeting, Major Rick Williams stated that an Air Rifle Team is considered to be a varsity sport and 1st Sergeant Wayne Howard stated that air rifles are not weapons. Barbara Sokoloff stated that the Arroyo Valley High School students are just kids, not adults. They are challenging the other students who will challenge their right to have guns on campus. Cadet Sergeant Sam Lock stated that the air rifle team would be a varsity sport and would increase the students' self-esteem. Cadet Hector Macias stated that an air rifle team is a varsity sport that would provide them an opportunity to earn ROTC scholarships.

Danny Tillman stated that guns on campus is a serious thing to consider; however, because Principal Karen Craig feels comfortable with it, he supports it.

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Micaela Cruz stated that it was the ROTC program that made the students what they are, not the rifles. If the Board approves this program, the school will have to open the campus to other weapon clubs.

Timothy Prince stated that San Bernardino has a high crime rate. We have to make our schools a safe environment for learning. Mr. Prince stated that comparing this to a varsity sport is misleading and suits will be costly to the District.

James Penman stated that the San Bernardino Police Department is offering the use of their shooting range for the program. Mr. Penman stated that the air rifles aren't weapons and he would like to see some students be successful. Our students should have the same opportunities to apply to military academies as students in other districts.

Tracylynn Sharritt stated that more students have been hurt playing football than by air rifles. This program would help students get into colleges.

Marlin Brown stated that he has never seen a more persistent and respectful student than Sam Lock. It is time to move forward and authorize it.

Tony Dupre stated that the ROTC program is one of the best programs in the District; however, he doesn't support weapons on campus. Perhaps this could be supported through the City Police or Parks Department.

Teresa Parra stated that she supports the Cadet Corps, but has concerns about an air rifle team. She would not want to be responsible if a student was shot. The ROTC program has given students motivation and they are receiving scholarships without guns. Mrs. Parra asked to hear Dr. Delgado's opinion.

Judi Penman stated that these students have already proven themselves and they should be allowed to go to the next step. Mrs. Penman supports the program.

Lynda Savage stated she is impressed with these students. They are a great addition to the District; however, she can't condone guns on campus.

Elsa Valdez expressed her concerns about the program. Because the District has a zero tolerance policy, this would be an inconsistent enforcement of the policy. Dr. Valdez stated that she can't support air rifles.

Dr. Delgado stated that this is a tough topic. The safety of our students is a major concern. Dr. Delgado stated that he was very impressed with the cadets and officers, but he is reluctant to support this without full Board support.

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Mr. Penman asked the Board to continue this topic for a couple of weeks. Mr. Penman would like to ask the owners of 4th Street Rock if they would be willing to allow the students to practice on their property next to the school.

Marlin Brown stated that the Board doesn't need to make a decision to night. It was the consensus of the Board to not move forward at this time, but to hear alternate plans.

SESSION SIX - Reports and Comments

6.0 - Report by Board Members

Marlin Brown remarked that the Board meeting was opened this evening with mock rifles. We already have rifles on campus. Danny Tillman stated that sending students to a shooting range puts them in more danger than allowing the air rifles on campus.

Teresa Parra asked if the District has a full-time grant writer. Dr. Delgado stated that we have taken a look at hiring a full-time grant writer. Tony Dupre stated that grant writers pay for themselves.

6.1 - Legislative Update

Elsa Valdez reported that Governor Schwarzenegger will seek to withhold \$2.2 billion of promised funding from K-12 education and community colleges. The Governor called for a teacher pay system that is tied to merit, not tenure.

7.0 - Report by Superintendent and Staff Members

Dr. Delgado stated that two representatives from the delegation from Wuhan, China have been visiting the District for the last month. They are interested in establishing an educational exchange program with the Education Bureau of Hanyang District in Wuhan, China. The partnership would allow the two education systems to exchange culture, customs, and educational ideas.

Dr. Delgado reported that Harold Vollkommer has begun work on the curriculum audit.

Dr. Delgado announced the following upcoming events: January 13, Pacific High School Law Day; January 13, Highland Chamber of Commerce Installation Dinner; January 17, Martin Luther King Breakfast; February 1, Dr. Fischer's State of Education Address; and February 8, San Bernardino Area Chamber of Commerce Installation Dinner.

SESSION SEVEN - Legislation and Action

8.0 - 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.

Items listed with an asterisk will have an impact on the General Fund Budget.

Consent item 8.33 was held for later consideration.

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

8.1 - Approval of Minutes

BE IT RESOLVED that the Minutes of the Board of Education Meetings held on November 16, and December 7, 2004, be approved as presented.

8.2 - Business and Inservice Meetings

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

ANTONIO DUPRE	Attend the CSBA Forecast 2005,
DANNY TILLMAN	Sacramento, CA, January 12, 2005. Total
(Governing Board Members)	cost, not to exceed \$1,010.00, will be paid
	from Board of Education Account No. 066.

8.3 - Payment of Master Teacher – National University

BE IT RESOLVED that the Board of Education approves payment as a master teacher for January through June 2004, as follows:

Rose Garcia	\$150.00
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8.4 - Payment of Master Teacher – University of La Verne

BE IT RESOLVED that the Board of Education approves payment for services as a master teacher during the Fall Semester 2003, and Spring Semester 2004, as provided for in the Agreement with the University of La Verne, as follows:

Le Tiqua Bellard	\$200.00
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8.5 - Adoption of a District Wide Standard for Web Hosting

WHEREAS, the Information Technology Department has exhaustively researched specifications, methodologies, warranties, and value-added services relating to web hosting; and

WHEREAS, the economic and operational requirements of the District are best served through the adoption of this high quality standard; and

WHEREAS, professional development and training for the standard is continuing and ongoing;

NOW, THEREFORE, BE IT RESOLVED that effective immediately, the San Bernardino City Unified School District, acting through its Board of Education, hereby adopts Edline and the web hosting standard, to be reevaluated on standard effectiveness every three years.

8.6 - Approval of Comprehensive School Reform (CSR) Program Grant Applications

BE IT RESOLVED that the Board of Education approves application for funding under the Comprehensive School Reform Program.

BE IT FURTHER RESOLVED that the Board of Education authorizes Mohammad Z. Islam, Assistant Superintendent, Business and Finance, and Dayton Gilleland, Ed.D., Assistant Superintendent, Educational Services, to sign documents related to the application and implementation of the Comprehensive School Reform Program.

8.7 - Acceptance of Gifts and Donations to the District

BE IT RESOLVED that the Board of Education acknowledges receipt of \$300.00, Robertson's; \$250.00, Judy L. Harris; \$275.00, Dorothy Fenster; \$250.00, Maria Vallejo; School supplies, Wells Fargo Home Mortgage; \$100.00, Patricia G. Fischer; \$100.00, NARFE; \$100.00, Arthur Cooper; \$120.00, Edison International – Louis Quiroz; and \$300.00, Rotary North Club Foundation.

8.8 - 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 2004-05 school year and approves payment to the following:

David and Teresa Doolittle (CONDOR), through Doolittle Music, for two assemblies of "Musical Tour of the Americas" on January 12, 2005. The cost, not to exceed \$500.00, will be paid from Marshall Elementary School Account No. 562.

Mobile Production, Inc., for the program, "The Magic of Science," on March 2, 2005. The cost, not to exceed \$695.00, will be paid from Bonnie Oehl Elementary School Account No. 419.

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Mobile Production, Inc., for the program, "Parts is Parts, All About Us," on March 30, 2005. The cost, not to exceed \$695.00, will be paid from Bonnie Oehl Elementary School Account No. 419.

Mobile Production, Inc., for the program, "Chemistry, It Really Matters!" on April 8, 2005. The cost, not to exceed \$695.00, will be paid from Bonnie Oehl Elementary School Account No. 419.

Mobile Production, Inc., for the program, "Chemistry, It Really Matters!" on May 4, 2005. The cost, not to exceed \$695.00, will be paid from Bonnie Oehl Elementary School Account No. 419.

Mobile Production, Inc., for the program, "Reptiles Are Cool," on May 31, 2005. The cost, not to exceed \$695.00, will be paid from Bonnie Oehl Elementary School Account No. 419.

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

Mobile Production, Inc., for the program "Reptiles Are Cool," on January 11, 2005. The cost, not to exceed \$695.00, will be paid from Bonnie Oehl Elementary School Account No. 419.

8.9 - 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 expert:

Cherry Bordelon to present a four-hour workshop, "Just In Time Leadership Session 2: Key to Personnel and Legal Issues in Adult Education," for new adult education administrators on January 28, 2005, at San Bernardino Adult School. The cost, not to exceed \$269.00, will be paid by the Adult School Account No. 140.

8.10 - Federal/State/Local District Budgets and Revisions

BE IT RESOLVED that the Board of Education approves the reduction of \$4,588.00 in the budgeting of CA School Information Services (313).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$50,000.00 in the budgeting of Regional Occupational Program: Equipment Purchase Grant (337).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$278,255.00 in the budgeting of Region 10 - SELPA (371).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$88,250.00 in the budgeting of Specialized Secondary Programs (SSP) (411).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$575,000.00 in the budgeting of Staff Development: Mathematics and Reading (AB 466) (490).

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BE IT ALSO RESOLVED that the Board of Education approves the addition of \$170,865.00 in the budgeting of School Safety and Violence Prevention Act Program, Grades 8-12 (494).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$15,379.00 in the budgeting of Carl D. Perkins Vocational and Technical Education Act of 1998 Grant (512).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$38,300.00 in the budgeting of Enhancing Education Through Technology Formula Grant (516).

BE IT ALSO RESOLVED that the Board of Education approves the reduction of \$78,112.00 in the budgeting of Safe and Drug Free Schools (558).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$50,000.00 in the budgeting of California 21st Century Community Learning Centers Grant – Access 3A (576).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$80,000.00 in the budgeting of California 21st Century Community Learning Centers Grant – Family Literacy 3A (577).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$25,000.00 in the budgeting of California 21st Century Community Learning Centers Grant – Access 3B (578).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$25,000.00 in the budgeting of California 21st Century Community Learning Centers Grant – 152 (580).

BE IT ALSO RESOLVED that the Board of Education approves the addition of \$292,500.00 in the budgeting of California 21st Century Community Learning Centers Grant – Core 3A (583).

BE IT FURTHER RESOLVED that the Board of Education approves the addition of \$63,000.00 in the budgeting of California 21st Century Community Learning Centers Grant – Core 3B (584).

8.11 - Donation of Various Salvaged Computer Equipment to the Children's Way Foster Family Agency, a Charitable Organization

BE IT RESOLVED that the Board of Education authorizes the one-time donation to the Children's Way Foster Family Agency, based on availability, of salvaged computer equipment, pianos, and office equipment per Education Code 17546(c). All items will be donated as is.

8.12 - Agreement with Barbara Flores, Ph.D., to Provide Presentations on Language, Literacy, and Culture for the CAPS Programs

BE IT RESOLVED that the Board of Education approves entering into an agreement with Barbara Flores, Ph.D., San Bernardino, CA, to provide presentations on Language, Literacy, and Culture at eight CAPS literacy sites, effective January 12, 2005, continuing through June 30,

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2005. Dr. Flores is currently a professor of Literacy at California State University, San Bernardino and teaches on ways in which social structure, social and cultural assumptions, and language use affect interactions between students of different social and cultural groups and the impact on the educational system. The cost for services, not to exceed \$4,800.00, billed at \$300.00 per hour, will be paid from Restricted General Fund – NCLB CAPS 21st Century Community Learning Center – 218 Direct, Account No. 582.

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

8.13 - Agreement with Gabriel, Roeder, Smith & Company to Provide An Actuarial Valuation of Current Post-Retirement Medical Benefits

BE IT RESOLVED that the Board of Education approves entering into an agreement with Gabriel, Roeder, Smith & Company, San Diego, CA, to provide an actuarial valuation of current post-retirement medical benefits, effective January 12, 2005, continuing through June 30, 2005. The valuation will determine the present value of benefits and funding alternatives for all current employees and retirees. The services include a written report and meeting to present the results. This valuation is in compliance with the requirements of GASB 45 and Education Code 42140. The cost for services, not to exceed \$19,700.00, with \$9,600.00 for certificated active members, \$6,850.00 for classified active members, and \$3,250.00 for current retirees, will be paid from Unrestricted General Fund – Growth Account No. 246.

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

8.14 - Agreement with Stephanie Rosales to Provide Cheerleading Coaching Services to District Students Enrolled at Kimbark Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Stephanie Rosales, San Bernardino, CA, to provide cheerleading services to District students enrolled at Kimbark Elementary School, effective January 12, 2005, continuing through June 30, 2005. The cost, not to exceed \$2,810.00, will be paid from the Restricted General Fund, No Child Left Behind-CAPS-CCLC-118 Core, Account No. 581.

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

8.15 - Agreement with the Parent Institute for Quality Education to Provide Training for Parents of District Students Enrolled at Rio Vista Elementary 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 parents of District students enrolled at Rio Vista Elementary School, effective January 19, 2005, continuing through

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March 16, 2005. The training provided to parents will include the skills and techniques that will enable them to address the educational needs of their school-aged children. The cost for services, not to exceed \$4,000.00, will be paid from Restricted General Fund - Elementary and Secondary Education Act Title 1, 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.

8.16 - Agreement with Anger Management Systems, 4:13 Incorporated to Provide Training in Anger Management to Students and Their Parents at Cypress Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Anger Management Systems, 4:13 Incorporated, Los Angeles, CA, to provide training in anger management to students and their parents, effective January 12, 2005, continuing through June 9, 2005. The training will be provided to students and parents, with weekly teacher follow-up meetings, case consultation with students and their parent(s), one-on-one counseling, and free phone consultations. The cost for services, not to exceed \$8,000.00, will be paid from Unrestricted General Fund – 21st Century Community Learning Center, Account No. 563.

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

8.17 - Agreement with Platform Learning to Provide Group Instruction in Reading and Math for Students at Kendall Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with Platform Learning, Ontario, CA, to provide group instruction in reading and math to students at Kendall Elementary School, effective February 5, 2005, continuing through May 5, 2005. The small group instruction will be provided to students who are having difficulties in reading and math. The instruction will be aligned to the state curriculum frameworks. The cost for services, not to exceed \$37,500.00, will be paid from Unrestricted General Fund – Immediate Intervention, Underperforming School Program (II/USP), Account No. 474.

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

8.18 - Agreement with Ms. Jan Pratt to Paint Murals and Illustrations on the Interior of the Enrollment Center

BE IT RESOLVED that the Board of Education approves entering into an agreement with Ms. Jan Pratt, Riverside, CA, to paint murals and illustrations on the interior of the building, effective January 12, 2005, continuing through June 30, 2005. The cost for services, not to exceed \$5,090.00, will be paid from Unrestricted General Fund – Enrollment Center, Account No. 091.

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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.

8.19 - Facilities Use Agreement with the Radisson Hotel & Convention Center for the Speech and Language Region 10 Conference

BE IT RESOLVED that the Board of Education approves entering into a facilities use agreement with the Radisson Hotel & Convention Center, San Bernardino, CA, for rental and catering on January 14, 2005, for the Speech and Language Region 10 Conference. The cost for these services, not to exceed \$7,121.24, will be paid from Special Education-Central Program Account 827.

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

8.20 - License Agreement with the Redevelopment Agency of the City of San Bernardino for the Use of the California Theatre of the Performing Arts to Allow District Performances

BE IT RESOLVED that the Board of Education approves entering into a license agreement with the Redevelopment Agency of the City of San Bernardino to use the California Theatre of the Performing Arts, San Bernardino, CA, on a nonexclusive basis, effective March 1, 2005, and continuing through June 30, 2005. The total not-to-exceed cost of \$8,166.51, plus a \$500.00 refundable damage deposit, will be paid from the Fine Arts Account No. 207.

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

8.21 - Amendment No. 1 to the Agreement with Eagle Aerial Imaging to Provide Digital Aerial Photomaps

BE IT RESOLVED that the Board of Education approves amending the agreement with Eagle Aerial Imaging to provide digital aerial photomaps. This amendment will increase the yearly cost of \$3,600.00 to \$5,600.00 for the software upgrade, bringing the total to a new not-to-exceed amount of \$26,000.00, plus taxes and shipping, and will be charged to Developer Fee Fund 25, Account 9811.

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

8.22 - Amendment No. 2 to the Master Agreement with Donahue Appraisal Associates Inc., for Appraisal Services at Various School Sites

BE IT RESOLVED that the Board of Education approves amending the master agreement with Donahue Appraisal Associates for appraisal services at various sites. The term shall be extended

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from February 28, 2005, to February 28, 2007. The cost for services will be paid from School Facilities Capital Fund 35, Bond Fund 21, Developer Fee Fund 25, Capital Reserve Fund 40, and the General Fund 01.

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

8.23 - Amendment No. 3 to the Agreement with HMC Architects to Provide Architectural and Engineering Services for Del Vallejo Middle School Modernization

BE IT RESOLVED that the Board of Education approves amending the existing agreement with HMC Architects for architectural and engineering services for Del Vallejo Middle School Modernization. This amendment is to provide additional services required to revise and update drawings and specifications resulting from reactivation of the project after submittal of 60 percent of the documents to the Division of the State Architect and the Office of Public School Construction. The cost, not to exceed \$23,193.00 plus reimbursables, will be charged to Fund 35-9960-0 Management Code MOD.

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

8.24 - Amendment No. 3 to the Agreement with HMC Architects to Provide Architectural and Engineering Services for Martin Luther King Middle School Modernization

BE IT RESOLVED that the Board of Education approves amending the existing agreement with HMC Architects for architectural and engineering services for Martin Luther King Middle School Modernization. This amendment is to provide additional services required to revise and update drawings and specifications resulting from reactivation of the project after submittal of 60 percent of the documents to the Division of the State Architect and the Office of Public School Construction. The cost, not to exceed \$56,565.00 plus reimbursables, will be charged to Fund 35-9992-0 Management Code MOD.

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

8.25 - Renewal of the Agreement with John Pierce to Provide Inservice Training on Visual Arts to Staff and Follow-Up Activities to Students at Kendall Elementary School

BE IT RESOLVED that the Board of Education approves entering into an agreement with John Pierce, San Bernardino, CA, to provide in-service training in the area of visual arts to staff and follow-up activities with the students, effective January 12, 2005, continuing through June 30, 2005. The training will be aligned to the California State Framework for Visual Arts with specific attention paid to sequence, perception, color, hue and shading. The cost for services, not to exceed \$10,000.00, paid at \$30.00 per hour, will be paid from Unrestricted General Fund – Immediate Intervention/Underperforming School Program (II/USP), Account No. 474.

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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.

8.26 - Renewal of the Agreement with the San Bernardino County Superintendent of Schools to Provide Courier Services

BE IT RESOLVED that the Board of Education ratifies renewing the agreement with the San Bernardino County Superintendent of Schools, to provide courier services, effective July 1, 2004, continuing through June 30, 2005. The said agreement would provide for daily delivery and pick up services for San Bernardino County Superintendent of Schools' correspondence and materials from School Claims, and weekly delivery of films rented from the Audio Visual Department, if applicable. The cost for services, not to exceed \$7,052.00, will be paid from Unrestricted General Fund – Business Services, Account No. 068.

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

8.27 - Request to Rescind the Board Approval Granted to Vista Recovery Center, on December 21, 2004

BE IT RESOLVED that the Board of Education approves rescinding the Board Resolution for the affiliation agreement with Vista Recovery Center, San Bernardino, CA, as approved on December 21, 2004, Agenda Item No. 7.15. This rescission is necessary because Vista Recovery will not be providing test preparation for GED testing.

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

8.28 - Bid No. 26-04, Musical Instruments and Supplies

BE IT RESOLVED that bids received from National Education Music Company, Mountainside, NJ; Band Shoppe, Cynthiana, IN; Sam Ash Music, Ontario, CA; and Guitar Center, San Bernardino, CA; be rejected, as bids were not submitted according to the conditions of the Bid.

BE IT ALSO RESOLVED that low bids on item numbers 8, 9, 10, 38, 57, 58, 59, 62, 64, 65, 75, 99, 100, 104, 116, 117, 118, 128, 133, 138, 156, 187, 217, 226, 231, 240, 274, 275, 302, 303, and 304 be rejected due to not bid as specified.

BE IT ALSO RESOLVED that there were two identical bids received for line 275 and as determined by lot it is recommended that the line be awarded to Jim's Music Center, Irvine, CA, in accordance with Public Contract Code 20117.

BE IT ALSO RESOLVED that bids on item numbers 60, 61, 76, 134, 188, 231, and 246 all bids received for these line items be rejected as not bid as specified. Bids on item numbers 127, 192,

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216, and 264 be rejected as no bids were received for these items. Quotes will be requested on all of these items on an as-needed basis.

BE IT ALSO RESOLVED that Bid No. 26-04, Musical Instruments and Supplies, be awarded to the lowest responsible bidder(s) by line item, based on the unit prices bid, meeting District specifications as follows:

<u>BIDDER</u>	<u>TOTAL BID AWARD TAX INCLUDED</u>	<u>LINES AWARDED</u>	<u>TERMS</u>
Bertrand's San Bernardino, CA	\$1,890.50	17, 125, 126, 148, 159, 303, 304, and 306	Net 30 Days
Gard's Music Glendora, CA	\$6,312.42	7, 8, 9, 10, 43, 45, 50, 65, 66, 81, 108, 137, 139, 140, 156, 174, 201, 223, 230, 251, 301, and 305	Net 30 Days
Interstate Music New Berlin, WI	\$56,474.28	3, 11, 14, 16, 18 –22, 24 – 37, 41, 42, 47, 48, 63, 64, 67 – 72, 77 – 79, 87 – 90, 92 – 98, 107, 115, 120 – 124, 129, 130, 142 – 147, 149, 155, 157, 158, 163, 166, 168 – 173, 177, 182 – 186, 191, 197 – 200, 202 – 204, 207, 208, 210, 213, 217 – 222, 234, 235, 238, 241, 245, 247, 248, 250, 253 – 255, 259, 261 – 263, 269, 271, 273, 274, 280, 283, 284, and 292	Net 30 days
Jim's Music Irvine, CA	\$30,875.83	2, 4, 5, 12, 13, 44, 73, 74, 84-86, 91, 99,101-104, 106, 116, 119,131, 135, 136, 138, 150, 151, 165, 205, 206, 209, 215, 226, 229, 233, 236, 237, 246, 252, 256 – 258, 265, 266, 275 – 278, 281, 282, 285, and 287	Net 30 Days
Nick Rail Music Redlands, CA	\$31,127.15	1, 6, 15, 23, 38 – 40, 46, 49, 57 – 59, 62, 80, 82, 83, 100, 105, 109 – 114, 117, 118, 128, 132, 133, 141, 152 – 154, 160 – 162, 164, 167, 175, 176,	Net 30 Days

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178 – 181, 187, 189, 190,
193 – 196, 211, 212, 214,
224, 225, 227, 228, 232, 239,
249, 260, 267, 268, 270, 272,
279, 286, 289 – 291, and 297

Piano Music Center Riverside, CA	\$218.97	75	Net 30 Days
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Southwest Strings Tucson, AZ	\$6,096.46	51 – 56, 240, 242 – 244, 288, 293 – 296, 298 – 300, and 302	Net 30 Days
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BE IT FURTHER RESOLVED that the District reserves the right to purchase more than or less than quantity indicated as needed throughout the initial one-year term of the bid, and all extensions, not to exceed three years total.

8.29 - Notice of Completion, Bid No. 18-04, Construction of Public Address System Wiring at San Bernardino High School

BE IT RESOLVED that the Board of Education authorizes filing a Notice of Completion for Bid No. 18-04, Construction of Public Address System Wiring at San Bernardino High School, awarded to:

Verizon California, Inc.
Ontario, CA

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

8.30 - Extended Field Trip, Serrano Middle School, Catalina Island Marine Institute at Fox Landing, Catalina Island, California

BE IT RESOLVED that the Board of Education approves the extended field trip for forty-five students and three District employee chaperones from Serrano Middle School to participate in the Catalina Island Marine Institute, Catalina Island, CA, March 7-9, 2005. The cost of the trip, \$10,150.00, will be paid from Serrano Middle School ASB fund as well as parental contributions. Transportation costs by Laidlaw Bus Line, \$750.00, will be paid from Serrano Middle School Unrestricted General Fund INAP Account No. 204. No students were denied participation due to financial constraints. Names of the students are on file in the Business Services office.

8.31 - Amendment No. 1 to the Agreement with Ledgent to Provide Personnel to Reconcile Accounts Between the County and the SAP System

BE IT RESOLVED that the Board approves amending the agreement with Ledgent to provide personnel to assist in the reconciliation of records between the County and the SAP System, effective August 10, 2004, through December 31, 2004. The Business Services Division requests Board approval to increase the amount of the contract by \$146,503.00, for a not-to-exceed amount of \$202,503.00; and, to extend the agreement from December 31, 2004, to June 30, 2005. The costs are to be paid from SAP Account No. 286. All other terms and conditions remain unchanged.

8.32 - Amendment No. 2 to the Agreement with Vavrinek, Trine, Day and Co., to Provide Personnel to Reconcile Accounts Between the County and the SAP System

BE IT RESOLVED that the Board approves amending the consultant agreement with Vavrinek, Trine, Day and Co., to provide personnel to reconcile accounts between the County and the SAP System. This amendment would increase the amount of the contract by \$167,033.00, with a not-to-exceed amount of \$377,033.00, to extend the agreement from December 31, 2004, to June 30, 2005. The costs are to be paid from SAP Account No. 286. All other terms and conditions remain unchanged.

BE IT FURTHER RESOLVED that Mohammad Z. Islam, Assistant Superintendent, Business and Finance, be authorized to sign said agreement.

8.34 - Expulsion of Students

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 fact and recommendations, and orders the expulsion of the following students with the birth dates as listed below in accordance with the Board rules and regulations and in compliance with Education Code Section 48900:

*02/27/88	**10/11/89	*11/06/88	10/26/93	**12/05/90	**06/28/89
**07/14/89	**08/16/88	*(S)01/09/92	**01/09/93		

*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.

8.35 - Students Not Recommended for Expulsion 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 students identified below were found to have committed a violation of Education Code Section 48900 for which a referral for expulsion is mandated; however, the principals found that due to particular circumstances, expulsion is inappropriate:

10/12/94 01/24/96

8.36 - Revocation of Suspension of Expulsion

FURTHER, in accordance with Education Code Section 48917, the Board does hereby order the expulsion of the students with birth dates as listed:

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

8.37 - Students 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 students 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:

05/20/89 12/05/89 12/09/90 07/08/90 09/25/88 06/17/90

8.38 - Lift Expulsion of Students

BE IT RESOLVED that the Board of Education authorizes the readmission of the following students, with the birth dates as indicated below, to schools of the San Bernardino City Unified

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School District in accordance with the Board rules and regulations and in compliance with the Education Code Section 48900:

05/30/90

8.39 - Failure to Recommend Mandatory Expulsion 48915

BE IT RESOLVED that the following schools have failed to adhere to Education Code 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 schools have not followed this Education Code Requirement:

8.33 - Agreement with Fiscal Crisis and Management Assistance Team (FCMAT) to Provide Consultant Services to Review the Facilities Department Operations

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

BE IT RESOLVED that the Board of Education approves entering into an agreement with Fiscal Crisis and Management Assistance Team (FCMAT), to provide auditing/consulting services to enhance the operational efficiency and effectiveness of the Facilities Department and related accounting practices—from budget inception through final payment, effective February 1, 2005, continuing through July 31, 2005. The cost, not to exceed \$25,000.00, will be paid from the General Fund, Account No. 01-246.

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

9.0 - Action Items

9.1 - Proposed Amendment to Affirmative Action Program for Equal Employment Opportunity Policy, Proposed Amendment to Non-discriminatory Harassment Policy, Proposed Amendment to Uniform Complaint Policy, and Non-discriminatory Harassment Policy – Students (Second Reading)

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

BE IT RESOLVED that the Board of Education adopts the proposed amendments to Affirmative Action Program for Equal Employment Opportunity Policy, Non-discriminatory Harassment Policy, Uniform Complaint Policy, and Non-discriminatory Harassment Policy – Students as presented.

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9.2 - Personnel Report #13, dated January 11, 2005

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

BE IT RESOLVED that the Personnel Report #13, dated January 11, 2005, 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 EIGHT - Closed Session

10.0 - Closed Session

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

Student Matters/Discipline

Public Employee Discipline/Dismissal/Release

Conference with Labor Negotiator

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

Conference with Real Property Negotiators

Property: 144 Carousel Mall

Negotiating Parties:

San Bernardino City Unified School District (buyer)
Central City Complex, LLC (seller)

Under Negotiation:

Purchase price, terms, and conditions

Superintendent's Evaluation

SESSION NINE - Closing

11.0 - Adjournment

By the affirmative vote of the members, the meeting was adjourned at 9:45 p.m.

Board of Education Minutes
January 11, 2005

The next regular meeting of the Board of Education of the San Bernardino City Unified School District will be held on Tuesday, January 18, 2005, at 5:30 p.m. in the Community Room of the Board of Education Building, 777 North F Street, San Bernardino.